PROOF ISSN 1322-0330

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Subject **FIRST SESSION OF THE FIFTY-THIRD PARLIAMENT** Page

Thursday, 3 September 2009

J MICKEL
SPEAKER

N J LAURIE
CLERK OF THE PARLIAMENT

L J OSMOND
CHIEF HANSARD REPORTER

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THURSDAY, 3 SEPTEMBER 2009

The Legislative Assembly met at 9.30 am.

Mr Speaker (Hon. John Mickel, Logan) read prayers and took the chair.

PETITIONS

The Clerk presented the following paper petitions, lodged by the honourable members indicated—

Vehicle Registration; Four-wheel Drives

Ms Simpson, from 1,052 petitioners, requesting the House to incorporate charges into vehicle registration based on pollution rating and the weight of the vehicles and to ban four-wheel drive vehicles from school pick up zones and inner city shopping areas [823].

Body Piercing

Mr Ryan, from 374 petitioners, requesting the House to amend current legislation prohibiting body piercings of children under the age of 18 without parental permission [824].

Burdekin Campus

Ms Menkens, from 1,569 petitioners, requesting the House to oppose any downgrading or closure of the Burdekin Campus, and that it revert to its original charter in the provision of basic technical and practical training in relevant tropical crops and livestock production [825].

Abortion Law

Mrs Cunningham, from 1,265 petitioners, requesting the House to oppose any legislation that would decriminalise abortion in Queensland [826].

Petitions received.

TABLED PAPERS

MINISTERIAL PAPERS TABLED BY THE CLERK

The following ministerial papers were tabled by the Clerk—

Minister for Infrastructure and Planning (Mr Hinchliffe)—

827 Response from the Minister for Infrastructure and Planning (Mr Hinchliffe) to an ePetition (1127-08) sponsored by Mr Langbroek from 125 petitioners regarding approval for the establishment of the Lutheran Ormeau Rivers District School (LORDS)

Attorney-General and Minister for Industrial Relations (Mr C R Dick)—

828 Response from the Attorney-General and Minister for Industrial Relations (Mr C R Dick) to two paper petitions (1192-09 presented by Mr Reynolds and 1220-09 presented by Ms Johnstone) from 285 petitioners and 119 petitioners respectively regarding the November 2004 Palm Island riot

MEMBER'S PAPER TABLED BY THE CLERK

The following member's paper was tabled by the Clerk—

Member for Maroochydore (Ms Simpson)—

829 Non-conforming petition regarding the banning of four-wheel drive vehicles from city streets

MINISTERIAL STATEMENTS

Child Protection, Online Communication

Hon. AM BLIGH (South Brisbane—ALP) (Premier and Minister for the Arts) (9.32 am): The internet and a new era of electronic communication has made the world a far smaller place. We have all witnessed a technological revolution over the past decade, with new and advancing technologies including mobile phones, game consoles and online social networking sites all providing a virtual world for communication and a whole series of new avenues available for people to keep in touch. This technological world was unthinkable just a generation ago. To our children, it is now the norm and many of us may take that for granted.

For as many benefits as the information superhighway has given us, there are also drawbacks. The internet and new and evolving methods of communication can pose serious threats to young people. There are predators who with frightening speed have honed an expertise in preying on children and teenagers from behind the security of their computer screens. For that reason, the government will today launch a new 45-minute DVD called *Who's chatting to your kids?* This DVD is aimed as an education tool for use by the Queensland police to educate parents, children and the community at large about the dangers of online communications.

This new production is a valuable tool, as I said, for our police to take into schools and to take to parents and citizen groups to highlight the dangers lurking behind computer screens for our children. I urge all schools and parent groups to take advantage of it, and I encourage local members to familiarise themselves with it and approach their own P&Cs about it. I urge anyone who has an influence over children with access to the internet to seek it out.

Put simply, the DVD is horrifying in many respects, but by the very nature of its subject it must be. This presentation gives a chilling insight into how these predators work from those who know best—the predators themselves. It features interviews with actual internet predators who have been ultimately caught. In one case, it features the chilling admissions of a 30-year-old man who stalked a 12-year-old over the internet. Another describes how he communicated with and ultimately also stalked and made contact with a 14-year-old girl. It also features the mother of another teenager who describes disturbing changes in her once innocent child's behaviour once she had made contact with an internet paedophile, leaving her with lifelong scars.

The DVD also features Task Force Argos detectives and criminologists offering hints for parents on what they should be looking for and what they should be aware of when their children are online. These are real predators, real victims and real experts. Importantly, it reminds us that the internet is a virtual world without borders and urges each and every one of us as parents to first educate ourselves so that we can in turn educate our children about the dangers of cyberspace.

The DVD is part of the Queensland Police Service's *Who's chatting to your kids?* program. The content is confronting but it is necessary to show parents, guardians and teachers that child sex offenders are targeting young people online in Queensland every day. It is complemented by this booklet *Who's chatting to your kids?* It is an information brochure that was first launched in 2005. It has now been updated and 300,000 copies of it are available and will be distributed across Queensland.

Next week is Child Protection Week. It is a week that features and focuses on the prevention of child abuse and neglect. I can think of no better way to mark this week than by having a new resource that educates parents and families about the very real and very confronting dangers posed to our children by some of the new methods of communication that are available on the internet.

Dunlop Townsville 400

Hon. AM BLIGH (South Brisbane—ALP) (Premier and Minister for the Arts) (9.36 am): My government announced some time ago that we would stage an inaugural V8 Supercars event in Townsville. In many ways, this first race was to be the test case. A lot of research was undertaken before this decision was taken and before the announcement was made, with pre-race studies indicating it would indeed be popular among locals as well as visitors from other Queensland regions and interstate, thereby providing a huge economic boost to the Townsville region.

But with sporting events of this nature, and despite all the research that is done, you can never truly be sure of how successful a major sporting event will be until you hold it. So today I am very pleased to inform all members that the inaugural Dunlop Townsville 400 has exceeded all expectations and predictions. In fact, it far exceeded them, giving a huge boost to the sport, to the Townsville region and to race fans across the nation.

Mr Wallace: How was the hot lap, Premier?

Ms BLIGH: Yes, the hot lap exceeded all my expectations as well. An economic impact report prepared by Strategic Facts, a company commissioned by the government to report back on the financial benefits of the event, reveals that we were way off in our estimates of both the numbers of people and the economic impact—and in this case, that could not be better news. V8 Supercars announced that more than 168,000 people attended the three-day event in July. That is more than double the original estimate of 70,000 patrons. We predicted the economic benefit to the Townsville region would be in the vicinity of $10 million. In fact, it was $19.34 million—again, almost double the estimate.

That is not only an enormous economic boost to the Townsville region during this time of global economic turmoil; it represents a return of close to eight times my government's annual investment of $2.5 million. With results like that, it more than justifies the government's investment in this event. The good news continues. The Dunlop Townsville 400 resulted in over 95,600 hotel visitor nights, with 88 per cent of these occurring in Townsville. Patrons were also big spenders. The average visitor spent an average of $131 every day they were in Townsville.

The Dunlop Townsville 400 V8 Supercars event is a win for sports fans, a win for Queensland jobs and a win for the North Queensland economy. For sports fans, it has put Townsville on the map as a great annual location and destination. For locals, it provides the thrill and excitement of witnessing the best V8 drivers battle out on their very own streets. I think it is important to recognise how the people of Townsville got behind this event. Hats off to Townsville. It was a huge success and I think it will be another one next year. So well done.

Government Owned Corporations, Board Appointments

Hon. AM BLIGH (South Brisbane—ALP) (Premier and Minister for the Arts) (9.39 am): Queensland's government owned corporations operate in an increasingly challenging environment, and my government is committed to ensuring that they are managed by boards made up of the best available directors. Twenty-eight of the 114 director positions on GOC boards are falling vacant before the end of this year due to the expiry of current terms and some resignations. The government placed an advertisement in the *Australian Financial Review* on 28 August calling for expressions of interest from suitably qualified and experienced persons to be considered for appointment to GOC boards. Similar advertisements are planned for the *Courier-Mail*, the *Australian* and five Queensland regional newspapers for this Saturday.

This is not the first time that expressions of interest have been sought publicly, as the government has regularly promoted its register of potential directors over the past decade. Director appointments are considered from a range of sources, including individual expressions of interest, nominations from industry or GOC chairs, or from the government's own register. When considering the appointment of GOC directors, a range of factors are taken into consideration, in particular the mix of commercial, legal, financial and other skills appropriate for the challenges facing particular GOCs as well as regional representation and gender balance.

Our GOCs manage assets of over $50 billion in a range of commercial activities. To ensure that they continue to prudently manage these investments into the future and provide appropriate returns for the benefit of all Queenslanders, the government will ensure that the upcoming round of director appointments are made from the best pool of suitably qualified candidates.

I raised this in the chamber this morning because I encourage members to consider encouraging people from their own areas who they know have these skills to put their names forward, and I would particularly encourage them from regional Queensland. A number of our GOCs have significant service delivery obligations in our regions, and I think it is important that those who live in, work in and have good experience of those regions can play a role in the management of those organisations.

Healthy Queensland

Hon. PT LUCAS (Lytton—ALP) (Deputy Premier and Minister for Health) (9.41 am): Speaking of V8 Supercars, the Leyland P76, 1973 *Wheels* Car of the Year, could hold a 44-gallon drum in the boot, which may be of interest to some members opposite who have carried 44-gallon drums on farms before. Nicknamed the 'flying wedge', it had a 318-cubic-inch engine, I understand.

Mr Gibson: I'm impressed.

Mr LUCAS: I looked it up on the Blackberry, actually. The Minister for Public Works assisted in reminding me that it had an aluminium alloy engine, and he was in one, in a cab in Rocky, and the boot fell off. You weren't in it, were you?

Mr Schwarten: No.

An opposition member: In the boot?

Mr LUCAS: No, he wasn't in the boot.

I rise this morning to commend the Rudd government for the release of the National Preventative Health Strategy. This strategy will be considered more broadly within the current health reform agenda. After more than 10 long years of woeful neglect by the former Howard government, the release of this preventative health strategy demonstrates a high level of priority and action from this federal Labor government. Remember that under Howard federal funding of hospitals went from about 50 per cent to 30 per cent.

I am pleased to note that the national strategy and its targets closely align with the Bligh government's Q2 health targets. The strategy focuses on the major risk factors of obesity, smoking and the harmful use of alcohol. Our Queensland targets do as well: they aim to tackle the burden of chronic disease head-on by cutting obesity, smoking and heavy drinking by one-third.

Mr Schwarten: Obesity?

Mr LUCAS: That is correct. With more than one-third of all deaths in Queensland—22,000—as a result of chronic diseases that could have been prevented, it is important that we act. If we do not, unhealthy lifestyles will continue to cost Queenslanders their quality of life and, ultimately, their lives.

The statistics for those at risk of chronic disease are even more alarming. Seven out of every 10 adults in Queensland have two or more risk factors for chronic disease, such as smoking, overweight, inactivity, poor diet or excessive drinking. Increasing rates of chronic disease also place our health system under unsustainable pressure. We know that by government and individuals taking action, this will greatly prevent people from becoming ill with chronic diseases, such as heart disease, diabetes, kidney failure and cancers. In Queensland we are working hard to reduce the burden of obesity. Our Go for 2&5 campaign promoting fruit and vegetable consumption is now in its fourth year.

Mr Johnson interjected.

Mr LUCAS: I say to the member for Gregory: it takes one to know one.

Mr Schwarten interjected.

Mr Rickuss: Stop ironing your shirt over a barrel.

Mr LUCAS: A 75-minute run the other day.

Opposition members interjected.

Mr Fraser: The member needs your protection, Mr Speaker.

Mr SPEAKER: Does the minister need protection?

Mr LUCAS: No, no. Evaluation has shown increased consumption by up to one serve per day and increased sales of fruit and vegetables during active phases of the campaign. The Find Your 30 physical activity campaign, based on the evidence based messages of national physical activity guidelines, reached 3.3 million Queenslanders in 2009. And, yes, I ran the Bridge to Brisbane and I ran it in 75 minutes. I did not even have to pay the very reasonable toll whilst going over the Gateway, but I did admire the handiwork of the new bridge being built.

In 2009, 56 per cent of Queensland adults reported engaging in sufficient physical activity for health benefits. Participation in sufficient activity has increased by one-third since 2004. Queensland is also leading the nation with the toughest antismoking laws in the country, including smoking bans for indoor and outdoor public places as well tough restrictions on retail advertising, display and promotion of tobacco products. We are also committed to banning smoking in cars carrying children and granting councils power to regulate smoking in malls and at bus stops, with legislation to be debated shortly in the House. Also in place are quit-smoking campaigns and the Quit service including 13QUIT—a state-wide confidential telephone service operating 24/7 which is dedicated to helping people who want to quit smoking. If you want to have a ciggie, ring 13QUIT and you won't.

The government is also implementing a range of programs to prevent or delay the uptake of drinking, to promote responsible drinking behaviours, to strengthen community safety and to improve treatment services. The Young Women & Alcohol campaign supported a significant reduction in high-risk drinking for women aged between 18 and 22—from 60 per cent in 2004 to 34 per cent in 2008.

Last week I was pleased to host the Healthy Queensland Awards, which reward towns, schools and workplaces for healthy living initiatives. As you can see, we are getting on with the job of making Queenslanders Australia's healthiest people, and we are glad to have a federal government that wants to make Australia the healthiest nation.

Queensland Economy; Proof of Concept Fund

Hon. AP FRASER (Mount Coot-tha—ALP) (Treasurer and Minister for Employment and Economic Development) (9.46 am): Yesterday's national accounts release demonstrated the importance of government intervention in the face of downturn caused by the global financial crisis. The national accounts demonstrate that the policy intervention by government—to provide direct stimulus—has helped the nation avoid negative growth in the last quarter, with GDP rising by 0.6 per cent.

The national accounts, as I foreshadowed yesterday, also include a measure of state final demand, which is not the growth rate. Despite some seeking to equate the measure to GSP, state final demand is only a partial measure of the state's economy. Nevertheless, the decline in this measure is concerning. But within the result we see general government investment and consumption making strong contributions to demand, as our building program provides the spend to support activity in the economy.

As members would be aware, the March state accounts were released last month. They showed that Queensland avoided negative growth in the quarter and that the economy grew 0.6 per cent over the year to March. In actual fact, for the three reported quarters for last financial year, Queensland avoided negative growth in each quarter. The state accounts for the June quarter, which will provide the growth figure at a state level, are due for release in October in accordance with the normal time frame. The task remains for government to continue to stand in the market to support activity and jobs. Yesterday's release demonstrates the collapse in private investment, and underscores the original and continuing need for government stimulus intervention.

As a government we remain committed to supporting jobs, both now and into the future. We recognise that new ideas lead to new technologies, which lead to better, smarter and faster ways of working and, ultimately, to jobs. Successful inventions start often with the same thing—an idea, an inkling or a moment of inspiration. Translating these 'eureka' moments into new technologies, new products and new jobs can be challenging. That is why today the Bligh government announces $2.2 million in funding for the development of Queensland ideas through our Proof of Concept Fund.

In the latest round of proof-of-concept funding, four companies and four universities will each receive funding to progress their ideas. The successful Queensland companies are Dev-Audio, Kaon Consulting, Ironbar and Environmental Refrigeration Alternatives, which is based at Malanda in the Far North. These companies are developing products that will lead to not only local manufacturing opportunities and company expansion but potentially export dollars for Queensland also. The companies are looking at new energy efficient air-conditioning systems, new technology in automating concrete reinforcing bar construction and new electrical switching devices.

Proof-of-concept funding has also been awarded to four Queensland universities to increase their commercialisation capacity. These allocations follow our announcement last month of $11 million for seven innovation projects that will help create the high-tech jobs of the future. Our investments have the potential to reap enormous rewards for Queensland in the years to come by generating new industries and new jobs. Ours is a longstanding commitment to driving future investment and future jobs, and today's allocations flow from the Smart State in action—investing in new technology for tomorrow's prosperity and tomorrow's jobs.

Domestic Building Contracts

Hon. RE SCHWARTEN (Rockhampton—ALP) (Minister for Public Works and Information and Communication Technology) (9.49 am): This morning I signed a memorandum of understanding with the Queensland Building Services Authority, the Queensland Master Builders Association and the Housing Industry Association, which outlines the principles for the development of fairer domestic building contracts—a first in Australia. Over the past six months the BSA, in conjunction with the Master Builders Association and the HIA, has been in discussions to develop fairer contracts in the domestic building sector for consumers and builders.

Extensive consultation has occurred with these two associations and I acknowledge their valuable contribution and cooperation in agreeing upon a series of principles to drive contractual reform in the domestic building sector. These principles are required as a number of issues contained within the current domestic contracts are more advantageous towards builders than homeowners. These are the treatment of time in establishing a commencement date, extension of time claims, inadequate liquidator damages, contracting out of designated stage progress payments, and claims for practical completion prior to evidence of inspection and approval. These reforms are important to the Bligh government's Toward Q2 initiative of fair communities.

What is pleasing is that the key building industry associations and the regulator have worked so well together on this initiative to remove these unfair contractual terms. The memorandum reflects the commitment of the organisations to an ongoing collaborative process of contractual reform.

It sets out seven broad principles which the organisations agree to address to improve contractual fairness for both parties. These principles are the clarification of the commencement of contracted works, the need to present extension of time claims as soon as practical and with relevant supporting documents, to analyse alternative progress payments to match progress of work, the inclusion of default provisions for liquidated damages, the provision of appropriate certification at practical completion, the right to suspend works for substantial breaches, and the owner's right to terminate building contracts over the builder's failure to hold an appropriate licence.

In the later of those cases we saw on Sunday the terrible and tragic consequences of people not entering into contracts. These contracts are not only more consistent but also more available through those organisations. We hope that people out there take heed and always make sure they have a contract.

The BSA, the MBA and the HIA have agreed that all building contracts published after 1 January 2010 will incorporate these principles. The Queenslander Master Builders Association advised me this morning that its contracts will be available next month. I would not be surprised if the HIA does the same. I want to thank Mr Graham Cuthbert from Queenslander Master Builders Association, Mr Warwick Temby from the HIA and Mr Ian Jennings from the BSA for their cooperation in putting together what is a first in Australia. This shows the level of cooperation that this government has with the industry in Queensland.

Bullying in Schools

Hon. GJ WILSON (Ferny Grove—ALP) (Minister for Education and Training) (9.52 am): The tragic death of young Jai Morcom in New South Wales has highlighted the issue of bullying and violence in schools and the need for parents and school communities to work together to stamp out this behaviour. This is a serious issue facing all schools—state, Catholic and independent—and addressing it is a shared responsibility of students, their parents and school communities.

The Bligh government is taking action to help address bullying and violence in state schools. Earlier this year I released for the first time in Queensland the data on school suspensions and expulsions of students for violent and unacceptable behaviour. I gave strong support to principals taking a tough stand.

I also announced a state-wide review of disciplinary processes in state schools. Data shows we clearly need to take stronger action to combat an increase in bullying and violent incidents. We have engaged a bullying expert, Dr Ken Rigby, to review the department's approach to bullying and to see what more can be done. We are looking at increasing the powers of principals to take a tough line on aggressive behaviour.

I have also ordered all schools to look closely at how they are addressing these issues and what more they can do to reduce the number of incidents. I want to ensure schools are meeting community expectations in how they are dealing with students involved in violence or bullying.

All schools have been asked to review their responsible behaviour plans, which set behaviour standards and punishments for failing to meet them. I want principals to go back to their P&Cs and their school communities to find out how they can better tackle bullying and violence in their schools. The plans also need to be updated to deal with the growing problem of cyber bullying. The increasing prevalence of social networking sites such as Facebook and Myspace means we are seeing more and more instances of students being bullied over the internet.

Increased access to mobile phones is also an issue and schools need to make sure they have strong measures in place to take action against students who use them inappropriately. This issue is of particular concern and it is an area in which we need the help of parents and the broader school community. Students need to understand the potential consequences of misusing this technology. The effects can be devastating and can lead to criminal prosecution in some cases.

Schools have a role to play, but I would urge all parents to closely monitor their children's use of this type of technology. This is a shared responsibility with parents. We know most bullying happens outside school hours and outside school grounds, but schools need to know when it is happening in association with schools so that they can take action if at all possible and help parents support children who may be victims of bullying which cannot be seen in the playground or in the classroom.

We want schools to be talking with parents and finding out how they can better help each other tackle this serious issue. Students need to know that bullying and violence is not acceptable behaviour and will not be tolerated. The events of recent weeks has shown just how tragic the consequences can be.

Taxi Industry

Hon. RG NOLAN (Ipswich—ALP) (Minister for Transport) (9.56 am): While taxi services, unlike much other public transport, are privately provided, the Queensland government plays a strong role in regulating the industry to ensure safety and service quality. As part of that task, the Bligh government, through the Department of Transport and Main Roads, closely monitors the industry to ensure it provides the service standards that Queenslanders expect.

For the first time the government recently engaged independent consultants Marketshare to conduct mystery shopper audits where surveyors, posing as ordinary passengers, caught taxis and took note of a range things, including the cleanliness of the vehicle and driver, the driver's attitude, whether the most direct route was taken, whether the correct change was given and so on. Marketshare conducted mystery shopper audits of 563 taxi trips over two weeks from 26 June 2009 and found that the vast majority of taxi drivers were pleasant and well groomed, with good local knowledge of key destinations.

The mystery audits took place in Brisbane, the Gold Coast, the Sunshine Coast, Toowoomba, Mackay, Townsville and Cairns. The mystery passengers found that in 92 per cent of all trips the driver was easy to understand, 92 per cent believed the driver was pleasant throughout the trip and in 94 per cent of the trips passengers felt the driver took the most cost efficient route. Importantly, 97 per cent confirmed they were charged the correct fare.

The audit, in my view, was surprisingly good given some recent media commentary about taxi standards. But it did show that there remains room for improvement. I have previously announced a range of reforms that will be implemented to ensure high standards. The reforms will include higher driver standards and an ongoing mystery shopper. As a further measure, the department has increased its inspector presence to ensure rules and other safety measures are being adhered to at popular taxi ranks around South-East Queensland and in other major regional centres.

Gold Coast, Tourism

Hon. PJ LAWLOR (Southport—ALP) (Minister for Tourism and Fair Trading) (9.58 am): It is no secret the Bligh government is dedicated to protecting Queensland tourism jobs. As part of the Bligh government's commitment we are supporting a range of aggressive consumer marketing and sales campaigns across the state. I am happy to announce today a new marketing campaign by the state government, Tourism Queensland and Gold Coast Tourism with major online accommodation player

wotif.com, which will offer hot accommodation deals on the Gold Coast. The exclusive wotif Get Some Gold Coast Sun Sale campaign is being run in partnership between Tourism Queensland, Gold Coast Tourism and wotif.com. This campaign with Australia's No. 1 online accommodation provider will serve up some incredible accommodation rates on the Gold Coast, starting at $85 per room per night.

The wotif Get Some Gold Coast Sun Sale begins today, Thursday, 3 September, and consumers will have until 11 September to book some amazing deals. The campaign will be promoted online and on radio in Sydney, Melbourne and Brisbane, with people able to book rooms, subject to availability, for travel until early December. The other good news is that these rates will also be available over the September school holiday period. People have become increasingly price conscious in recent times, and this campaign is a fantastic price-led enticement for people to escape the rat-race and take a break in one of Australia's greatest holiday playgrounds.

Targeted tactical campaigns of this nature are aimed at boosting revenue for operators during a tough time. While the campaign specifically targets accommodation providers, we expect the benefits to flow through to other Gold Coast tourism businesses, including food retailers, shopping districts, tour operators, theme parks and other attractions. The wotif Get Some Gold Coast Sun Sale follows several successful Tourism Queensland campaigns undertaken this year, including Bonus Breaks and Unreal Deals, which generated an extra $8 million in sales and more than $21 million in local expenditure. Even without the knowledge of the member for Gregory, the LNP tries to destroy the reputation of Queensland tourism operators like the Workers Heritage Centre while the Bligh government is meeting its commitment to helping it secure jobs.

Ambulance Service; Australasian Council of Women and Policing, Awards

Hon. NS ROBERTS (Nudgee—ALP) (Minister for Police, Corrective Services and Emergency Services) (10.00 am): Next week is Ambulance Week in Queensland. Ambulance Week is a time to recognise the outstanding efforts of our ambulance officers and the excellent organisational performance of the Queensland Ambulance Service. As I have indicated in the House on numerous occasions, the Queensland Ambulance Service is a national leader in terms of performance standards and quality of service provided. For example, in 2008-09 in 50 per cent of emergency cases, a Queensland ambulance is on the scene within 8.4 minutes. By comparison, in New South Wales the 50th percentile time was 10.3 minutes. In 90 per cent of Queensland cases, our ambulances arrive within 17.2 minutes.

Queensland paramedics are Australian and world leaders when it comes to clinical practice. The Queensland Ambulance Service has implemented a state-wide strategy in cardiac care that now sees its officers administering clot-busting drugs in the community to patients who are suffering a heart attack. Previously, these life-saving drugs were only available in a hospital environment. In fact, the Queensland Ambulance Service has developed the largest pre-hospital reperfusion strategy in Australasia and is recognised as a leader in this area.

One component of Ambulance Week this year will be the relaunch of the 000 awareness campaign. The campaign involves a series of television and radio advertisements which encourage appropriate use of 000. The central theme of the campaign is why call an ambulance when it is not really need when your pharmacist, doctor or 13HEALTH can help. The campaign will run for a 10-week period.

Finally, I want to draw to the attention of the House that four Queensland police officers have been recognised at the Australasian Council of Women and Policing awards 2009. In fact, Queensland officers won four of the 13 awards presented. Superintendent Anne Macdonald, the district officer at Bundaberg, was awarded the Audrey Fagan Award, which identifies the most inspirational female officer in the country. Superintendent Macdonald was also awarded the most outstanding female leader. Townsville based regional crime prevention coordinator Senior Sergeant Janelle Poole was named the most outstanding female practitioner. Senior Constable Bronagh Gillespie from Doomadgee CIB was named the most outstanding female investigator, and a fourth officer, Roma district education and training officer Sergeant Nyree Whelan, was highly commended for most outstanding female administrator. I place on the record my congratulations to these officers for their awards and acknowledge their outstanding contribution to policing in Queensland.

Red-eared Slider Turtle

Hon. TS MULHERIN (Mackay—ALP) (Minister for Primary Industries, Fisheries and Rural and Regional Queensland) (10.03 am): Biosecurity Queensland has continued to interrupt the illegal trade of a highly invasive turtle by seizing three red-eared slider turtles from a property on the Sunshine Coast. After receiving information last week, Biosecurity Queensland officers seized three red-eared slider turtles from a property on the Sunshine Coast. It is the first time this year that Biosecurity Queensland officers have seized these invasive animals. For members who are not aware, the red-eared slider turtle is a class 1 declared pest animal in Queensland. They are listed by the World Conservation Union as

one of the worst 100 invasive species. They compete with native turtles for food and space and are a major threat to Queensland's biodiversity. They are a robust, hardy species that thrive under a wide range of conditions with few natural predators in Australia. As such, it is illegal to sell, keep or release these turtles and fines of up to $80,000 apply.

We are doing everything we can to stop this illegal trade because the red-eared slider turtle can live up to 40 years and females can lay up to 70 eggs each year. These turtles are the subject of an eradication program in Queensland. Since 2004, fewer than 200 red-eared slider turtles have been found in the wild in Queensland. Red-eared slider turtles are easy to distinguish from native turtles because, as the name suggests, they have a prominent red stripe behind each ear. They live in fresh water, grow to about 30 centimetres and, while they might look cute, these nasty critters are very serious pests that can take over Queensland's dams and lakes. As the weather warms up, these turtles may become more active and start to lay eggs, so it is important that people keep a lookout for them. More than 12 million red-eared slider turtles are exported from the US each year, mostly to Asia. Some make it to Australia, which is why Biosecurity Queensland officers are on high alert. Suspect turtles should be reported to Biosecurity Queensland or local council pest management officers. The turtles will be seized and humanely put down.

Local Government Reform

Hon. D BOYLE (Cairns—ALP) (Minister for Local Government and Aboriginal and Torres Strait Islander Partnerships) (10.05 am): The local government reform program continues, with the next steps including a review of the City of Brisbane Act 1924 and a review of legislation governing Aboriginal and Torres Strait Island council areas. The City of Brisbane Act has gathered some dust over the years, with this review not only timely in our 150th year of being a state in our own right but also critical in terms of recognising formally in this legislation for the first time that Brisbane is our capital city. We will be bringing the City of Brisbane Act into the 21st century, with the review to encompass the City of Brisbane Act 1924, the Brisbane City Council Business and Procedure Act 1939 and the City of Brisbane Regulation 2004. Importantly, the Bligh government wants to hear what Queenslanders want for their capital city, its role and powers and how it can best serve them in the years ahead.

It is time to ensure that the legislation for our capital city balances flexibility in council operations with setting standards for conduct, performance, accountability and transparency that are best practice public administration and consistent with those that will apply to all other Queensland local governments under the new Local Government Act. It is also time for the Local Government (Aboriginal Lands) Act 1978 and the Aboriginal and Torres Strait Islander Communities (Justice, Land and Other Matters) Act 1984 to be reviewed. The first, a 31-year-old piece of legislation covering Aurukun and Mornington Island, was written for a place and time designed to resolve Commonwealth and state differences about the future of these former Aboriginal reserves administered as Uniting Church missions. These two pieces of legislation have provisions that are out of date and are not at all complementary to the principle based approach of the new Local Government Act 2009.

Some of the issues may be contentious, but we now have the opportunity to work with the councils to sort these issues out once and for all, with the same rules applying to all Aboriginal and Torres Strait Islander councils and in fact the same rules as other councils across Queensland. The Department of Infrastructure and Planning and the Department of Communities will work in partnership to concurrently review these pieces of legislation. With these, as with the Brisbane City Council review, residents, councils and other stakeholders in all of these communities will be thoroughly, locally and genuinely consulted.

New England Highway, Upgrade; Bruce Highway, Cooroy-Curra Upgrade

Hon. CA WALLACE (Thuringowa—ALP) (Minister for Main Roads) (10.09 am): My department is committed to improving safety for all road users. Following a detailed review, I can announce today that a project to improve safety on the New England Highway between Hampton to Geham will go ahead. I know that this decision will be unpopular with some, but safety must come first. It is not a decision that I have taken lightly.

Following some community concerns about the tree removal and representations from the member for Toowoomba North, I ordered the project to be put on hold until a thorough review could be carried out. All elements of the scope and design of the project have been analysed to ensure the best possible outcome for road users while taking into account environmental factors. I table the report, titled *New England Highway upgrade project—Hampton to Geham—review of scope and design*, and attached appendices.

Tabled paper: Department of Main Roads report, dated 31 August 2009, titled 'New England Highway Upgrade Project—Hampton to Geham—Review of Scope and Design' [830].

Again, I recognise that there is some community division over the project, but safety must come first. The department has worked closely with the community and council since the project was first proposed in 2006 and will continue to do so. Following the initial environmental assessment, significant changes were made to the design of the project. To retain as many trees as possible, the project will use significant sections of wire-rope barrier. This means the cleared zone can be reduced from the initial nine metres to 2.5 metres, in turn saving close to 3,000 trees, reducing the total to 1,400.

It is important to remember that this project is being driven by the need to improve safety. There have been 26 crashes, including one fatality, on this section of the road from July 1998 to June 2008. This section of the highway has been given a two-star rating by the Australian Road Assessment Program, with one star being the worst and five stars being the best. The project will address those safety concerns, which are based on narrow width, roadside hazards and poor intersection arrangements. This project will not only improve safety now but also cater for expected traffic growth in the fast-growing areas north of Toowoomba through to the South Burnett in the next 20 years.

My department has created an environmental reserve using land set aside from the recently completed Crows Nest to Pechey Highway upgrade project to help offset the clearing of these trees. This $9.6 million project is the last in a series to improve safety and efficiency on sections of the New England Highway between Crows Nest and Highfields, at a total cost of $41.4 million. Again, can I emphasise that it is not a matter that I took lightly.

On other matters, today federal infrastructure minister Anthony Albanese will turn the first sod on section B of the Cooroy-Curra black spot section of the Bruce Highway. This $613 million project—$488 million from the federal government and $125 million from the state government—will be welcomed by the local community.

Mr Gibson interjected.

Mr WALLACE: I take the interjection from the member for Gympie. This is a very dangerous section of the Bruce Highway. I drove along it and had a very close look at it on Sunday when I was driving up to Bundaberg. I congratulate the federal government for that funding—

Mr Johnson interjected.

Mr WALLACE: I take that interjection from the member for Gregory. People on the road need to take care. I again urge all road users on any part of the highways in Queensland to please be careful. We have had far too many deaths this year.

Younger People in Residential Aged Care

Hon. A PALASZCZUK (Inala—ALP) (Minister for Disability Services and Multicultural Affairs) (10.12 am): During the estimates hearing I highlighted the great progress the Bligh government has achieved in the Younger People in Residential Aged Care initiative. To recap for the benefit of the whole House, I point out that the joint state-federal initiative has helped 81 younger people with a disability to find more age-appropriate accommodation since 1 July 2006. This figure includes 36 younger people with a disability who have been assisted to move out of residential aged care. On top of that, 45 people with a disability have been diverted from entering residential aged-care facilities. This means that we have exceeded the target set by the Rudd government.

Those figures do not include another four people who are currently being assisted to move from these facilities. There are still a lot more people to assist, with the $23.9 million allocated over five years, but it is still an impressive record to date. Impressive as it may be, they are just figures on a page and there is a human side to this initiative that is often overlooked.

Last month I had the pleasure to open Santorini Place, the Life Without Barriers house at Forest Lake. It is home to four young people with a disability who would otherwise be living in aged-care facilities. The father of one of the residents, Richard Vearer, took the opportunity to explain to me what the Younger People in Residential Aged Care initiative meant to his son, Paul. He had to choke back tears as he explained that when his son was in a nursing home he was unresponsive, dreading each day in the institution and had to be assisted in every task all day, every day. Since moving to Santorini Place, Paul has been transformed into the fun-loving son he once was and is able to interact with everyone. He regularly goes out on trips and can again help with simple tasks around the house such as making his own cup of tea. Richard explained that the move was a transformation not only for Paul but also for his entire family.

I am also pleased to announce that this Friday I will attend a sod turning in Inala for another facility being constructed by the Brisbane Housing Co. under this exciting program. The Bligh government committed $1.8 million in July 2008 and, when complete, the complex will house another eight people who would otherwise be in nursing homes.

In this House we often concentrate on meeting bottom lines and targets but forget that there is a human impact in every decision or program that we implement. The Younger People in Residential Aged Care initiative is one that is changing lives for the better.

Exports

Hon. S ROBERTSON (Stretton—ALP) (Minister for Natural Resources, Mines and Energy and Minister for Trade) (10.14 am): The health of Queensland's economy, industries and workplaces remains absolutely dependent on exporting to the world. We have just over four million people, so our domestic market is simply not big enough to support our efficient and productive Queensland industries. We are an export-dependent and, most importantly, an export-ready state.

I am pleased to report to the House that the value of Queensland's overseas merchandise goods exports for the recently ended 2008-09 financial year was a record $56.3 billion. That represents a major increase of $21 billion, or 59.5 per cent, over the previous year. This result makes Queensland the highest contributor to the total growth in Australia's merchandise goods exports for the year. It represents growth of more than double the national average and gives Queensland the highest growth rate among the states, including New South Wales at 28.7 per cent, Western Australia at 26.1 per cent and Victoria at 0.6 per cent.

Despite weakened demand from some key export partners and dampened global investment over the past year, this latest data released by the Queensland government's Office of Economic and Statistical Research indicates that our exporting industries remain healthy and are continuing to help Queensland's economy. This is another sign that our economy is performing strongly, contrary to what the members opposite would have us believe. This government has made the hard decisions to ensure the economy continues to grow and, as a result, jobs are protected.

The increase in overseas merchandise goods exports has been assisted by increased demand for bulk commodities like Queensland's export coal, accounting for more than 80 per cent of total overseas goods export growth in the period. The total export value of Queensland coal rose from $13.1 billion in 2007-08 to $30.2 billion in 2008-09. Japan remains our No. 1 trading partner. There is also significant export growth to India, China and Korea. These results are remarkable, especially given the current global economic crisis. It also vindicates the government's continued commitment to maintaining and strengthening overseas trade relationships and proudly promoting free and open trade with the world.

Far North Queensland Regional Plan

Hon. SJ HINCHLIFFE (Stafford—ALP) (Minister for Infrastructure and Planning) (10.17 am): I would like to advise the House of the implementation of the Far North Queensland Regional Plan 2009-2031. Since its release on 13 February 2009, good planning has occurred on a number of fronts, with councils working quickly to amend planning schemes to reflect the regional plan. Cairns Regional Council and participating agencies have already undertaken significant work to prepare a structure plan for the major urban growth area of Mount Peter.

On Friday I chaired the initial regional coordination committee meeting with mayors and other stakeholders, including the members for Mulgrave, Cook and Barron River. Unfortunately, the member for Cairns and Minister for Local Government was unwell on the day, but we have since discussed the outcomes of the initial RCC. Following the state government's approval of new planning scheme provisions for the Edmonton town centre, the Cairns Regional Council has proposed further planning scheme amendments for both the Edmonton and Smithfield town centres.

The neighbouring Tablelands Regional Council has also resolved to amalgamate four existing plans under a new planning scheme. That has been through great leadership from Tom Gilmore—someone who knows what leadership is about, although maybe not from this side of the House. This new planning scheme will deliver consistent planning policy throughout the Tablelands.

The Cassowary Coast Regional Council is also reviewing its planning schemes against the FNQ Regional Plan. In addition, a planning scheme is underway for Yarrabah Aboriginal Shire Council and preparations are also underway to provide a planning scheme for the Wujal Wujal Aboriginal Shire Council.

In accordance with the Far North Queensland Regional Plan, the RCC discussed a draft five-year action plan to guide implementation by state agencies, local government and other organisations. The Bligh government understands that strategic planning helps clarify the potential infrastructure needs of different regions. State agencies are well advanced in planning for the Cairns Bruce Highway upgrade, the Cairns transit network, a principal cycle network plan, transport network planning for the Tablelands and the Cassowary Coast, and a regional water supply strategy.

The rapid progress proves the regional plan is providing a strong regional framework to progress and expedite a range of state initiatives. I encourage all levels of government and community organisations to work together to achieve the desired regional outcomes of the Far North Queensland Regional Plan. This plan is vital to getting the balance right where the rainforest meets the reef.

Criminal Organisations Legislation

Hon. CR DICK (Greenslopes—ALP) (Attorney-General and Minister for Industrial Relations) (10.20 am): The Bligh government has released the criminal organisations draft bill for consultation. The key objective of the bill is to disrupt and dismantle serious criminal organisations. It will enable authorities to break the criminal links in the chain that exists between members of such organisations. This will ensure that the community can be protected from the problem of organised criminal activity. These are serious measures to tackle a serious national problem.

The problem of criminal activity by outlaw motorcycle gangs in particular is an issue that requires a solid approach across the nation. The Bligh government has taken the time to get the balance right between community protection and the rights of individuals. We are determined to provide the most comprehensive yet balanced legislation in the country. If people engage in organised criminal activity our laws will ensure that police have the power to stop them and cut off their illegal profits. The draft bill includes tough measures to make it harder for criminals to band together in gangs in order to coordinate criminal enterprise.

Under the proposed laws certain gang members will be restricted from owning weapons, working in certain industries such as the security industry, or holding a liquor licence. There are hundreds of Queenslanders who are members of motorcycle groups simply because they love riding their motorcycles and these people have nothing to fear. This legislation will only affect serious criminal organisations. These serious criminal organisations are often smart, sophisticated and well financed. Our proposed laws are about pulling the gangs apart and preventing them from embarking on their criminal activities.

The government's draft bill provides the most comprehensive and balanced legislation in the country. We are determined to strike the right balance between protecting the community while also providing protection for the rights of individuals who are not associated with such gangs. That is why Queensland's proposed laws include a role for a new Criminal Organisations Public Interest Monitor. Queensland is the only state to include a public interest monitor in such legislation. As an independent barrister, the public interest monitor will represent the public interest by assisting the court in hearing certain applications under the proposed legislation. The draft bill has been released for consultation with key law, justice and civil liberties peak bodies.

LAW, JUSTICE AND SAFETY COMMITTEE

Reports

Ms STONE (Springwood—ALP) (10.21 am): I lay upon the table of the House two reports of the Law, Justice and Safety Committee. Firstly, I table report No. 70, *A preamble for the Constitution of Queensland 2001*.

Tabled paper: Law, Justice and Safety Committee Report No. 70: 'A Preamble for the Constitution of Queensland 2001'[831].

This report contains a draft preamble prepared by the committee for the Constitution of Queensland. The preamble includes an aspirational statement on the commemoration of the 150th anniversary of the establishment of Queensland and a statement of due recognition of Queensland's Aboriginal and Torres Strait Islander people.

The preamble captures important core aspects of today's Queensland—elements which will continue to be relevant for future generations, such as sovereignty of the people and the rule of law, our system of representative and responsible government, our multicultural population, our environment and our history. Importantly, the preamble acknowledges and honours Queensland's Aboriginal and Torres Strait Islander peoples and pays tribute to their ancient and enduring cultures, a significant step in the ongoing reconciliation process.

I would like to thank the Queensland Aboriginal and Torres Strait Islander Advisory Council for meeting with the committee and providing submissions on the statement of recognition. The committee has accepted its proposed wording of the statement of recognition in full without amendment. I thank those submitters and those who otherwise contributed to the inquiry, either by meeting with the committee or appearing at the public hearing or the public forum. I acknowledge and express my appreciation for the work of all members and staff of both the current and previous committees in the preparation of the draft preamble.

The committee recommends the following preamble be inserted into the Constitution of Queensland 2001—

The people of Queensland, free and equal citizens of Australia, subject to no law or authority but that sanctioned by this Constitution and the Constitution of Australia;

- intend through this Constitution, to foster the peace, welfare and good government of Queensland; adopt the principle of the sovereignty of the people, under the rule of law, and the system of representative and responsible government, prescribed by this Constitution;

- honour the Aboriginal peoples and Torres Strait Islander peoples, the first Australians, whose lands, winds and waters we all now share; and pay tribute to their unique values, and their ancient and enduring cultures, which deepen and enrich the life of our community;
- determine to protect our unique environment;
- acknowledge the achievements of our forebears, coming from many backgrounds, who together faced and overcame adversity and injustice, and whose efforts bequeathed to us, and future generations, a realistic opportunity to strive for social harmony; and
- resolve on this the 150th anniversary of the establishment of Queensland, to nurture our inheritance, and build a society based on democracy, freedom and peace.

I also table report No. 71, *Options for modernising the oaths and affirmations of allegiance in the Constitution of Queensland Act 2001.* This report recommends that the oaths and affirmations of allegiance be amended so that persons about to assume office must pledge allegiance to Australia and to either the Sovereign as Sovereign of Australia or to Australia's Head of State. I thank those submitters and those who otherwise contributed to the inquiry, either by meeting with the committee or appearing at the public hearing. I acknowledge and express my appreciation for the work of all members and staff of both the current and previous committees in the preparation of the report. I commend both reports to the House.

Tabled paper: Law, Justice and Safety Committee Report No. 71: 'Options for modernising the oaths and affirmations of allegiance in the Constitution of Queensland Act 2001'[832].

PARLIAMENTARY CRIME AND MISCONDUCT COMMISSIONER; CRIME AND MISCONDUCT COMMISSION

Reports

Mr HOOLIHAN (Keppel—ALP) (10.26 am): I lay upon the table of the House the report of the Parliamentary Crime and Misconduct Commissioner, Mr Alan MacSporran SC, on his fifth inspection of the CMC's records regarding surveillance device warrants.

Tabled paper: Report of the Parliamentary Crime and Misconduct Commissioner, dated July 2009, titled 'Report on the results of the inspection of the records of the Crime and Misconduct Commission pursuant to section 362 of the Police Powers and Responsibilities Act 2000' [833].

The inspection covers the period 10 November 2008 to 1 May 2009 and was conducted pursuant to section 362 of the Police Powers and Responsibilities Act 2000. Full details of the commissioner's inspection and findings are set out in his report.

I also lay upon the table of the House a letter from the CMC chairperson, Mr Robert Needham, dated 24 July 2009, attaching the CMC's report for the year to 30 June 2009 on compliance requirements for assumed identities under section 314(1) of the Police Powers and Responsibilities Act 2000.

Tabled paper: Letter, dated 24 July 2009, from Mr Robert Needham, Chairperson, Crime and Misconduct Commission, to Mr P Hoolihan MP, Chairman, Parliamentary Crime and Misconduct Committee, enclosing a report titled 'Annual report to the Chairperson, Parliamentary Crime and Misconduct Committee for the period 1 July 2008 to 30 June 2009—Compliance requirements under the Police Powers and Responsibilities Act 2000 (PPRA) for assumed identities' [834].

Further, I lay upon the table of the House a letter from Mr Needham, dated 24 August 2009, attaching the CMC's annual compliance report for the year to 30 June 2009 in respect of surveillance device warrants under section 358(1) of the Police Powers and Responsibilities Act 2000.

Tabled paper: Letter, dated 24 August 2009, from Mr Robert Needham, Chairperson, Crime and Misconduct Commission, to Mr P Hoolihan MP, Chairman, Parliamentary Crime and Misconduct Committee, enclosing a report titled 'Annual report to the Parliamentary Crime and Misconduct Committee for the period 1 July 2008 to 30 June 2009—Compliance requirements under the Police Powers and Responsibilities Act 2000 for surveillance devices'[835].

Finally, I lay upon the table of the House a letter dated 27 August 2009 from Mr Needham on behalf of the Controlled Operations Committee of the CMC attaching a schedule of controlled operations applications for the year to 30 June 2009 under section 138(2) of the Crime and Misconduct Act 2001.

Tabled paper: Letter, dated 27 August 2009, from Mr Robert Needham, Chairperson, Crime and Misconduct Commission, to Mr P Hoolihan MP, Chairman, Parliamentary Crime and Misconduct Committee, enclosing a schedule of controlled operations applications for the year 1 July 2008 to 30 June 2009 under section 139 of the Crime and Misconduct Act 2001 [836].

SCRUTINY OF LEGISLATION COMMITTEE

Report

Mrs MILLER (Bundamba—ALP) (10.27 am): I table the Scrutiny of Legislation Committee's report No. 41, *Criminal Code (Medical Treatment) Amendment Bill 2009*.

Tabled paper: Scrutiny of Legislation Committee Report No. 41: 'Criminal Code (Medical Treatment) Amendment Bill 2009'[837].

SPEAKER'S STATEMENT

School Group Tours

Mr SPEAKER: Honourable members, visiting us at Parliament House throughout the day will be students from the Boondall State School in the electorate of Nudgee, the Northgate State School in the electorate of Nudgee, the North Lakes State College in the electorate of Murrumba and Park Ridge State High School, Browns Plains State High School, Flagstone Community College, St Philomena School, Parklands Christian College, St Bernardine's Catholic School at Regents Park and St Francis Catholic College at Crestmead in the electorate of Logan.

QUESTIONS WITHOUT NOTICE

Queensland Economy

Mr LANGBROEK (10.30 am): My first question without notice is to the Premier. I refer the Premier to the Treasurer's comments in this House that the government takes responsibility for what happens in the Queensland economy. Does the Premier take responsibility for Queensland producing state final demand figures which have fallen consecutively for the past three quarters, making this the worst period since the Keating Labor recession of 1990?

Ms BLIGH: I thank the member for the question. What we saw this week was further confirmation in data released that there is a world global financial crisis and it is having an impact on Australia and it is having an impact here in Queensland. What we see from those opposite again this morning is a further attempt, building on all of their previous attempts, to deny the global financial crisis.

The data that the Leader of the Opposition refers to does show that the Queensland economy has had challenges and is struggling in the face of collapsing world markets for its products. What it also shows is that we have avoided negative growth for the third quarter in a row. Why have we avoided negative growth when countries like Japan have collapsed into negative growth? There is one reason—our building program. It is our $18 billion answer.

Our government takes full responsibility for the $18 billion building program that is keeping us out of the red. It is keeping our economy's head above water at a time when major economies around the world have sunk into negative growth. What the data that was released this week showed is that we have avoided negative growth for the third quarter in a row, as a major exporting state, in the face of the worst financial crisis the world has seen in 75 years.

Mr Nicholls: If it wasn't for your exports, you'd be going backwards at 100 miles an hour.

Ms BLIGH: Listen to them. They are still denying it.

Mr Nicholls: You'd be going backwards if you weren't exporting coal.

Ms BLIGH: It is getting embarrassing.

Mr Nicholls: You've gone bust. You've lost your credit rating. You've gone into debt. You're running a deficit.

Ms BLIGH: They are still denying the global financial crisis. They went to the election denying the global financial crisis. They made fools of themselves during the election campaign by denying the financial crisis, and they are still at it.

We committed to a major building program to ensure that our economy does not suffer what other economies have, and it is working. Without our building program, unemployment would be more than 10 per cent. Without our building program, we would have negative growth—$18 billion worth of investment in our economy, investment in jobs and investment in recovery from the worst global financial crisis the world has seen for three-quarters of a century. Look it up. Google it.

Queensland Economy

Mr LANGBROEK: My second question without notice is also to the Premier. Given the Queensland state final demand has had three consecutive quarters of falling results in contrast to every other Australian mainland state including Victoria, which has what the Premier calls a simpler economy, don't these results prove that the government's building program is failing to support domestic demand in Queensland?

Ms BLIGH: I thank the honourable member for the question. I presume from his question that he believes we should cut the building program. We will not be taking economic advice from the member for Surfers Paradise and we will not be cutting the building program.

Mr Nicholls: Who have you been taking it from?

Ms BLIGH: And we will not be taking it from the member for Clayfield either.

The release of the national accounts this week has predictably seen some analysis of what is happening in each of the states. What does AMP Capital Investors Chief Economist, Shane Oliver, have to say about the reports on Victoria, South Australia and Queensland? He says, 'Victoria and South Australia should not get too comfortable.' He predicts that Queensland and Western Australia will be back at the front of the pack by the end of 2009-10. He said, 'I don't think Queenslanders should despair at what's happened. I think it's just a temporary phenomena.'

What we know, however, is that the economic strategy that those opposite took to the election campaign and are still wedded to is the economic strategy being pursued in Western Australia. Let us have a little comparison with another state. Let us adopt the Western Australian model being put forward by the member for Surfers Paradise. What do we see in estimated future growth from the two state budgets? In 2010-11 we will have 2¾ per cent here in Queensland; WA, 1¼ per cent. What are we seeing in business investment? The business investment to the March quarter this year in Queensland is up by 7.3 per cent; in Western Australia, 4.6 per cent. I know where I would rather be. I would rather be in Queensland.

Those opposite want to talk Queensland down. We will not be doing that. Queensland is a strong and resilient economy, evidenced by the fact that, despite our high reliance on exports, we are keeping our head above water when all of our trading partners, seven of our largest trading partners, are in recession.

Our economic strategy is working. It is keeping Queensland's head above water. It is keeping people in jobs, and we are committed to it. What we heard in the question that was just put by the Leader of the Opposition is that he doubts the building program. He would cut it. He does not support the building program. We will build Queensland. We will build what Queenslanders need. We will create jobs. $18 billion worth of building is not supported by any of them. They will not come in here and say what they want cut in their electorates. They come in here and say one thing but out in their electorates they try to gain credit for it. They want more.

Opposition members interjected.

Ms BLIGH: It is good enough now. Queensland is powering full steam ahead without the support of those opposite.

(Time expired)

Integrity and Accountability in Queensland Green Paper

Mr FINN: My question without notice is to the Premier. Can the Premier outline for the House the success of the online forum conducted yesterday on integrity issues?

Ms BLIGH: I thank the member for the question. Yesterday I participated, along with the Attorney-General, in an innovative way to consult with Queenslanders. We had a forum on the issues of the green paper on integrity and accountability. Members of the forum included members of my round table—Professor Charles Sampford from the Queensland University of Technology Law and Justice Research Centre and Robert Needham, the chair of the CMC. It was chaired by academic Paul Williams and tuned into by over 150 people live. There were 50 questions put in beforehand and many more during the webcast.

We had a wide variety of issues. People raised everything from four-year terms, to an upper house, the question of political donations and, yes, even *MasterChef*. We will be repeating the exercise on 7 September next week at 6.30 at night. So we will be trying an evening forum to give those people who are full-time workers a chance to be part of it live should they wish to do so. I have to say that I was encouraged by the success of the event yesterday. I think it does present a possible option for consultation in other government exercises, and we will certainly be monitoring it next week as well.

One issue that Queenslanders did not get the chance to pass comment on yesterday was news of the Liberal National Party's so-called leaders group. I note the name is leaders group plural because obviously they do not know which one might be there on any day and they do not have to change the letterhead that way.

Mr Nicholls: Tell us about Hawker Britton and how much money they raised for you. Release Hawker Britton's numbers.

Ms BLIGH: How extraordinary that, after weeks of the opposition seeking to call into question the government's integrity, we find this morning that they have been keeping their own dirty little secret. The scheme that was described in today's *Courier-Mail* was one that entitled those who had more than $16,000 to join the leaders group. What does it get you? You purchase access, a say on party policy. One of the members of the group said, 'It was a chance to have regional input into what the party's policies would be.' This goes far beyond cash for access. It is not just pay per view; you rent, try and buy. This is the LNP policy jukebox—put in the money and they play to your tune. That is what is going on over there—$16,000 and you get to buy party policy. That is what they said. It is buying party policy. Will they tell us who is on it? I bet they will not. They will not tell us who was at the dinner. Release the list. If it is all above board, release the list.

Queensland Economy

Mr SPRINGBORG: I have never had the privilege of having dinner with Ken Talbot, like you have after he was charged with corruption.

Mr SPEAKER: Order! The deputy leader will come to his question.

Mr SPRINGBORG: My question without notice is to the Premier. On no fewer than five occasions the Treasurer has said in this House that we were in the midst of the worst recession since the Great Depression. Given the ABS national accounts data released yesterday showing that Australia is not, was not and will not in all likelihood go into recession and that the IMF comments did not apply to Australia, does the Premier now agree that the wantonly political and desperate comments by the Treasurer demonstrate his and your government's gross financial incompetence?

Honourable members interjected.

Mr SPEAKER: Order! Before I call the Premier, I will wait for the House to come to order.

Mr Springborg: Just another lie.

Mr SPEAKER: Order! The Deputy Leader of the Opposition knows that that is unparliamentary. I ask you to withdraw it.

Mr Springborg: Mr Speaker, I withdraw.

Ms BLIGH: Well, some people take a long time to get over some things. What we have just seen in this question is a continual harking back by the Deputy Leader of the Opposition to the fact that he went out and told the people of Queensland that I should not be holding a jobs task force and that I should not be concerned about unemployment because—

Opposition members interjected.

Ms BLIGH: Well, my recollection of events is that when I came back from leave in January concerned about unemployment—

Mr Hobbs: Don't tell lies. Tell the truth for once.

Mr SPEAKER: Order! I ask the member for Warrego to withdraw that expression. It is unparliamentary.

Mr Hobbs: I withdraw it.

Ms BLIGH: In response to the government's initiatives in relation to rising unemployment at the beginning of this year, the then Leader of the Opposition, the member for Southern Downs, came out with extraordinary statements saying that we should stop doing all of this because we were not even in a recession and it was not a depression. The point that I make and the point that the Treasurer makes is that the world is in a recession and our trading partners—

Opposition members interjected.

Mr SPEAKER: Order! I will wait for the House to come to order.

Mr Hobbs: You can't go more than a minute without telling an untruth.

Ms BLIGH: It is not this side of politics that is investing in truth consulting, I would remind the member for Warrego, and it is not this side of politics that has in its senior ranks a tactical liar.

The point is this: seven of our 10 major trading partners are in recession. We are an export economy. When economies like Japan collapse, what happens? The people who depend on those markets face real trouble. And we are going to keep helping them out of that trouble. We are going to keep building, we are going to keep employing people, we are not going to cut their jobs and we are not taking economic advice from you.

Brisbane, Sporting Events

Mrs KEECH: My question is to the Premier. This Saturday night it is estimated that 80,000 people will attend sporting events in this city. What preparations have been made to ensure it will be a success for all attending?

Ms BLIGH: This weekend begins a period where I think we can all admit that we are going into a phase where too much sport will be barely enough. This Saturday night the Wallabies will take on the Springboks at Suncorp Stadium in rugby, and the Lions will take on Carlton in the first of the AFL finals at the Gabba. I am pleased to advise the House that TransLink is urging fans to take advantage of free public transport to watch Saturday night's two massive games. We expect to see 80,000 fans converge on the Gabba and Suncorp Stadium. There will be 164 additional buses running shuttle services from major hubs across the city and 17 additional train services to all lines after the games on Saturday night.

I have to say, though, that for my money the most important match this weekend will not be held in Brisbane; it will be held at Brookvale Oval between the Titans and Manly. I am very pleased to recognise that the Titans have made it into the finals. I note a little glum look on the face of the member for Thuringowa; we will not explore any pain there. Next weekend the Titans will make history, hosting their first ever NRL final at home in the magnificent Skilled Park stadium. The Titans have had 11 wins out of 12 home games this season at Robina. It is a great stadium.

Today I can announce that 500,000 people—that is, half a million people—have attended Skilled Park since it opened in February 2008. I will be joining with other fans on the Gold Coast to paint the Gold Coast blue and gold, and I encourage people to get behind the campaign to back the Titans next weekend. I am also happy to acknowledge that one of the other great success stories emerging out of Skilled Park has been the Gold Coast United soccer team. Of course, that is Clive Palmer's team. And aren't they doing well? Not like his other team!

So this weekend I know we will all be getting behind the Lions. Let us hope we do not see the Lions—

Mr Springborg interjected.

Ms BLIGH: You haven't got over it, have you? Let us hope that this weekend we do not see the Lions taking sporting advice from those opposite. We hope we do not see any more own goals like we have seen this week when we saw the leader lined up, ready to pounce, only to score an own goal while his old prop from Gregory was left on the bench. All the while, his deputy continued to duck and weave—ducking and weaving.

Mr Springborg interjected.

Mr SPEAKER: Order! The Deputy Leader of the Opposition!

Ms BLIGH: They are very rude, Mr Speaker. I wish all of our teams all the best this weekend. I encourage them to leave the blood sport to those opposite.

Hendra Virus

Mr McARDLE: My question is to the Minister for Health. In September 2008 Queensland Health announced a review into its handling of the Hendra virus focusing on, among other things, communication. I table a copy of a media release.

Tabled paper: Queensland Health media release, dated 8 September 2008, titled 'Queensland Health review on Hendra virus infections' [838].

Given that 12 months have passed, will the minister table the report and confirm that, as a consequence of the review, Queensland Health's response to anyone coming in contact with the deadly Hendra virus is for them to contact their GP?

Mr LUCAS: I thank the honourable member for the question. The matter of Hendra virus is indeed very serious. The honourable member, as he does with just about everything in the Health portfolio, uses any opportunity to trash the reputation of Queensland Health. This matter is not a matter of resources. This matter is of course a matter of how Queensland Health deals with a serious outbreak of Hendra virus in consultation with the department of primary industries and fisheries. On all occasions, Queensland Health ensures that it performs its task to the highest of its ability. Let us make it clear: Hendra virus is a very novel disease. So far as we are aware, there have been seven cases and four deaths.

Yesterday Professor Ian Frazer, who would know a little bit more about developing vaccines and dealing with viruses than either the member for Caloundra or me, indicated that a vaccine, if available, is decades away—10 years away—and would cost about a billion dollars. Of course, last night we saw in this chamber the member for Condamine saying that he knew vets who said that we could have a vaccine within six months. I invite him to provide the parliament with the names of those people.

Opposition members interjected.

Mr LUCAS: Provide that.

Mr Hopper interjected.

Mr SPEAKER: Order! If the member for Condamine persists with that, I will warn him under the standing orders.

Mr LUCAS: I am happy for him to provide that information and I am happy to have that authenticated by scientists, not by people like the member for Condamine.

Mr Messenger: Are you going to test the bats for Hendra virus?

Mr LUCAS: I am more than happy to have Queensland Health provide the review that it undertook and the actions that it has undertaken in relation to implementing the terms of that review. What does not help when you have serious issues like this is to have reactions with the sort of intellect displayed by the member for Burnett—

Mr McARDLE: Mr Speaker, I rise to a point of order. Is the minister indicating that he is undertaking to the House that he will table the review, in the response that he has just given?

Mr SPEAKER: Order! That is not a point of order.

Mr LUCAS: It is not helpful to have the member for Burnett understand that the solution to any outbreak—whether it be in relation to bats or in relation to things like crocodiles or snakes—is the eradication and extermination of an entire native species.

Mr MESSENGER: Mr Speaker, I rise to a point of order I find what the health minister is saying offensive and I ask him to withdraw it. I have never said that. I just want testing of the bat communities near urban areas.

Mr SPEAKER: Order! Honourable member for Burnett, I think what he was saying is that—

Mr LUCAS: I withdraw whatever he finds offensive, Mr Speaker.

Mr SPEAKER: Thank you.

Mr LUCAS: Bat colonies have thousands and thousands, if not hundreds of thousands, of bats in them. To think that you would catch a bat, expose yourself to some risk in catching the bat and then taking a blood sample from it and then test it is ludicrous and shows why he is not even fit for shadow spokesperson status on the opposition benches.

Jobs

Ms DARLING: My question without notice is to the Treasurer and Minister for Employment and Economic Development. Could the Treasurer outline any Bligh government initiatives that are helping secure jobs for the future?

Mr FRASER: I thank the member for Sandgate for her question. Further to the announcement this morning of $2.2 million in proof of concept funding for jobs of the future, tonight I will be presenting the first 20 fellowships under the Queensland International Fellowships Program, which is about investing in our best brains here in Queensland on collaborations to provide research for the future, to provide the platform of insight and innovation in technology that will drive jobs for the future in areas like renewable energy, nanotechnology, biotechnology, health and food sciences, and ecosciences. That will be a function that occurs in this precinct tonight as we continue our commitment to invest in the best brains in this state.

What we know from this morning is that the LNP has decided it needs to put its brains in neutral, because it has decided to outsource its policy agenda.

Opposition members interjected.

Mr SPEAKER: Order! There is far too much conversation. I am tolerant if I feel a member is on the receiving end of it, but it is quite disorderly.

Mr FRASER: We know that they have sold off their policy agenda for 16½ grand a pop. To whom we do not know because the LNP will not tell the people of Queensland who is in the leaders club. Is it any wonder that they do not know who is in the leaders club?

What we know is that they have also asked for some other outside help. We heard about Truth Consulting earlier this week. When you look at the return that they furnish, you find that that is not the only outside help they have secured. They have also paid Jacqueline Furey Consulting. What is Jacqueline Furey Consulting? Jackie Furey is the Director of Bedrooms to Boardrooms, and her business specialises in assisting people to bring out the best in themselves and the people around them in love, life and work. I suspect they paid them last year, but after this week they will need Jackie Furey back again for a bit of coaching on love life and bringing out the best in people.

Jackie Furey has spoken in the past and said to people, 'Do you focus on what love does not look like and fail to acknowledge respect and honour, how loving you actually are?' I think Jackie Furey will be sitting down next to the member for Gregory later this week to talk about how you do not need permission to love someone; only your own. Jackie Furey will be there to provide the assistance that the Leader of the Opposition and the member for Gregory need.

The question is not what did they hire her for, but on Jackie Furey's own admission she says that the calls she gets are mostly from the desperate and dateless, the lovelorn and the lonely. I think the real question is: who made the call to Jackie Furey? Who is the desperate and dateless leader? What we know is that the leadership club is a cash for commitment. Who is writing the mining policy? Who is writing the planning policy? For 16½ grand you can buy your election policies. The LNP needs a leadership club outside this parliament because it sure does not have one in here.

Queensland Economy

Mr NICHOLLS: My question is to the Treasurer. I refer the Treasurer to the comments reported in today's *Financial Review* by Victorian Labor Treasurer Eric Lenders, where he says—

> The resource states absolutely squandered the opportunity. They had money rolling in from royalties, they squandered it and they have wasted the good years.

When will the Treasurer admit what everyone else knows, including his state Labor colleagues, that he and the Premier sent Queensland bust in a boom?

Mr FRASER: I thank the shadow Treasurer for the question. I presume he is talking about John Lenders, who is the Victorian Treasurer, but let's not let the facts get in the way of a good argument. What are the facts? The fact is that unemployment is higher in Victoria than it is in Queensland. It is six per cent in Victoria, higher than the rate here in Queensland and higher than the national rate. The payroll tax rate is higher in Victoria than it is here in Queensland. The WorkCover premium is higher in Victoria than it is here in Queensland. If you buy your first home in Victoria at $500,000 you are paying more than $20,000 to the state government. What do you pay in Queensland? You pay zero.

If the idea is that we should emulate the Victorian government's efforts, then say that. If you want to raise the payroll tax rate to meet the Victorian level, then do that. If you want to lower the threshold to $550,000, like it is in Victoria, then say that. If you want to increase WorkCover premiums in Queensland, then say that. If you want to make sure that stamp duty for first homebuyers goes up to $20,000, not zero, then say that.

I think it would be very easy to have more money in the coffers if we had higher WorkCover premiums, a higher payroll tax rate applying to more businesses, and charging first homeowners more than $20,000, but let's not let the facts get in the way of an argument. What we have here in Queensland is, on any recognition, a competitive tax regime to attract business investment as we always have. Where are we? What do the state accounts say? We avoided negative growth in each of the three quarters. We have a whole set of challenges on our hands, but we are dealing with them. We are not outsourcing them to a group of mates for 16½ grand a throw. They have not produced any policies to date and today we realise why. The leaders club have not handed in their homework. The leaders club have not produced policies for the ALP. For 16½ grand you can get a commitment. It is pay per policy; cash for commitment. The questions here are these: who is in the leaders group—not just in here, but who is in the leaders club outside this parliament? What did they pay for? Who is writing the planning policy? Graham Heilbronn is apparently involved in the leaders club. Is he writing the planning policy? Is the member for Warrego writing the planning policy, or is it Graham Heilbronn?

What has been raised today is nothing short of a scandal. The idea that the LNP is selling policy commitments for $16½ thousand a throw needs to be exposed. Who is in this secret club? What do they get for their money? The Leader of the Opposition needs to put all of that information before the parliament today.

Wide Bay, Health Services

Mrs SCOTT: My question is to the Deputy Premier and Minister for Health. In light of the recent Bundaberg community cabinet, could the Deputy Premier please outline more broadly the investment the Queensland government is making to improve the health of the Wide Bay community?

Mr LUCAS: In the 2009-10 budget the Queensland government has funded a number of initiatives in the Wide Bay area. There is the $41.1 million Bundaberg hospital redevelopment, which I took the opportunity to inspect. The member for Bundaberg at the community cabinet was delighted that he was not troubled by the presence of the member for Burnett for most of it, because, frankly, he is an embarrassment to his own party in the region. I note that no-one over there has disagreed with that statement. I normally attract interjections in here. No-one stood up for you, brother! There is also the interim upgrade of the Bundaberg mental health inpatient unit and $3 million towards the construction of a new $4.3 million pathology laboratory at Hervey Bay.

They are just some of the initiatives that the government is undertaking in the Wide Bay area. Speaking of Wide Bay, I had a bit of a look at the *Courier-Mail* this morning and saw that there are other things about Wide Bay. A former member of the exclusive business club, Wide Bay accountant Peter Sawyer—

Opposition members interjected.

Mr SPEAKER: Order! Stop the clock. Minister, resume your seat. I have been very tolerant today. Don't push your luck.

Mr LUCAS: Wide Bay accountant Peter Sawyer said that club entitlements—that is, for 16½ grand—included invitations to eight to 12 functions a year. I wonder whether you can get a guarantee that people like the member for Burnett will not turn up! That would probably make you more likely to attend.

What happens there? It is to give input on policy. It must not be a very good investment because we know that the Leader of the Opposition—the 'Blue Steel' policy genius whose party pays for sex therapists—says that the Premier should develop policy. We all know that all those opposite have on their website is glamour shots of their leader.

Of course, who is the bagman for the $16,500 club? It is none other than Graham Heilbronn—the man who has form. Who could forget in 1996 when there were other fundraising functions? Di McCauley, then minister for local government and planning, as a result of this function directed the Redcliffe council to speed up a development application of an attendee. Boldly she sent a letter off to Graham Heilbronn saying, 'Gee, we sorted that one out at the lunch the other day.' Just as well they paid to go!

Tabled paper: Copy of a letter, dated 1 July 1996, from Hon. Di McCauley MLA, Minister for Local Government and Planning, to Mr J Brady, Chief Executive Officer, Redcliffe City Council, regarding a rezoning application lodged by Transtate Ltd forming part of the Newport Waterways development [839].

Tabled paper: Copy of a letter, undated, from Hon. Di McCauley MLA, Minister for Local Government and Planning, to Mr Graham Heilbronn, of Heilbronn & Partners Pty Ltd concerning rezoning concerns [840].

In the 2004 election campaign Graham Heilbronn did the Commerce Queensland travelling roadshow where the opposition travelled up and down Queensland promoting the then National Party and Liberal Party coalition and sparked mass resignations from Commerce Queensland. It happened again in 2006.

More recently you guys promised that you would bring in a planning and development board to gut the powers of local government when it came to planning issues. The day after, in the worst supine act of compliance, the LGAQ showed how toadying it is and copped your explanation.

(Time expired)

Main Roads

Mr SEENEY: My question without notice is to the Minister for Main Roads. I refer the minister to an answer that he gave to a question yesterday when he made some rather derogatory remarks and gave some quite unnecessary gratuitous advice to members on this side of the House when he claimed that the speed limit on the Ann Street onramp of 40 kilometres an hour extended not only all the way along Ann Street but also throughout the CBD. I table today for the benefit of the House and the minister some photographs which clearly indicate that the minister, through his incompetence, has misled the House and the speed limit on Ann Street is actually 60 kilometres an hour.

Tabled paper: Photographs of road signage at the the intersection of George and Ann streets, Brisbane [841].

The question for the minister today is: can he explain what is happening with the Ann Street onramp? Can he explain why, through his incompetence, he misled the House yesterday?

Mr SPEAKER: I want you to rephrase the imputations you have there. The question in its current form contains imputations. I am sure you can reword it.

Mr SEENEY: Thank you for the opportunity, Mr Speaker. The question for the minister today is: can he explain what is happening with the Ann Street onramp? Can he explain why his answer yesterday appears to have misled the House?

Mr WALLACE: I am more than happy to explain. The platform which the honourable member for Maroochydore mentioned yesterday has been carefully designed to be safe, robust and trafficable to all traffic at 40 kilometres per hour. The temporary platform has been placed on the Ann Street onramp at the Riverside Expressway to allow installation of a 5.3 metre high positive stop barrier. That is why we have a 40-kilometre-an-hour limit in place, for that particular work to take place.

This work, contrary to the assertions of the member for Maroochydore yesterday, is not in any way related to the bearings on the Ann Street onramp. The temporary platform has been put in place to allow excavation works to be carried out underneath to enable construction of the footings of the positive stop barrier. The platform has been designed in such a way as to provide for daytime traffic—

Opposition members interjected.

Mr WALLACE: Mr Speaker, they have asked the question and they should listen to the response.

Mr SPEAKER: Resume your seat and I will wait for order.

Mr Nicholls: You didn't want to answer the question yesterday.

Mr SPEAKER: Member for Clayfied. I call the Minister for Main Roads.

Mr WALLACE: Thank you, Mr Speaker. The platform has been designed in such a way as to allow for daytime traffic to still use the onramp but for it to be removed at night so the construction works can continue. The platform is not semipermanent, as was suggested yesterday. It will be there for the duration of the construction footings and is removed five nights a week and reinstated, ready for traffic use, the next morning. As I said, the platform is designed to be safe for 40-kilometre-an-hour traffic. The temporary platform is expected to be in place for about another month whilst the necessary works are completed.

The positive stop barrier which is being constructed is intended to provide an extra level of protection for the Kurilpa pedestrian bridge in the unlikely case of an illegal overheight vehicle making its way into the area. The Kurilpa Bridge has a—

Mr Seeney: Did you get it wrong yesterday?

Mr SPEAKER: Order!

Mr WALLACE: I spoke yesterday about the 40-kilometre-an-hour limit on that ramp as those works are underway.

Opposition members interjected.

Mr SPEAKER: Order! Resume your seat! I will wait again for the House to come to order. I call the honourable minister.

Mr WALLACE: Importantly, we are keeping the men and women who are building that project safe as they construct it. I make no apologies for that.

Opposition members interjected.

Mr SPEAKER: Order! Minister, resume your seat and I will wait for the House to come to order. I call the honourable minister.

Mr WALLACE: My department and I make no apologies for standing up for the safety of our workers—the people who are building the roads right across this state. That is why I listened to the advice of my engineers when it came to putting that 40-kilometre-an-hour speed limit in place.

Building Laws

Ms van LITSENBURG: My question is to the Minister for Public Works and Information and Communication Technology. I refer to my representations on behalf of my constituents and I ask: could the minister please advise the House of the strength of Queensland's building laws, regulated by the Queensland Building Services Authority?

Mr SCHWARTEN: As the honourable member said, she takes a great deal of interest in the construction industry in Queensland. Back in 1999, the first year of our government, the now Leader of the House, the Hon. Judy Spence, enacted the better building industry reform. Out of that we received very strong legislation that had as part of it five-year bans and a provision for antiphoenix legislation which prevented somebody from recidivism. What that meant was that people in the industry who were badly behaved could not take a position of significance on the board.

I took this over in 2001. In 2003 we introduced life bans for builders who did the same sort of thing. Anybody who was a constant reoffender—that is, somebody who did it twice—would be thrown out for life. They were banned for life. There is the five-year ban and then the ban for life. That has been successful in Queensland. I believe we have the strongest laws anywhere in the world in that regard.

The great thing about it is that there has been bipartisan support for that right down the line. I am sure there is a bit of bipartisan support to make those building laws relevant to those who sit opposite when it comes to the way they have been dealing with their party. We have serial offenders over there who would benefit from this legislation—the antiphoenix laws, for example.

In 2003 the member for Toowoomba South was stabbed in the back by the deputy leader—first offence. Normally that would have been a ban of five years. That would have been of some benefit to the member for Callide, because it would have protected him: along comes January 2008—stab again! So we have two hits. If the deputy leader were a builder he would have been banned for life then and that would have then protected the current Leader of the Opposition. He would not find himself in the position that he is—the hapless water buffalo bogged in the sand, waiting for the safari to come over the hill. The reality is that the builder of the LNP, as referred to by the leader, is somebody who needs the enforcement of the building services act against him to protect the Leader of the Opposition.

Safety in Schools

Dr FLEGG: My question without notice is to the Minister for Education and Training. Will the minister explain why a reportedly unprovoked attack resulting in serious injury to a student at Southport State High School was unreported to police? Can the minister explain why children in our state schools continue to suffer serious assault?

Mr WILSON: I thank the honourable member for the question. This is an extremely serious issue that has been canvassed in the public arena most recently and particularly crystallised by the tragic death of that student in New South Wales. I think it is incumbent, frankly, upon all members of this House to treat with the appropriate level of seriousness this important issue and not to descend into exaggeration or distortion or to pre-empt the proper consideration that should be given to any incident, such as the incident the member has described, when it does occur in any school in Queensland—whether it be a state school, an independent school or a Catholic education school. In this particular instance, it is my understanding that an investigation is underway by the Department of Education and Training, which we would expect should take place.

Dr Flegg: Wouldn't you expect them to call the police?

Mr WILSON: I would appreciate the member being respectful of the challenges that are faced by teachers and principals in every school in Queensland when these regrettable incidents that the member is alluding to here today take place. That is why there is an ethical standard approach. There are proper rules and regulations about the way in which investigations should take place regarding incidents like that. This is underway now with Education Queensland, as happens when other incidents happen in state schools and no doubt happens when incidents like this happen in the Catholic education system and in independent schools. It is important for parents and school communities and principals to work closely with all of the relevant authorities to act quickly and appropriately to deal with incidents like this when they do happen.

At the conclusion of the investigation in this particular case, if there are lessons to be learnt—there is and should always be an attitude of looking for the lessons of how to do things better next time, apart from the outcome of any investigation regarding wrongdoing by a student—about the timeliness of engaging Child Safety or the police or any other relevant agency, then Education Queensland will act on the lessons coming out of that investigation. Likewise, if there are issues to do with communications with parents and the school community where lessons can be learnt, we will learn from that as well, because, at a school level, the principals and the parents and the school community are committed to making sure that bullying is not tolerated, is unacceptable and that everything will be done to make sure that it is rooted out in our schools.

(Time expired)

Police Resources

Ms NELSON-CARR: My question is to the Minister for Police, Corrective Services and Emergency Services. Can the minister advise how the tough choices made by the Bligh government are ensuring police services in this state are maintained?

Mr ROBERTS: I thank the member for the question. As members are aware, we are facing tough economic times and the Bligh government has taken some tough decisions to ensure that front-line services can continue to be delivered and, most importantly, that funding is available to support our jobs plan which is supporting in excess of 120,000 jobs in the Queensland economy.

The Police budget this year has increased to a massive $1.7 billion, and that is around an 8.5 per cent increase over last year. That has provided for a range of significant initiatives including an additional 203 police officers this year of a total minimum of 600 over the term of this government who will be rolled out across this state; $57 million for new and upgraded police facilities and resources; $100 million for ICT projects, including the new Policelink, which will be located at Zillmere—again, a significant project providing an alternative to the 000 network to try to remove some of those 000 calls to the Policelink non-emergency call centre; and money for new vehicles and equipment et cetera. In a nutshell, the Bligh government has made a conscious decision to continue supporting our capital works program to support jobs but, most importantly, to maintain service delivery and improve resources for front-line service delivery.

But there has been an alternative proposed, and of course the opposition seems to want to take a leaf out of the Western Australian example, and this morning we have seen some instances of further support for the model that is being promoted in Western Australia. As we know, in the last Western Australian budget there were massive cuts to front-line services and massive cuts to government departments in a range of areas. On 15 May the Leader of the Opposition put out a media statement praising the Western Australian government in terms of its budget position and saying that it was in stark contrast to the situation which existed in Queensland. Of course, he is absolutely right: it is in stark contrast to what has happened in Queensland, because we have chosen to support front-line services and to continue supporting the jobs that go along with the investment in the infrastructure.

Let us look at some of the media coverage on what is happening in the west. *WA Today* reports that police spending has been slashed by $27 million to meet the required three per cent efficiency dividend—the same efficiency dividend that the former Leader of the Opposition promoted during the last election—and that is having a massive impact in Western Australia on police resourcing. The *Sunday Times* reports that a quarter of Crimestoppers staff have been scrapped because of these cuts—a quarter of Crimestoppers staff, those people who take those critical anonymous calls to solve crimes, cut in Western Australia due to these budget cuts.

(Time expired)

Ambulance Service, Bullying

Mr MALONE: My question is to the minister for community safety. Can the minister explain to the House how he plans to rid the Queensland Ambulance Service of its culture of fear and bullying when a member of his newly announced high-powered panel of three to deal with harassment complaints—namely, the ethical standards director—is himself the subject of an outstanding bullying complaint?

Mr ROBERTS: I thank the member for the question. As the member has indicated, there have been a number of issues raised in the media in recent times about allegations of bullying and harassment within the Queensland Ambulance Service and indeed other agencies. Of course, the obvious response to that is that any form of bullying and harassment is absolutely unacceptable within any of those agencies. Employees are entitled to have those matters properly heard and to have them dealt with appropriately by those agencies. Within the Queensland Ambulance Service, the Queensland Fire and Rescue Service and indeed all of the agencies I am responsible for there are appropriate mechanisms in place for people to raise those complaints and have them dealt with.

However, as a result of some of the recent coverage—and this is not in response to my lack of confidence in the current arrangements—we provided an alternative pathway for people who did not feel comfortable raising direct complaints within their particular agency and we created an alternative complaints mechanism comprising senior and highly respected officers of the Department of Community Safety. That alternative process to date—at least as of a couple of days ago—had received five complaints regarding bullying and harassment in the Queensland Ambulance Service, a couple from the Queensland Fire and Rescue Service et cetera.

So some employees are choosing to use that alternative pathway as a way forward. The people who have been appointed to that pathway have my utmost respect and confidence. They include two female senior representatives of the Department of Community Safety, lawyers and highly respected people and also the person to whom the member has alluded, who heads up the ethical standards group. The advice I have received is that, yes, there was a matter lodged in relation to that particular person. The advice I have is that that matter has now been settled and was unsubstantiated.

Again, the member has taken the opportunity within this parliament, with half-truths and misinformation, as he did earlier this week—

A government member: Half-baked truths.

Mr ROBERTS: Half-baked truths to undermine the credibility of people who are highly respected within my agency. I have confidence in the people who are heading up that panel. I encourage employees who feel that they wish to raise matters about bullying and harassment, which is a serious issue in any agency, to do so and I assure them that they will be treated properly by that alternative panel and those matters will be properly investigated and death with.

North-West Rail Line

Mrs KIERNAN: My question is to the Minister for Transport. Can the minister advise of the government's plans for the north-west rail line and what alternative policies have been announced?

Ms NOLAN: I can. The Bligh government is committed to ongoing reform to improve freight services in the north-west. Over the past 12 months we have undertaken a substantial program of general freight reform on the north-west line. That reform has saved taxpayers $10 million a year. It has led to better services for QR's general freight customers. It has put no extra trucks on the road and it has ensured Queensland that railway workers' rolled gold employment conditions are guaranteed.

One would have to argue that that is a reform that is of unquestionable public benefit. But is that the view of the old National Party? It would seem not. On that round of reforms, the member for Gregory said that we had abandoned rural Queensland. The member for Dalrymple put out a press release that said that I should stand down. The member for Condamine said that we were destroying local communities. That is strong stuff in the face of unquestionable public benefit.

But that is not all in relation to the north-west line. In addition to those overwhelmingly positive changes, I have also recently reassured customers on that line regarding the future of cattle train services. Indeed, the National Party was in that one as well. In the two days after I put out a release titled 'Minister guarantees cattle trains will continue', the member for Maroochydore—the shadow minister—put out her own press release calling on me to guarantee cattle train services. Keep up.

That is not all in relation to the north-west line. In addition to those changes, the government has recently announced a comprehensive master plan for the future of rail services on the north-west line. So where does the National Party stand on north-west services? Just recently in an ABC interview the Leader of the Opposition was asked about cattle train services. He said—

We are saying that Rachel Nolan, the Transport Minister, needs to listen to cattle producers and the subsidies that need to be, according to her, provided to be able to provide these services, that is, you should do what you are already doing.

He was asked a series of questions to which he had no answer, but the cracker was when the presenter said to him—

I'm not really hearing any real solution to some of the problems.

to which he said—

We're not going to say carte blanche that we are just going to provide all the answers in some miraculous magic pudding form. It's up to Anna Bligh and Betty Kiernan in this region to make sure that they provide the answers.

I guess that is probably better for everyone.

(Time expired)

Feedlot Operators

Mrs PRATT: My question is to the Minister for Primary Industries, Fisheries and Rural and Regional Queensland. QPIF's intensive livestock unit has been given concurrent agency approval for a feedlot expansion even though the owner appears to have failed to demonstrate competence with his existing licence. I ask: has QPIF ever sought and obtained the conviction of any beef cattle feedlot operator for wilful or non-wilful breaches of licence conditions? As my advice from QPIF is that past history is not taken into consideration when approval for expansion is sought by such operators, will you amend this situation?

Mr MULHERIN: I thank the honourable member for the question. In relation to approvals of cattle feedlots, we are a concurrent agency. The final decision rests with local government. As to those operational matters that the member has raised in relation to convictions, I would appreciate it if the member would provide me with the relevant details and I will arrange a briefing for her.

Mr SPEAKER: Before I call the member for Whitsunday—member for Nanango, you realise, of course, you should have rephrased that question.

Mrs PRATT: Yes.

Emissions Trading Scheme

Ms JARRATT: My question is directed to the Minister for Climate Change and Sustainability. What developments have there been in the debate over emissions trading in recent weeks?

Ms JONES: I thank the honourable member for her question and for her interest in climate change. She represents a seat that relies on the Great Barrier Reef. This week we all heard that we need to take urgent action when it comes to protecting the Great Barrier Reef and climate change.

When it comes to climate change, the position of this Labor government is very clear. We understand that it is real, we understand that it is happening and we understand that we need to act. A couple of weeks ago the Premier and I launched our new ClimateQ strategy—a $196 million investment in climate change policy, which represents a whole-of-government approach to addressing climate change in Queensland. We have also seen action at the federal level with the coalition even supporting the renewable energy legislation that was before the federal parliament. We have heard Malcolm Turnbull make it very clear what he thinks is the view of the conservatives when it comes to an emissions trading scheme and saying that he will work closely with the Rudd government to get an emissions trading scheme in place. I support that.

However, the honourable leader of the conservatives in the country needs to have a look at his own backyard in Queensland, where the message obviously has not reached the LNP. At the LNP conference in July we saw a unanimous vote against an emissions trading scheme. That is actually good, because that was the first time we had a clear position on where the conservatives stand on climate change and the emissions trading scheme.

As referred to in the *Courier-Mail* on 21 July 2009, there was a unanimous vote against introducing an ETS.

Honourable members interjected.

Mr SPEAKER: Order! The minister will resume her seat. Stop the clock. I will wait for the House to come to order. There is too much noise on both sides of the chamber.

Ms JONES: The different position between the conservatives federally and the conservatives in Queensland, the LNP's unanimous opposition to an ETS, begs the question: what is the difference between the conservatives in Canberra and the conservatives in the LNP in Queensland? I think we have the answer in today's *Courier-Mail*. It might be the Leaders Club—the 20 people who are paying $16,500 to write their policy. Is it them who told the LNP to vote against an emissions trading scheme? Who are the 20 people who have paid $16,500 to write their policy? Is it them who said to the honourable members opposite that they should vote against an emissions trading scheme—go against their federal leader, go against all the action that we are taking against climate change? We need to know who those 20 people are. We need to know whether that $16,500 paid for them to make sure that an emissions trading scheme does not get up in Queensland, which is the position of those opposite.

Sunshine Coast, Intensive Care Paramedics

Mr ELMES: My question is to the Minister for Police, Corrective Services and Emergency Services. I refer to the minister's answer to a question asked by the member for Nicklin yesterday about intensive care paramedics. I table this leaked QAS memo and staff roster, which warns that because several of the region's eight to 10 intensive care paramedics were in line for promotion, there can be no guarantee of coverage.

Tabled paper: Copy of a memorandum from Michael Riordan, Acting Area Director, Sunshine Coast Area, Queensland Ambulance Service, regarding support roster expressions of interest [842].

Who should the public and the QAS staff believe—the minister or the memo and the staff roster?

Mr ROBERTS: I am very well aware of the memo that was leaked to the member for Noosa. It does not accurately paint a picture of what is actually happening on the Sunshine Coast. If the member would like to read my answer yesterday I clearly explained to him that currently on the Sunshine Coast there are, from recollection, around 27 intensive care paramedics. A number of those are on higher duties. They are available for relief. They provide 24-hour coverage across three 24-hour shifts on the Sunshine Coast.

The memo that the member is referring to was sent to individuals to advise them that should people remove themselves from current intensive care positions then those positions would need to be replaced by other people on those rosters. The memo that the member has does not indicate that there is not adequate people to cover intensive care rosters on the Sunshine Coast.

Mr SPEAKER: The honourable minister's time has expired. The time for question time has ended.

CRIMINAL CODE (MEDICAL TREATMENT) AMENDMENT BILL

Second Reading

Resumed from 1 September (see p. 1982), on motion of Mr Dick—

That the bill be now read a second time.

Mr SPRINGBORG (Southern Downs—LNP) (Deputy Leader of the Opposition) (11.30 am): I rise today to indicate that the LNP will be supporting the bill before the Queensland Parliament. However, I need to point out at the outset that our support of this bill has some qualifications. The first of those qualifications is that we are making this particular decision based on not having the legal advice which is available to the government. The other qualification is that we have been assured that there are no unforeseen circumstances as a consequence of the amendments that are being proposed to the Criminal Code.

In relation to the issue of the legal advice, I have been assured by the Attorney-General that there is nothing that is available to them in their legal advice that should lead us to believe that this bill before the parliament today would extend in any way the opportunities for termination of pregnancy in Queensland. This legal advice indicates that the bill before the House today will clearly address the policy direction of the government to ensure that the law as has been taken to exist and operate in Queensland since 1986 will continue.

This is a highly personal and emotive issue for most members of this place. As I said yesterday when I stood to speak on the motion moved by the government to make this an urgent bill, there would be an extraordinary diversity of views within this parliament. Indeed, there are probably as many views on this particular issue as there are members who occupy this House. In the context of that we and members of the government have tried in good faith to come up with a legislative solution that we can endorse that provides support for the operation of the law that has existed in Queensland since 1986.

I am grateful that yesterday the government provided an opportunity for the opposition to have an additional 24 hours to allow us to consider this particular legislation in its broadest context because we all know that any legislation devised in haste in response to a problem can open up a range of other potential questions, problems and quandaries further down the track, and therefore we have to make sure that we get the best outcome.

This matter came before the parliament for the simple reason that in recent months there has been a growing question amongst some in the medical community who have been performing medical pregnancy terminations in accordance with the test that exists under section 282 of the Criminal Code that they indeed may not be covered by the general protections that exist therein. As a consequence, this has raised a diversity of legal concerns. It is important to point out that there is a great diversity of legal concerns. There is the view at one extreme that the existing law and the protections that are in section 282 of the Criminal Code cover off adequately. However, there is another view, based on advice that has been received and some comments by a judge, that this indeed might not be the case and that the protections that exist under section 282 of the Criminal Code for a surgical termination of pregnancy, if it can be justified in the circumstances of protecting the life, health and wellbeing of the mother, would not indeed extend if such a termination were to happen in a medical form—that is, a drug induced form.

During the debate today honourable members on both sides of this parliament should not cloud this issue. What we are dealing with is something that is extremely narrow in its application. It simply seeks to ensure that the law which has operated in Queensland since 1986 by virtue of legislative change and by virtue of the McGuire decision can continue to operate as many of us believe it has operated in the past 23 years. This is a medical debate. A pregnancy termination remains a criminal offence unless the life of the mother is jeopardised. The fundamental principle is not changed, impinged or affected in any way whatsoever by this bill before the parliament today. I will say it again: it is a medical debate, not a debate about the extensions of provisions in the criminal law in relation to termination of pregnancy. Those particular tests remain absolutely the same. There will be people in this place on either side who have a diversity of views, but as we start off this debate we need to understand that this is a medical debate.

This is indeed a difficult and complex matter. It is overlaid by the rights of a mother and certain rights to consider the unborn. It is overlaid by the concerns of the medical profession who has, as a part of its Hippocratic Oath, the responsibility to protect human life at all costs. It is also overlaid by the complexity of the medico-legal argument that has ensued in recent weeks and has played out to a small extent in a judgement in the court.

This law needs to be amended to provide unequivocal assurance that Queensland women can be protected and are not denied access to a particular procedure that they may have reasonably been able to expect to receive without legal question only a matter of weeks ago. This debate is about passing this bill to ensure that the law as we have believed it to exist since 1986 will continue to operate in Queensland in a way that will protect the interests of those particular women that I have referred to. I will labour this point for a moment: the test is absolutely the same in the Criminal Code in relation to the application of this law insofar as it refers to a reasonable case to request a termination of pregnancy when the life of the mother is jeopardised. The test is exactly the same. This does in no way liberalise that test, it in no way restricts that test and it does not in any way modify that test. All it seeks to do is to clarify the law in light of technology. These terminations are happening increasingly using a medical means rather than a surgical means. In no way does it mean that there will be more terminations. That test still continues to exist insofar as those women who require a pregnancy termination in order to save their lives and their fit state.

We do know that medical technology does change. That should be the only real consideration of the Queensland parliament today as it looks at this issue: what has happened with medical technology and the way it has evolved over time? Interestingly, what we are debating here today is to give clarity to the fact that certain procedures have been happening medically which we have felt were always legal within the Queensland law. But, again, there has been that question. Certainly these procedures—principally drug induced terminations—have been happening in Queensland for a great number of years, and this bill gives legal recognition of that in light of the protection that exists in section 282 of the Criminal Code, which will be modified by this amending bill to include paragraphs 282(1)(a) and (b).

The other issue that should not be lost in all of this is that the protection with regard to a medical termination is only one aspect of the bill that is before the House. Indeed, if you look at the broader context of the amendment—the rather short amendment that we are debating here today—you see that it simply seeks to provide general protection for those people who are involved in medical or clinical fields or at the direction of a medical practitioner insofar as the treatment which they may recommend in the case of their patient is concerned. So this could simply be the case of a mother who under the direction of a doctor is providing a prescribed antibiotic to her child, or a carer who is providing at the direction of the doctor a prescribed antibiotic to somebody who is in their care.

These questions arose, as I understand it, during the course of consultations undertaken by the government once it sought to address this issue which had been raised by people in the field with regard to medical terminations. That is why the amendment is not as simple as some people thought—that it could simply be a surgical or medical procedure. It needed to be somewhat broader—to consider not only medical advances in the area of terminations but also necessary protections for those people who are legitimately engaged in the protection of people's health and welfare in carrying out their day-to-day operations in the health field in Queensland. So it is an amendment that seeks to recognise and to provide assurance for those people who are medical practitioners in their various derivations.

It would be wrong if we as a parliament—with advancing technology, with more access to information—and as an advancing and compassionate society did not legislate to update the criminal law to take into consideration those particular concerns that are brought to our attention from time to time. That is all this bill seeks to do today. It would be wrong and derelict of this parliament if we did not do that.

In conclusion, I simply say to honourable members that, as we debate this bill during the course of the day, we are not here debating the issue of termination of pregnancy and the extension or restriction of that. This is simply about the maintenance of the existing test. This is about the way technology has advanced over time. This is about providing particular protections to ensure that people who qualify under the criminal exemption clause in the Criminal Code are able to access the treatment which is necessary to save their life. That is the question which members of this House need to occupy their mind with, not broader issues which, frankly, are extraneous to the debate that is before the parliament today.

With that qualification about us making the decision based on our access to a briefing about what the legal advice says and assurances given to us that there will not be unforeseen consequences, the LNP will be supporting this bill before the parliament today as we recognise that the law does need to take into consideration changing circumstances.

Mr McARDLE (Caloundra—LNP) (11.45 am): I rise to make a brief contribution to the bill before the House today. It is very important, as the shadow Attorney-General stated, that the bill does not alter the intent of the existing law. The bill is simply updating the law to reflect modern medical procedures. In 1986 this parliament passed what is currently section 282 of the Criminal Code. Quoting from Carter's, under 'Scope of section', it states—

The section relieves a person from criminal responsibility for the performance of a surgical operation upon any person for the patient's benefit or upon an unborn child for the preservation of the mother's life, if the operation was performed in good faith and with reasonable care and skill. The performance of the operation must have been reasonable, having regard to the patient's state at the time and to all the circumstances of the case.

Of critical note in that section is the phrase 'for the preservation of the mother's life'. The bill before the House does that by acknowledging modern technology, modern medical techniques, to ensure that the law in 2009 reflects the Criminal Code as it stood in 1986, modernised by way, as I said, of technology in medicine.

As the shadow Attorney-General said, there is a proviso to the agreement of the LNP. We have taken the government at face value. We have also looked introspectively in relation to the bill before the House and we have come to the conclusion that it does nothing more than modernise the law as it currently stands, and so it should. Laws should always reflect the times at which they are looked at. If that means we take into account medical procedures in these circumstances then so we should, because there is more at stake than just this House.

Questions have arisen in the last two to three weeks posing serious conundrums for the medical profession, posing serious questions in relation to the legality of the actions that they take. We are obligated to give certainty, both at law and to the medical profession, that they are complying with the law of this state as it stands at any time. That is what this bill before the House is all about.

Section 282 provides protections for members of the medical profession, provided they confine their actions to the terms of the section as it stands. The section as amended will do no more than, as I said before, reflect current medical technology and current medical practices, provided they comply with the terms of section 282.

The shadow minister made it quite clear that this is a difficult area and there are many emotions that run through the question that is contained in the point of termination, but that is not the bill before the House. The bill before the House, in my opinion, is simply a reflection of current technology, current medical practices, and providing protection in the confines of what will be the new section 282 to medical practitioners. It is upon that narrow base that the LNP does support the bill before the House and, as the shadow Attorney-General made very clear, upon the basis of the advice given by the government in these circumstances.

Ms GRACE (Brisbane Central—ALP) (11.49 am): I rise to support the Criminal Code (Medical Treatment) Amendment Bill 2009, and I do this for a number of reasons—one being that I firmly believe that Queensland legislation should be relevant to the realities of life and keep pace with up-to-date changes in society. Recently in this House we have modernised and contemporised a number of

important acts—namely, the youth justice act just this week and the adoption laws recently, while currently the victims of crime bill is being debated. These are all aimed at reflecting modern changes, thinking and realities. These bills aim to provide greater assistance, surety and practical changes in the laws to not only reflect current community standards but also provide greater assistance to those people affected by the laws. This bill is no different.

It aims to amend and modernise an existing law to reflect modern and changing medical techniques probably not thought possible when the laws were first introduced in this House. Clarifying the law is an important function of this parliament, particularly when not acting places innocent people and professional practitioners at risk of criminal prosecution for actions that were never intended to be illegal or criminal in nature.

This bill is not seeking to alter the current law in relation to the substantive issue of medical terminations which have been clear in Queensland since 1986. But, equally, we cannot stand by and allow existing out-of-date laws to continue for any length of time that have the potential of making, unintentionally, criminals of both health professionals and the public. These people deserve to be protected and we need to provide certainty as far as is possible for both the highly trained health professionals and the public caught up in the current uncertainty that comes from old and/or out-of-date laws.

The law applies to a range of treatments that have historically been done surgically but which modern medicine has now found non-surgical alternatives for. These include cancer treatment, which was once done surgically but is now performed through chemotherapy and radiation. It includes bacterial infection treatments that were once performed through amputation and are now treated with antibiotics. Amazingly, our Criminal Code provides that surgery to benefit a patient cannot be a crime but other medical procedures can be even if they achieve the same result in a safer manner.

Of course the changes are uncontroversial in that they protect doctors who administer chemotherapy, but they are more controversial—and I acknowledge that—for doctors who perform medical terminations, and I understand and respect many of the varying views on the subject. The law remains unchanged by this bill about when a termination is lawful. It must be for the preservation of the mother's life, as that phrase has been defined. It must be performed in good faith. It must be performed with reasonable care and skill and it must be reasonable.

This bill allows a doctor and a patient to decide whether the procedure should be done by surgery or as a medical procedure. There is no good policy reason why a procedure that can be done lawfully through invasive surgery cannot be done lawfully through less invasive means. I believe this is only common sense. We do not want any patient having to face surgery when a safer medical treatment is available, just because the law does not clearly allow it. That is true whether the procedure is cancer treatment or a medical termination. We cannot afford to bury our heads in the sand on this issue. This bill simply allows that to happen in the safest way possible. Doctors tell us that in many cases the safest procedure is to avoid surgery. Many in the community understand and support this position. That is the principle that lies behind this bill and that is why I support it. I commend the bill to the House.

Mr GIBSON (Gympie—LNP) (11.53 am): I rise to make a contribution to the Criminal Code (Medical Treatment) Amendment Bill 2009 not simply as the member for Gympie representing my constituents but also taking a broader view and articulating the views of those in the state of Queensland who hold the sanctity of life to be one of the most important principles that we as a society can cherish and uphold. Concern for the health of an unborn child or a mother is a vital one. Circumstances in which the termination of a pregnancy is necessary to save the life of a mother are rightly a concern, particularly when modern medical care is available. There are also times when abortion is sometimes considered advisable to preserve the physical and mental health of a mother, and these are also rightly of concern and are currently provided for under Queensland law.

As has been stated, the objective of this bill is to ensure that the Criminal Code provides a defence from criminal responsibility in appropriate circumstances to a person who provides medical or surgical treatment for a patient's benefit or provides surgical or medical treatment affecting an unborn child for the preservation of a mother's life or for the benefit of the unborn child. There will be many in our communities who will be following this bill with great interest. There are many who will be asking questions as to why this was not a conscience vote. There will be those who will be following in the media and perhaps will not understand the technical nature of this bill. Indeed, in a media report today the headline stated that this bill will legalise drug induced abortions. Clearly, this is incorrect, but it highlights the broad interest in this issue and misunderstandings about this bill.

The amendments to section 282 of the Criminal Code as it stands give doctors a defence only for well-considered and carefully performed surgical operations and medical treatments. These amendments do not in any way decriminalise abortions, either surgical or drug induced. The LNP will not be opposing this bill—that has been made clear today—because the amendment does not touch on the moral question of abortion at all. It does not address whether abortion is justified or not, nor does it change the legal test that has been in place since 1986. To put it simply, this bill does not address the why, rather just the how.

This amendment simply ensures that if there is ever a good faith scenario where a pregnancy must be ended to preserve the life of a mother then a doctor should be equally protected in law if they do this by a surgical procedure or by a medical treatment. The moral issue is a complex one upon which qualified people differ in opinion. There are many in this parliament on both sides and across this state who continue to maintain an opposition to unjustified abortion, but that is not the issue that we are called upon to debate before this House today. I note that it has been the government's overriding position simply to clarify the law with respect to abortion and not to alter the current law that has been in place in Queensland since 1986. It is not the intent of this bill to either increase or decrease the prevalence or availability of abortion within the state of Queensland.

For those of us from a strong position for the dignity and sanctity of human life, this bill has been one that I am sure has weighed upon all of our minds. It has caused us to reflect upon those important questions that we must face as legislators, but whilst our thoughts may draw upon a broader view we have the responsibility this day to look at the details of this legislation that is before the House. We must understand that, where it is necessary to preserve the life of a mother, medical professionals should have equal access to both surgical and medical treatments.

I note the fact that we will not be opposing this bill is qualified because we have not seen the crown law advice provided to this government. We have sought advice widely from bioethicists and from lawyers to provide us with a reassurance that there are no unintended consequences within this bill. The advice that has been received is similar to the assurances provided by the government in its briefings, but I must put on the record that it would have been easier if we had been able to have access to the crown law advice that the government relied upon with these amendments.

There are many who have concerns with the current level of abortions in this state and have the view that this highlights a social tragedy. I believe this is a social issue and there is a need for mature and reasoned discussion, not just for legislators but within the wider community. That will be at other times and in other places—perhaps even in this House—where the moral issue can be addressed. In a healthy and robust democracy like we have in Queensland, it is not a debate that we should fear, but today is not the day for that to occur. Today we must focus our attentions on the matters that are before the House in this amendment and, in doing so, find that we are addressing a technical question. It is for that reason that I will not be opposing this bill.

Hon. AM BLIGH (South Brisbane—ALP) (Premier and Minister for the Arts) (11.59 am): I rise to support the Criminal Code (Medical Treatment) Amendment Bill. As other speakers have noted, this bill does not extend the circumstances in which a termination of pregnancy can be provided for in Queensland. What it does allow is for any medical procedure that would otherwise be done surgically to be done medically instead.

The law applies to a range of treatments that have historically been done surgically but for which modern medicine has found non-surgical alternatives. These include cancer treatment once done surgically and now through chemotherapy and radiation. It includes bacterial infection treatments that were once performed through amputation and now are treated with antibiotics.

Amazingly, our Criminal Code provided that surgery to benefit a patient could not be a crime but that other medical procedures could be, even if they achieved the same result in a safer manner. Of course, these changes are uncontroversial in protecting doctors who administer chemotherapy but they are more controversial for doctors who are performing a termination of pregnancy. The law remains unchanged by this bill about when a termination of pregnancy in Queensland is lawful. It must be for the preservation of the mother's life as that phrase has been defined. It must be performed in good faith. It must be performed with reasonable skill and care, and it must be reasonable.

There is no good policy reason why a procedure that can be done lawfully through invasive surgery cannot be done lawfully through less invasive means. Surely none of us would want any patient having to face surgery when a safer medical treatment is available just because the law does not allow for it. That is true whether the procedure is for cancer or whether it is in relation to abortion. The sad reality is that there are women in Queensland who face very difficult pregnancies or who have other health problems while pregnant and in many cases may not survive carrying their foetus to full term. I do not intend to go through all of the circumstances in which this might apply, other than to note that it will provide doctors with the option of making a medical decision in a way that gives them legal certainty.

I think there is broad agreement and understanding across the House about what this bill will achieve and, more importantly, what it is not intended to do. But I did want to take the opportunity today to respond to a number of people who have been contacting my office who have very strong views on this issue and who do not understand why this bill before the House is not about a much broader review of the law in relation to termination of pregnancy.

I would say to those people a couple of things. Firstly—and I agree with the member for Gympie on this—should this House ever have such a debate, it should be a debate that is not held in rushed and urgent circumstances. It is a debate that would involve very serious ethical and moral questions for many members of the House, and it is a debate that should occur in a way that allows everybody to explore all of the social and moral issues that are of significance and importance to them.

My own personal views on this issue are well known. I was first asked about my views on this during the election campaign of 1995 when I became a member. I was canvassed on this issue by the Right to Life organisation. It is its democratic right to ask anybody who is a candidate what their view is on the matter, and I answered it honestly. I told it that I have a very strong personal view that these are difficult matters that are, rightly, a personal matter between a woman, her partner and her doctor and that I did not believe they were appropriately dealt with by the criminal law. I have never changed my view on that. I know that it is a view shared by many. I think it is a view shared by many in the community.

I am equally aware that it is not shared by many. I am equally aware that there are many people in the community who have very strong views that are diametrically opposed to mine on this question. Like the community that we represent, this parliament is made up of people who have diametrically opposed views on this issue and probably have a gamut of views in between. I have received many letters and emails in the last couple of days from people who expect that a woman Premier who holds the personal views that I have would put this question to the parliament so that it could be debated because they believe that the law should change and that such a debate would result in a law change.

I think it is important for me to explain to those people that we are dealing here with this bill with a very limited and narrow technical legal issue that should be dealt with as a matter of urgency. The other matters are ones that I do not believe should be dealt with on the floor of this parliament in the context of this bill but may at some other point—in five years, 10 years, one year, who knows; if one of the members of this parliament ever decided to bring it here—be debated. I think everybody would expect, rightly, that it would be the subject of very thorough consideration.

Secondly, I think it is important for me to put on the record that my strong view from what I know of many members of this parliament on both sides, and views that they have publicly expressed, is that a bill brought before this House to substantially change the existing law on termination of pregnancy would not succeed. I do not see any point in bringing legislation into this parliament when you know it has no real prospect of success.

That is the view that I have on this matter. I thought it was important for me to put that on the record, because I think there is an expectation from some people in the community that I, as Premier, should take a different view. I know that these are very difficult issues that people have strong views on. The bill that is before the House really does not go to those views. The bill before the House is a bill with a technical amendment that will clarify the legal position of doctors who are making a decision within the context of the existing law. If they do not make the decision within the context of the existing law, it will be unlawful. But this provides specifically in relation to medical treatment similar protections that have been provided for a very long time in the Criminal Code for surgical procedures.

Can I also take the opportunity while I am on my feet to thank the opposition and Independent members of the House for what I think has been a very mature way of dealing with a very difficult issue. It is a good example of how people can come together across party lines on sometimes the most difficult of issues to ensure that when something really does need to be addressed in the public interest it can be. Today is a good demonstration of that. I know that it is not easy and I want to put on the record my very genuine appreciation, because I think it is important that we put the public interest first in these sorts of issues. So thank you. I commend the bill to the House.

Mrs CUNNINGHAM (Gladstone—Ind) (12.06 pm): I rise to speak to the Criminal Code (Medical Treatment) Amendment Bill 2009 in the knowledge that I hold a differing interpretation of the bill and its impacts from previous speakers, and I acknowledge that difference. I would like to thank the Deputy Premier for his briefing, although I note that the bill was introduced by the Attorney-General, who was also in attendance at the meeting.

I was provided with a brief history leading up to this point in time, and I would like to read that into the record. In the past month much has been reported regarding the issue of abortion. It has been driven by a well-orchestrated campaign from the pro-abortion lobby for the decriminalisation of abortion and, more specifically, medical abortion. Due to pressure from that lobby, the Queensland government has agreed to amend section 282 of the Criminal Code. Major pressure for the amendment originated and came from Cairns based abortion provider Caroline de Costa, who recently suspended abortion services due to the uncertainty of her position.

This excerpt from the *Weekend Australian* of 8-9 August offers the explanation of Dr de Costa's reasons for pushing the amendment. There were two factors in this decision, Dr de Costa said. Strictly speaking, elective abortions are banned by statute law in Queensland. Section 282 of the Criminal Code, however, does allow an abortion to be performed for the preservation of the mother's life. In 1986 Brisbane judge Fred McGuire interpreted this exemption broadly to create one of the planks in Australian case law that gives women access to elective abortion even when it is banned by statute. Dr de Costa's primary concern is that the legal situation is unstable and the prosecution of Leach and Brennan reinforced that.

The second issue she has with the existing law is the wording of section 282, which refers to a surgical operation to save the mother's life. How does the common law defence apply to her work with RU486, she wonders, when it is medical in its application, not surgical? In 1986 District Court Judge Fred McGuire's ruling interpreted the exemption to allow abortion in order to preserve the mother's physical or mental health. It can be argued that this precedent in case law has contributed to abortions being performed at an estimated rate of 14,000 per year in Queensland without prosecution. It is reasonable to suggest that the reasons for abortion in Queensland would closely align with those in South Australia—the only state to collect information regarding reasons for abortion.

As at 2002, 97.5 per cent of abortions were performed for mental health reasons. In terms of the proposed amendments to section 282 of the Criminal Code to afford the same level of protection to doctors performing medical abortions as is currently provided to doctors providing surgical abortions, it should be recognised that this amendment which is to be rushed through Queensland parliament this week has been called for by a major provider of abortions in Queensland to extend common law protection to herself to perform elective abortions for reasons of preserving mental health.

During the briefing on Tuesday afternoon the Deputy Premier advised that since 1986—that is, for 23 years—there has not been a prosecution for abortion in Queensland on the basis of the interpretation given by District Court judge Fred McGuire. I accept that information. As a result we now lose 14,000 babies a year. If we apply the interpretation of case law, they die to preserve the woman from serious danger to her life or her physical or mental health. I am sorry, but I find it very difficult to accept personally that all of these babies die in that specific circumstance.

I acknowledge that this bill covers more than just the administration of abortion drugs. It purports to cover a broad range of medical procedures. However, having given the information provided to me on Tuesday much thought, I am confident that the concerns expressed by doctors are not in relation to general medical procedures or emerging procedures in areas of general medicine. I believe that doctors would be confident that if they performed their general medical duties in good faith they would have little to fear. This bill is about giving doctors protection in their administration of RU486, Methotrexate or other like drugs. It is, I believe, only those procedures and late-term abortions which have been suspended. On 1 September 2009 Marissa Calligeros said—

Obstetricians at the Royal Brisbane and Women's Hospital, who would usually carry out about 80 medical abortions a year, mainly due to late-term pregnancy complications, have downed tools due to the recent ambiguity surrounding drug-induced abortions. 'Even though the black letter of the law says that abortion is still a crime in Queensland, this particular case (R v Bayliss and Cullen) protects obstetricians,' Prof Parker said.

'In effect we do have abortions on demand because the State is unwilling to take a case to court, because in practice the State would not be successful.'

The legality of the abortion issue resurfaced after a Cairns teenager, and her boyfriend were charged for allegedly procuring a 'backyard medical abortion' with a labour-inducing drug smuggled from the Ukraine.

Of the case in Cairns, Prof Parker said: 'In effect the police and prosecutors are proceeding as they are legally required to do under the law as it stands.

'I'm certain that had (the woman) been under the supervision of a doctor she would not have been charged.'

Madam DEPUTY SPEAKER (Ms van Litsenburg): Order! Would the member resume her seat. Can the member tell us whether this matter is before the court currently?

Mrs CUNNINGHAM: I have no knowledge that it is before a court.

Government members interjected.

Mrs CUNNINGHAM: I beg your pardon, when I wrote this speech it was not; my apologies.

Madam DEPUTY SPEAKER: Will the member make sure that she does not refer to it.

Mrs CUNNINGHAM: I certainly shall. I was reminded in the briefing on the Criminal Code amendments that amendments were passed similar to these in 1995 but not enacted. The debate occurred in mid-June 1995. I believe the inference in the briefing was that I would have supported the amendments then, and that inference was not lost on me. I may have judged wrongly the person who made the comment and showed me the document. I will put that on the record. I have checked, however, and the amendments referred to were passed prior to my being elected so I cannot answer for those changes.

Both government and opposition members have spoken to me about their concerns in relation to this debate and the sensitivity of it and I acknowledge that. Even though we have talked up to this point in time about this being a change to medical procedures right across-the-board, the pivotal issue of concern to individuals is its application in the abortion area.

I have been in this place long enough to know that even if a member speaks against a bill but fails to call a division they can later be accused of having supported the legislation. It has happened in this place on a number of occasions. Aside from the content and implication of this bill, the process issue is also of concern to me.

The contents of the bill were on my mind for much of Tuesday night and, when the extension was given until today, they were on my mind yesterday. I realised that if I supported this bill, which in part enshrines chemical abortion, the next time this issue arises I will be reminded of my support in September 2009. I do not wish to provide that opportunity on an issue of such importance to me personally.

One very valid comment made to me by a member of the opposition was that if we do not do this we are denying people access to emerging medical treatments. There are many valued emerging treatments that are not destructive. Part of this bill may deal with such new treatments. However, again, I cannot ignore the very real fact that this bill is primarily intended to cover the use of oral abortion drugs. This use in my mind is not a therapeutic use of new technology and medicines but is destructive. Babies will lose their lives.

On 30 August the Guild of St Luke issued a statement in support of children and the protection of children. Madam Deputy Speaker, I will not read all of the statement because it does refer to that matter that you have advised me is now before the courts. However, it says—

The Guild encourages society, doctors, politicians and the public to find positive and realistic solutions for women who are faced with a very difficult decision of an unexpected pregnancy.

The Guild calls on all politicians to recognise the distress each woman goes through in the wake of an unexpected pregnancy, and as a matter of urgency invites all elements of Government to work on practical solutions that will support these women and their babies in their time of vulnerability.

This is a very emotive issue. I commend the Premier for her statement that she does not intend to decriminalise abortion in Queensland. However, on the basis of information I have received and considered, this change will effectively give protection to doctors who perform surgical or medical abortions in circumstances in accord with the very broad interpretation of section 282 given by District Court Judge Fred McGuire in 1986. In practical terms, further change will not be necessary.

Each of us here love and value children. We may, however, hold differing views on when the protection of children should commence. I hold the view that that protection commences at conception. If it could be guaranteed that changes proposed in this legislation would only be used in the circumstances of the mother's physical or mental safety, I could support the bill. Such certainty is not present and I do not support the bill on that basis.

Mrs PRATT (Nanango—Ind) (12.18 pm): I rise to speak briefly to the Criminal Code (Medical Treatment) Amendment Bill 2009. The explanatory notes state—

The objective of the Bill is to ensure the Criminal Code provides an excuse from criminal responsibility, in appropriate circumstances, to a person who provides medical or surgical treatment for a patient's benefit or who provides surgical or medical treatment affecting an unborn child for the preservation of the mother's life or for the benefit of the unborn child.

The Attorney-General in his second reading speech and other members have in their speeches made reference to medical procedures such as antibiotics, chemotherapy, radiotherapy, ventilation, cardiac surgery, laparoscopic surgery and even anaesthesia. We would all say that these are very positive advancements in ensuring that, as a whole, we are saving lives.

It is giving premature children who might have otherwise died a few years ago the chance at survival. Such advances give extra time—extra years—if not totally remove the threat of what only a relatively short time ago would have been a death sentence for terminally ill loved ones. We who watch loved ones in these dire circumstances would beg doctors to use every possible medical advancement to extend the chances of life, regardless of cost. It is very common to dispose of our assets—sell even our homes even when the odds are against us—to access even the smallest possible chance for a cure. As individuals we give money totalling millions in donations and governments give billions to various research bodies to undertake research to cure the myriad diseases that exist. We are so desperate to advance medical research that we flirt constantly with the ethical and moral decisions.

Anyone who has received these procedures would voice their support for them and they would also thank anybody and everybody—and God—that they lived in a time when these procedures were available to them and that they could have just a little bit more time with the people they love. Antibiotics, chemotherapy, radiotherapy, ventilation, cardiac and laparoscopic surgery and anaesthesia—it is appropriate that the Attorney-General mentions these things. They are all life supporting. They are life-supporting medical research. No-one would ever want us to stop using them. But the issue we are debating here, however, is not so simple, because to ensure a mother's survival—albeit physical or mental—you are required to kill a foetus, to kill a child. It might be that in some cases the foetus is so impaired it might have aborted naturally, the foetus may not survive if carried full term or perhaps, sadly, die a very short period afterwards. They are perfectly normal. Without intervention, all of these things may well have happened. But with intervention it is the taking of a life. The aborting of a possibly healthy foetus is something that many in this chamber will feel extremely stressed about and, on that basis, there will also be concern in the wider community.

In fact, these are the kinds of issues that we have to debate that cause panic attacks in politicians because it is not black and white. It is the most difficult of decisions that we here in this place have to make, and it is just that—we have to make them. For many, there appears to be a huge disparity between the number of surgically required abortions and the number of abortions that actually do occur. There is also concern that, by the passing of this particular piece of legislation, there will be even more abuses occurring in the future. But I, in all conscience, cannot deny one woman legitimately requiring this procedure to not be able to obtain it when to do absolutely nothing would cause her and the foetus's death, and it is not an easy decision I have come to.

Those who abuse the intent of this legislation—be they the mother, the medical practitioner or others—will do so regardless and they must answer to their own consciences, and evidence exists that they do. It has been reported that in recent longitudinal studies in New Zealand by Professor David Fergusson and further research on women born at Brisbane's Mater Hospital in the early 1980s by Kaeleen Dingle of the University of Queensland it was found that there was a greater incidence of depression, binge drinking, drug taking and low self-esteem in women who have aborted compared with those who continued the pregnancy, and those findings remained firm despite adjustments for previous mental health and other problems.

I do not believe the majority of women take the decision to abort lightly. I have to believe—and I do so wholeheartedly—that those who perform surgical abortions and those who will issue the medication to induce a medical abortion do so within the bounds of this bill. Abortion should not be merely reduced to a form of contraception, but I also believe that it is fast becoming so. This bill amends section 282 of the Criminal Code to cover medical treatment which induces abortion, that being medicine taken orally or intravenously. This amendment will ensure medical practitioners treating their patients are provided with the appropriate legal protection for the appropriate use of medical and surgical procedures alike. Through medical advancements the necessity for invasive surgical procedures in some cases may not necessarily have to be the first option and as legislators we should be ensuring that the least invasive and traumatic procedures can be utilised.

This bill does not address the right or wrong of abortion, but it does seek to clarify and accommodate the changes in scientific medical advances. I have been advised that the legislation does do what the Attorney-General says it does—that is, it allows greater certainty for doctors administering medical abortions but does not provide for the decriminalisation of abortion. It is on these grounds that I do support the legislation before the House—with the proviso that, if those in good faith who have supported this bill find that the bill allows for circumstances not intended, the government or the government of the day brings forth an urgent bill—more urgent than this—to address the unintended result.

Mr CHOI (Capalaba—ALP) (12.25 pm): I rise to speak to the Criminal Code (Medical Treatment) Amendment Bill. Some 8½ years ago, two weeks after I was elected to this House, I went to my study and asked not to be disturbed by my family for a very simple reason—because, not being a lawyer and being elected to the very honourable position as a member of parliament, I had very little idea what I was supposed to do as a legislator. I want to ensure that whatever I do in my career as a member of this House is consistent with principles that are at least suitable as a member of parliament, and I asked myself some very difficult questions: what does a legislator do? Are there any principles that a legislator should comply with when he or she decides on an issue?

I found that the answers to my questions lie in the purpose of legislation. I believe that there are three purposes for legislation. The first purpose is to protect a person from another person—protect person A from another person just because person B does not like person A, and that is reflected clearly in our Criminal Code and, in effect, in other codes in this country, and that is easily understood by almost everybody. The second purpose of legislation is to protect person A from the authority, and that is why I supported this government when it introduced the Public Interest Monitor. When we want to give our Police Service more powers, there ought to be some checks and balances. We have to protect John Citizen from the authority from undue power and influence, and most people in this House would understand that.

The third purpose of legislation which is the hardest one to deal with is to protect person A from him or herself, and that is extremely difficult to do because it usually involves moral issues that we have to discuss and debate. I asked myself: should a member impose his or her moral view on another person to the extent that that person, if they breach the legislation, could be punished and sometimes sent to jail? That is hard. In terms of abortion, the first principle and the third principle apply. It is not just a moral issue. It is, of course, because a life or a potential life is involved. It is also about protecting a person from another, whether that person has a name or not. It has been said that abortion is a matter between a woman, her partner and the doctor. With respect, there is also an unborn person. A fertilised embryo is not a potential life but a life with potential. Most people in this House would know that I do not support abortion, except when the physical wellbeing of the mother is under life-threatening risk.

I accept that there are many different opinions among members of this House and it is not just about pro-life or pro-choice but there are probably many different positions between the two. However, this bill is not about abortion; it is about giving medical professionals the same protection from prosecution under the Criminal Code should a baby have to be aborted under the current legislation. It is about a surgical operation being legal whereas other medical procedures are not, even if those other procedures are safer and better for the wellbeing of the mother. It is about allowing the status quo to continue.

I am mindful of the fact that there are many in the community who want to loosen the abortion law and many who equally want to tighten it. Maybe one day we shall have the chance of having that debate in this House. But today is not that day. This bill will not in any way expand or contract the abortion provision in this state.

In a perfect world there is no violence, no crime and no unwanted pregnancy. I do not live in a perfect world. I have no choice but, with the greatest of reluctance, to support this bill.

Hon. CR DICK (Greenslopes—ALP) (Attorney-General and Minister for Industrial Relations) (12.31 pm), in reply: I thank all honourable members for their contributions to this important debate on the Criminal Code (Medical Treatment) Amendment Bill 2009. I recognise the support given by members on both sides of the House to the bill and the way in which all members discharged their duties as parliamentarians during the debate. It is a credit to the parliament that such an important matter can be discussed in such a mature, sophisticated and creditable manner.

The amendments contained in the bill clarify that section 282 of the Criminal Code, which currently applies expressly to surgical procedures, should also apply to medical procedures. The government's overriding policy prescription is to clarify the law. It is not to alter the current law with respect to abortion, either to increase or decrease its prevalence or availability.

Concerns have been raised that the current provision in the code may not provide a legal protection for persons providing medical treatments. This has been noted by a number of speakers and commentators. The drafters of the Criminal Code could not have foreseen many of the technological or medical advances that have occurred across the last century and, therefore, the provisions necessitate revision from time to time to ensure that they remain clear. It would seem incongruous in this day and age—in the 21st century—that a health professional providing medical treatment to a patient may be liable for criminal prosecution due to the treatment they provide, but if they were to achieve the same ends through surgical means, which may be more invasive and invoke more risk to the patient, that they might be protected.

The effect of new section 282 is to excuse from criminal responsibility a person who performs or provides a surgical operation or medical treatment in good faith and with reasonable care and skill under two different limbs. These are clearly set out in the amending bill and I reiterate them to clarify any issues or concern raised by others, including the Scrutiny of Legislation Committee. The first limb covers circumstances where the operation or treatment of a person is for the patient's benefit and where the medical treatment is not intended to adversely affect an unborn child, or it is of an unborn child and it is for the unborn child's benefit.

The second limb concerns circumstances where the surgical operation on or medical treatment is of a person or an unborn child to preserve the mother's life. This is drafted such that any surgical operation or medical treatment that is intended to adversely affect an unborn child will be lawful under this section only if it is for the preservation of the mother's life. This reflects the accepted law in Queensland as it currently stands and no change is being made to that position.

It is important to understand that the current law with respect to the scope of section 282 has been accepted to be that which was described in the case of the Queen v Bayliss and Cullen—a decision determined by the District Court of Queensland in 1986. I will not seek to reinterpret that law in this place, except to say that the amendment bill will adopt the previous and current understanding of the law.

There are a number of issues included in this amended section, reflecting the same issues that exist presently at law. In particular, I would like to emphasise the question of who may be protected by the excuse in section 282. The current defence may be sought to be relied upon by any person so long as they can satisfy the criteria set out in the code, namely, that they undertook the surgical operation or the medical treatment in good faith with reasonable care and skill and, if providing the treatment or operation was reasonable, having regard to the patient's state at the time and to all the circumstances of the case. This is the criteria in the current Criminal Code and it is the criteria that has been retained verbatim in the amending bill. Therefore, while the range of persons who may theoretically be covered is broad, the protection will be available only in relation to treatments that they may administer in good faith with reasonable care and skill and which, in all the circumstances, is reasonable. It would not be reasonable, for example, for a social worker to purport to provide a medical or surgical cancer treatment. Nor could that person provide the treatment while taking reasonable care and skill, or in good faith.

During the course of the debate the member for Gladstone made comment about a briefing provided to her by the Deputy Premier and Minister for Health and me. Can I indicate to the member for Gladstone that it was never the intention of the Deputy Premier and the Minister for Health or me to imply in any way, shape or form that the member for Gladstone may have in any way supported the amendments to the Criminal Code that came before and were voted through this parliament in 1995. That was not the intention; it was merely a briefing of factual matters that occurred before the parliament at that time and I would like to express that view here today.

Finally, the bill also makes it clear that a person acting on the direction of a health practitioner may benefit from the excuse provision. This reflects simply the difference between how a surgical and medical treatment are delivered to a patient. Where a surgical operation is, of necessity, performed by a person on the patient, a medical treatment may be delivered by the health practitioner to the patient for their subsequent self-administration. It would not be consistent for a medicine, for example, to be legally taken if delivered directly by the doctor, but to be illegal if taken on direct instruction a day later at home as necessary under a prescription.

The purpose of this bill has been clear from the outset: to clarify section 282, such that it applies to both surgical and medical treatments. It was not to make more broad or more narrow the circumstances in which the excuse might be applied to a pregnancy termination. The amendments have been drafted carefully to ensure just that. They are a clarification to allow doctors to treat their patients across our great state in the most appropriate and most effective manner that their medical judgement dictates.

There are strong and varied views on both sides of this House about the scope of laws relating to the termination of pregnancy in this state. This bill does not seek to change the law in that regard. The bill sets out solely and specifically to clarify the law, to update our Criminal Code and to ensure that those Queenslanders who need treatment can receive the most appropriate and effective treatment, be it surgical or medical, from their doctor in this state.

In conclusion, I would again like to thank all honourable members for their contributions to this debate. This is an issue that raises difficult and important questions for all members of this parliament. But this is a bill that does not change the law relating to those other issues. The debate has been conducted in that spirit and it is a credit to the elected members of the Queensland parliament. I would also like to thank the officers from the Department of Justice and Attorney-General, from Queensland Health and, in particular, from the Office of the Queensland Parliamentary Counsel for their assistance in developing the bill. I commend the bill to the House.

Division: Question put—That the bill be now read a second time.

Resolved in the affirmative under standing order 108.

Bill read a second time.

Consideration in Detail

Clause 1, as read, agreed to.

Insertion of new clause—

Mr DICK (12.42 pm): I move the following amendment and table explanatory notes on my amendment—

1 Insertion of new clause 1A—

Page 4, after line 4—

insert—

'1A Code amended

This Act amends the Criminal Code.'.

Tabled paper: Replacement explanatory notes to the Attorney-General's amendments to be moved in consideration in detail [843].

Amendment No. 1 inserts a new clause 1A that provides that the act amends the Criminal Code. This is done out of an abundance of caution and clarifies what is already contained in the long title of the bill and speaks to what the amending bill obviously does.

Mr SPRINGBORG: I rise to briefly speak on the insertion of this new clause. I commend the Attorney-General for taking on board the issue that we raised. I do accept his advice that the original legislation that he introduced into this parliament probably had sufficient protections. However, I do believe that there was an abundance of caution principle that needed to be applied in this particular case to make sure that no-one could misinterpret that there is a difference between a medical procedure and a surgical procedure. The amendment has certainly put that particular matter beyond doubt. Again, I commend the Attorney-General for that.

Amendment agreed to.

Clause 2—

Mr DICK (12.45 pm): I move the following amendment—

2 Clause 2 (Replacement of s 282 (Surgical operations))—

Page 5, after line 6—

insert—

'***surgical operation***, for subsection (1)(a), does not include a surgical operation intended to adversely affect an unborn child.'.'.

Amendment No. 2 amends subsection 282(4) as inserted by clause 2 of the bill. The amendment inserts a definition of surgical operation which provides that for subsection 1A the term does not include a surgical operation intended to adversely affect an unborn child. The amendment will remove any doubt that section 282 does not excuse a person from criminal responsibility for performing a surgical operation upon a mother of an unborn child intending to adversely affect an unborn child unless the operation is to preserve the mother's life.

Mr SPRINGBORG: The comments that I made earlier are relevant to this because it is consequential upon that, as I understand it.

Amendment agreed to.

Clause 2, as amended, agreed to.

Clause 3, as read, agreed to.

Third Reading

Hon. CR DICK (Greenslopes—ALP) (Attorney-General and Minister for Industrial Relations) (12.46 pm): I move—

That the bill, as amended, be now read a third time.

Question put—That the bill, as amended, be now read a third time.

Motion agreed to.

Bill read a third time.

Long Title

Hon. CR DICK (Greenslopes—ALP) (Attorney-General and Minister for Industrial Relations) (12.46 pm): I move—

That the long title of the bill be agreed to.

Question put—That the long title of the bill be agreed to.

Motion agreed to.

VICTIMS OF CRIME ASSISTANCE BILL

Second Reading

Resumed from 2 September (see p. 2090), on motion of Mr Dick—

That the bill be now read a second time.

Mrs MENKENS (Burdekin—LNP) (12.47 pm): I appreciate the opportunity to make a short contribution to the Victims of Crime Assistance Bill 2009. This bill has quite a lot of common sense behind it and is a positive step forward in supporting victims of crime. There are very few crimes where there are no victims. From murder right down to theft someone is a victim of that crime.

This bill will grant victims access to the kind of support they need immediately after the crime. It takes away the lengthy waiting time for financial assistance that current victims experience. Victims should not have to wait until the offender is found guilty. Any piece of legislation that provides essential support to these good people is welcomed before the House. This bill seeks to remedy some of the faults that we have seen in the past that have plagued this system. The Victims of Crime Assistance Bill 2009 seeks to provide actual financial and physical support to victims to ensure their recovery from the crime committed against them. It will help the immediate family of murder or manslaughter victims through financial assistance to organise funerals, find temporary accommodation if their home is declared a crime scene and to aid in the clean-up of that home.

Victims of crime have not had an easy time in the past. They have not only experienced the loss of a loved one or an assault but also have had to wait for the offender to be found guilty before they were able to gain financial assistance. This process could take years and, I imagine, would have added to the trauma that many victims of crime experience. Under this bill, according to the explanatory notes, most victims of crime will have a greater chance of recovery from the effects of crime.

As the Chief Justice of Queensland, the honourable Paul de Jersey, said in a speech in 2002, the position of the victim is central to criminal justice. He said in his address to the Victims of Crime Association of Queensland National Conference—

There are overall great sensitivities which must be respected in our approach to victims of crime, and it is centrally important, I believe, to realise that an outsider may have great difficulty comprehending the real extent of the effect on the victim.

The Chief Justice went on to say—

Those of us who are in a position to assist—medical practitioners, psychologists, social workers, victim support groups, the police and prosecution services, lawyers, courts—must do our best.

In his address to that conference, the Chief Justice also spoke of the benefit of victim impact statements made by victims and families, of the presentation of details of their plight, before the offender and recalled a case where the mother of a murdered man addressed the court and the offender and he said that the beneficial effect on the mother was plain.

Whilst victim impact statements have been used in the past to make the courts aware of any resulting consequences to the victims, there has not until now been any regime for victim impact statements. The Victims of Crime Assistance Bill 2009 finally implements a regime for victim impact statements that has been missing from previous legislation. It will finally bring Queensland into line with best practice in government assistance in Australia. It is pleasing to see that there was widespread consultation on the formulation of this bill, and I am sure if it is implemented and acted on appropriately by those on the front line there will be a huge benefit to victims of crime.

Amendments are being made to section 150 of the Juvenile Justice Act 1992 to provide that in sentencing a child for an offence a court must have regard to the impact of the offence on the victim, including harm mentioned in information relating to the victim given to the court under section 15 of the Victims of Crime Assistance Act 2009. In part 5, an amendment of the Penalties and Sentences Act 1992 omits section 9(2)(c)(i), which referred 'to any physical or emotional harm done to a victim' and inserts 'to provide that in sentencing an offender, a court must have regard to any physical, mental or emotional harm done to a victim, including harm mentioned in information relating to the victim given to the court under section 15 of the Victims of Crime Assistance Act 2009'.

These two changes will bring to the court the victim impact statements and hopefully swing the balance back in favour of the victim. Too often the offenders get the compassion of the court and the victims are left to wonder why their pain had counted for nothing. We must remember that most offenders who commit crime have chosen to follow that path and it was not the victims who had asked to be a part of that destructive choice.

Groups such as the Queensland Homicide Victims' Support Group give victims the practical support needed to deal with what has happened to them and their families. This support group is the sole provider of that support for families who have to live with the aftermath of homicide. The group was founded in 1995 when five North Queensland families united to address this lack of assistance and support for families who have experienced the loss of a loved one through murder. In 1995 there were no specific government services or community groups available, so families were isolated and alone during an extremely intense and incredibly painful time.

In a *community connect* article published in May-June this year, the QHVSG Chief Executive Officer, Jonty Bush, told of her own experiences when her sister was brutally stabbed and her father was also murdered within four months of each other. I could not begin to imagine the devastation she must have felt at that time and no doubt would continue to feel. In the article Ms Bush tells of how a homicide affects not only the victim and their immediate family but has a ripple effect on to neighbours, colleagues and the community at large.

The QHVSG offers 24-hour telephone support for those affected by homicide and is staffed by trained volunteers who are ready to provide services from offering support through to cleaning up a crime scene. Ms Bush said in her article that immediate support to victims was important. She said that there are a lot of major issues and organisations that victims and their families have to deal with, such as police, the Director of Public Prosecutions and Centrelink, and that QHVSG helped coordinate all the agencies and explained why things were happening and what options are available.

Ms Bush said that those left behind after a homicide experience grief, shock and physical numbness and have to face serious decisions at that time. For example, if a person has been assaulted and is on life support, their family might be asked to turn off the machine providing that life support. At times such as these the family is not emotionally in a position to make such decisions and would most likely appreciate having someone there to help them make an informed choice. Ms Bush said that it was

important that the family did not look back and feel resentful about their decision. The QHSVG is there to help families through the legal processes as well, which could take years, and will help prepare victim impact statements to be given to the court. These tasks cause the family to relive the ordeal over and over, so any group and any legislation that can help smooth over the process should be applauded.

I have visited this group several times in Townsville and I really do applaud the wonderful people who are part of the Homicide Victims' Support Group in Townsville. It is a very moving experience to hear them share their experiences but also to see the type of real support that they are offering to other victims.

The current provision of compensation to victims has not been reviewed substantially since the introduction of the Criminal Offences Victims Act 13 years ago. It is a compensation based scheme focused on compensating a victim with a lump sum payment, which usually follows a lengthy court process and can exacerbate the effect of the crime on the victim. It would seem that the current process is not handling the number of cases for compensation as well as it should be. According to a *Courier-Mail* report in June this year, there were 851 victims of violent crimes awaiting payment from the state's criminal compensation scheme. The article stated that among these 851 victims were 362 claims for court ordered compensation payments and 489 other claims. In 2007, the justice department's Criminal Injury Compensation Unit had a backlog of 751 active files, even after a new database and streamlined processing system was put in place. We can only hope that this new system works a little better than the last so-called streamlined system.

The victims of crime review last year made 27 recommendations for changes to the existing scheme. The recommendations focus on the timely provision of financial assistance to victims for services they require as a result of their injuries, rather than a compensation based scheme. It also recommended maintaining the fundamental principles of justice and introducing a mechanism for resolving victim complaints in relation to departures from the fundamental principles by government agencies.

The new Victims of Crime Assistance Bill 2009 also creates a complaints mechanism for victims who consider government entities have breached those principles. Under the new scheme, victims will no longer be required to apply for compensation through the court system. Instead they can apply for financial assistance through the new Victim Assistance Unit, VAU, within the Department of Justice and Attorney-General.

The new scheme will focus on victim recovery by paying for, or reimbursing the costs of, goods and services that the victim requires to help them recover from the physical and psychological effects of an act of violence. The assistance that can be sought includes counselling, for loss of income up to $20,000 for primary and secondary victims, crime scene clean-up and other support. Funeral costs also will be covered under the new bill.

The most important thing is that the victim can access support immediately after the act of violence has been verified by the VAU. The VAU will provide a central point to access support services, practical support during court proceedings and a victims complaints resolution process, as well as government coordination of services, information, training and policy development for victims of crime in Queensland.

Victims will be ranked in three categories: primary, secondary and related victims. Primary victims are entitled to a maximum amount of financial assistance to the value of $75,000. Where the victim is seeking recompense for medical and counselling services, the maximum available will be up to $10,000, within that $75,000 maximum amount. Secondary victims, such as parents who are injured during an act of violence and witnesses of serious acts of violence such as murder and manslaughter, would be able to access up to $50,000, while witnesses of other acts of violence will be entitled to seek up to $10,000 in assistance. Related victims, persons who are close family or dependants of a person who has died, will be able to share in financial assistance of up to $100,000, with a maximum amount of assistance of $50,000 per related victim.

Sitting suspended from 1.00 pm to 2.30 pm.

Mrs MENKENS: A victim will be able to apply for interim assistance of up to $6,000 prior to the final grant of assistance being given. This amount will be taken into account as part of the final grant of assistance to the victim and is included in the maximum amount of assistance that they would be granted. Victims will have up to six years after the reporting of the crime to vary or apply for additional assistance. That assistance will be available to victims from the Magistrates Court through to the higher courts. The legislation is modelled off the Victorian scheme which has been in operation and been working quite well for the last 10 years. The scheme will receive increased funding rising to $28.8 million by 2011-12, which is an additional $7 million a year over and above current arrangements. Hopefully, it will be money well spent in this case.

There will also be a category of special victims—that is, a victim of a sexual nature or violence against a child—and they will not be required to report to police. Instead, they can make a report to their counsellor, psychologist or doctor due to the unique circumstances of these victims. It is pleasing to see that victims will be able to have an easier path to financial assistance. It is hoped that those victims do not end up a victim a second time, as has happened sometimes in the past.

I recall a case that was brought to my attention in 2007. In fact, I spoke at length in this House about this case. It was an instance where an innocent Palm Island woman was not only the victim of a severe crime but was also the victim of the legal profession. The woman was the victim of a number of very serious assaults and, as a result of court appearances, she was awarded criminal compensation of $15,000 by the Queensland District Court. However, she received only $2,013.54. Her private solicitor claimed 84 per cent of the $15,000 for professional fees, costs and disbursement. This lady, who had gone through the trauma of assault, was left a victim again by an unscrupulous solicitor. Had she been represented by Legal Aid Queensland, the legal cost would have been no more than $4,400 and she would have received $10,600 instead of only around $2,000. I hope that the victims of crime who do receive specific financial assistance do not become a further victim of the crime, as happened with this woman.

We as the people's representatives need to be aware of the impact that crimes—not just violent crimes but fraudulent crimes—have on the victims. It is usually our courts that have to weigh up the seriousness of the crime and the plight of the victim against a suitable sentence. Some victims may be disappointed with the result of making an impact statement to sentencing courts. A South Australian study found that victims in cases where statements were submitted believed sentences imposed by courts were too lenient. Therefore, the use of a victim impact statement in the sentencing process in some cases resulted in unfulfilled expectations.

In conclusion, the Victims of Crime Assistance Bill 2009 will address many of the issues that have plagued the system in the past and shows a common-sense approach to an issue which affects so many in our society. I commend the bill to the House.

Debate, on motion of Mrs Menkens, adjourned.

GAMBLING AND OTHER LEGISLATION AMENDMENT BILL

First Reading

Hon. PJ LAWLOR (Southport—ALP) (Minister for Tourism and Fair Trading) (2.34 pm): I present a bill for an act to amend the Casino Control Act 1982, the Charitable and Non-Profit Gaming Act 1999, the Gaming Machine Act 1991, the Interactive Gambling (Player Protection) Act 1998, the Keno Act 1996, the Liquor Act 1992, the Lotteries Act 1997, the Racing Act 2002, the Residential Services (Accreditation) Act 2002 and the Wagering Act 1998 for particular purposes. 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: Gambling and Other Legislation Amendment Bill [844].

Tabled paper: Gambling and Other Legislation Amendment Bill, explanatory notes [845].

Second Reading

Hon. PJ LAWLOR (Southport—ALP) (Minister for Tourism and Fair Trading) (2.35 pm): I move—

That the bill be now read a second time.

The introduction of the Gambling and Other Legislation Amendment Bill 2009 enables a number of important reforms to the regulation of gambling in Queensland. In addition, it will provide for amendments to the Liquor Act, Racing Act and Residential Services (Accreditation) Act to improve the regulation of the associated industries, by clarifying their scope, minimising harm and reducing the regulatory burden on industry and the community.

One of this government's Towards Q2 commitments is to support safe and caring communities. In line with this commitment, the government is introducing a number of reforms designed to minimise the potential harm gambling can cause. This includes a cap on club gaming machines, mandatory responsible service of gambling and zero tolerance toward venues that demonstrate an unwillingness to commit to gambling related exclusions. The Gambling and Other Legislation Amendment Bill 2009 gives legislative effect to these initiatives.

In developing these gambling reforms, the government has been careful to balance the interests of industry and the consumer while ensuring that the harm gambling causes in our communities is minimised as much as possible. However, the reforms do not seek to remove the right of Queenslanders to participate responsibly in gambling activities, nor prevent legitimate operators from making a living and employing their fellow Queenslanders.

The Queensland Household Gambling Survey in 2007 found that approximately 0.47 per cent of the Queensland adult population are problem gamblers. While this percentage is low, the government is not prepared to simply accept this situation, and this bill provides for important measures aimed at minimising the number of Queenslanders who experience problems with gambling.

The introduction of a state-wide cap on club gaming machine numbers is a key strategy to control access to gaming machines. Queensland clubs are currently subject to a cap of 280 gaming machines per site. However there has been no state-wide cap on club gaming machine numbers. In 2003, the Queensland government capped the state-wide number for hotel gaming machines. This cap has proved successful in limiting the growth of gaming machines in the hotel sector.

Accordingly, the Queensland government has therefore made a decision to cap the number of gaming machines in the club sector to further stem gaming machine growth in the state. Since 16 April 2008, there has been a moratorium on the release of new gaming machines in clubs and hotels. In November last year, the Treasurer announced that the state-wide number of gaming machines in clubs would be capped at 24,705. The cap is given legislative effect through this bill.

I recognise the valuable contribution of clubs to our community. The club industry provides many benefits to the Queensland community. It employs approximately 26,900 people and improves the quality of life of Queenslanders through provision of sporting and recreation facilities. A social and economic impact study undertaken throughout Queensland in 2008-09 by a research consultancy firm found that on average each club provides $711,000 a year in economic benefits to their community.

No gaming machines will be taken from clubs as a result of this cap. Clubs will still be able to operate gaming machines for which they have obtained approval from the Queensland Gaming Commission, if the approval was granted from a valid application made prior to 16 April 2008, the date when the moratorium commenced.

Clubs that have approvals granted by the commission after this date will be able to access gaming machine entitlements through a market based reallocation scheme, which is also given legislative effect through this bill. A gaming machine entitlement is the right to install and operate a gaming machine in a Queensland club, and the total number of entitlements will equal the cap number. In addition to having an approval for a gaming machine, the licensee will need to acquire an entitlement to install and operate the gaming machine.

Under the reallocation scheme, the number of entitlements state-wide will not increase but the entitlements will move between various clubs through transfers. Clubs approved to decrease their number of gaming machines will be able to transfer entitlements to clubs that are approved to increase their number of gaming machines at a price agreed to by the clubs involved in the transfer.

Clubs with fewer than 30 approved gaming machines will also be able to transfer entitlements to other clubs which have approvals to increase on a temporary basis for up to eight years. This will provide an additional revenue option to small clubs that may find the costs of installing, operating and updating gaming machines prohibitive. I thank the Queensland club industry for its valuable input into the development of the reallocation scheme.

Further measures are included in this bill to protect vulnerable persons. The government will take a zero tolerance approach to gambling operators who distribute or cause a person to distribute promotional material to a known excluded person. Previously, this has not been an offence but, rather, a breach of the voluntary code of practice. However, amendments in this bill now make such an action an offence. Operators who distribute promotional material to people they know are excluded from their venue will face clear financial penalties.

This bill also provides for mandatory responsible service of gambling training for all hotel and club staff employed in gambling related roles. The intention of making responsible service of gambling training mandatory is to ensure persons who provide gambling services to the community are aware of their responsibilities and have the necessary knowledge to minimise the potential harm gambling can cause. It will also complement the existing mandatory responsible service of alcohol training required for staff who supply liquor to the public.

This bill also introduces new offence provisions for minors who gamble. Currently, penalties apply to operators who allow a minor to gamble. Most of the gaming acts also apply penalties to minors who are found to be participating in gambling activities. However, there are no offence provisions for a minor who participates in lotteries or wagering activities. To rectify this, the bill contains amendments to the relevant acts making it an offence for minors to participate in lotteries and wagering activities. It also contains amendments to provide for consistency in penalties across the gaming acts for offences related to minors who gamble.

The bill will also provide for card based gaming in casinos, which will allow for a cashless means of participating in gaming. The gaming industry and other Australian jurisdictions are increasingly adopting card based gaming and other emerging cashless gaming technologies. These technologies have the potential to minimise harm from gambling by providing for precommitment which allows players to manage expenditure and time by setting predetermined limits.

Trials of the technology, undertaken at two Queensland clubs, found that there was overall support for the system by the venues, players and system suppliers. As a result of the success of these trials, card based gaming is ready to be implemented by clubs and hotels throughout Queensland on a voluntary basis. However, legislative amendments are required before card based gaming can be extended to casinos, as the Casino Control Act does not provide for such technology.

In addition to harm minimisation measures, the Gambling and Other Legislation Amendment Bill 2009 contains amendments which are aimed at decreasing unnecessary regulation. The Queensland government continually aims to improve on the delivery of government services and reduce red tape to address business sector and broader community concerns. In this regard, following a recommendation by the then Service Delivery and Performance Commission that each government agency assess the functional arrangements for developing and reviewing legislation within their agency, a review of gaming rules in Queensland was undertaken. This was done with a view to removing gaming rules from subordinate legislation as a key strategy to improve service delivery and reduce red tape.

Information contained in gaming rules is primarily of a commercial and technical nature forming detailed terms and conditions between the gaming operator and player. Such information is not usually contained in legislation and is difficult and costly to maintain as subordinate legislation. Queensland, the Northern Territory and Western Australia are the only Australian jurisdictions that currently have gaming rules as subordinate legislation. Removing gaming rules from subordinate legislation will reduce the time taken to develop new or modify existing gaming rules and therefore decrease the administrative burden on operators. Rules will continue to be subject to ministerial approval to ensure decisions on new gaming products are consistent with the government's overall policy direction for gambling in Queensland. Matters that are more appropriately dealt with as subordinate legislation will be prescribed by regulation.

A number of other amendments to the gaming acts are also contained in this bill. The Charitable and Non-Profit Gaming Act currently does not allow a Parents and Friends Association for a non-state school to conduct Art Unions in their own right, but does allow a Parents and Citizens Association for a state school to do so. To rectify this inconsistency, an amendment is made to allow for a Parents and Friends Association associated with non-state schools to conduct an Art Union. Provisions are also being inserted in the Casino Control Act and the Gaming Machine Act that will allow for a regulation to set a limit on the maximum note denomination that can be accepted by a gaming machine note acceptor.

The bill also contains amendments to the Lotteries Act which will allow Golden Casket to distribute Queensland lottery products—namely, instant scratch-its—in other jurisdictions. As a consequence, in those jurisdictions players will be able to participate in Queensland instant scratch-it games. They will also participate in common prize pools for those games. Administrative and taxation arrangements will be made with those jurisdictions where Queensland products are distributed.

Additionally, the bill contains amendments to a number of the gaming acts to allow for the Queensland Police Service to notify the chief executive if there is a change in the criminal history of a person who is involved in the operation of gaming in Queensland. Ensuring probity of licensed persons is vital to maintaining the integrity of the gaming industry in Queensland.

Currently, legislation provides for action to be taken against licensed persons if they are indicted on particular criminal charges. The legislation also places an onus on licensees and other persons involved in gaming to advise the department of convictions for indictable offences. However, many fail to report adverse changes to their criminal history. Therefore, on advice from the Queensland Police Service, this bill contains amendments to various gaming acts to require the Commissioner of Police to notify the chief executive of any change in circumstances regarding the criminal history of a key person involved with the conduct of gaming in Queensland.

This bill also contains amendments to the Liquor Act. In September, the Liquor and Other Acts Amendment Act 2008 was passed in the Queensland parliament, which enhanced the role of harm minimisation in the regulation of the liquor industry and increased administrative efficiencies. In implementing the initiatives provided for in the amendment act, a number of further amendments to the Liquor Act have been identified as necessary to ensure regulation is appropriate and minimises the burden on industry and the community.

This bill amends the Liquor Act so that approved managers are only required to be reasonably available rather than present on the premises during 7 am until 10 am, as is currently the situation between ordinary trading hours of 10 am until midnight. The early extended trading hours between 7 am and 9 am are considered to pose less risk than the post midnight to 5 am trading period.

To ensure that high-risk situations are appropriately managed, licensees will be subject to a requirement for approved managers to be present at any time where a risk assessment warrants it. The current requirement that approved managers are present for the high-risk period of extended hours trading after midnight will remain unchanged.

To further reduce the burden on industry, an additional amendment is also made to the definition of 'reasonably available' as it applies to approved managers, licensees and permittees of licensed premises. Currently, 'reasonably available' is defined in the Liquor Act as being readily contactable by each person involved in the service of liquor at the premises and remaining within one hour's travel distance from those premises. The requirement for an approved manager to be within one hour of the licensed premises can be onerous on certain business. This is particularly the case for those located in regional areas where there is a lack of available staff and often considerable distances between people's homes and their workplace.

To ease this burden when it is appropriate, this bill amends the Liquor Act to allow the chief executive to vary the period of time reasonably needed for an approved manager to travel to the premises. A licensee must be able to demonstrate to the chief executive that the one-hour time qualification imposes an unnecessarily high regulatory burden before it will be extended.

A number of significant changes to liquor licence fees were introduced at the beginning of this year. However, several significant weather events have affected our state since January, particularly flooding and storm damage. Many small licensees have experienced difficulty paying the new fees as a result of disasters that have affected their homes and their licensed premises.

Currently, if their licence fees are not paid by the due date their licence is suspended, and if they cannot pay it in full within a further 28 days their licence is cancelled. An amendment is therefore contained in this bill to allow the chief executive to approve a schedule of part payments which are made after the prescribed due date, if the licensee's ability to pay the fee has been adversely affected by a natural disaster or some other exceptional circumstance outside their control. If the licensee is approved to make staged payments, their licence will not be suspended or cancelled.

While this government seeks to reduce the regulatory burden wherever it is appropriate, it is also serious about protecting the community from operators that do not comply with regulatory requirements. Approved extended trading hours for liquor licenses are not a right but rather a privilege extended to licensees who can demonstrate that they can operate their businesses in a lawful and responsible way. To ensure operators understand this, an amendment to the Liquor Act is included in this bill to clarify that the chief executive has the ability to review approved extended trading hours of licensed premises.

The bill also removes an exemption from the 3 am lockout provision for the Gold Coast during the motor carnival weekend. This is in response to community and local council requests that the exemption be removed due to the potential for alcohol misuse and levels of violence in and around licensed premises. The bill contains a number of other minor amendments to the Liquor Act so that the legislation is consistent, clear and minimises any potential harm that liquor may cause in the community.

The Racing Act 2002 is also amended through this bill. The purpose of the amendments to the Racing Act is to assist the racing control bodies to protect the integrity of the Queensland racing industry by giving the control bodies the power to obtain information from the holder of a race information authority. The amendments empower the control bodies to obtain betting information and betting trend analyses from wagering operators using Queensland race information.

The holder of an authority may be required to be subject to betting monitoring systems. Currently, the control bodies can only require betting information and betting trend analyses from wagering operators that they license, by imposing a condition on the licence. The Queensland control bodies cannot require interstate and international wagering operators, not licensed by the control bodies, to provide this information.

This bill also amends the Residential Services (Accreditation) Act to provide clarity and certainty to its coverage of the aged rental scheme sector. This sector provides both accommodation and a food or personal care service to older members of the community. This act was always intended to cover the aged rental scheme sector of the residential services industry. However, there has been some uncertainty as to whether the act adequately captures aged rental schemes, particularly those where the accommodation and food service or personal care services are not provided by the same person. These amendments will clarify the coverage by the act and deliver consumer protection to residents of aged rental schemes, many of whom are on fixed incomes, such as age pensions, and have limited other accommodation options. I commend the bill to the House.

Debate, on motion of Mr Stevens, adjourned.

VICTIMS OF CRIME ASSISTANCE BILL

Second Reading

Resumed from p. 2134, on motion of Mr Dick—

That the bill be now read a second time.

Mr CRANDON (Coomera—LNP) (2.53 pm): I rise to contribute to the debate on the Victims of Crime Assistance Bill 2009. One of the objectives of the bill, among other things, is to provide a scheme to give financial assistance to certain victims of acts of violence. One aspect of the purpose of the bill, as mentioned in the explanatory notes, is to make the scheme simpler and easier to access. I applaud the Attorney-General and the government for endeavouring to make this so.

I do have some questions regarding the payment of amounts intended as non-expense assistance of up to $20,000 that are offset by any amount received under the Workers Compensation Act. It appears that currently amounts received under any victims of crime scheme, including criminal injury compensation and death benefits, are exempt for the purpose of offset under the Social Security Act 1991.

This infers that victims that receive an amount currently would not lose Centrelink benefits. These benefits may, for example, be received as a result of injuries incurred during the crime against them. They may legitimately be on Centrelink benefits because they are unable to work. Currently they do not appear to lose any benefit as a result of receiving compensation.

My question is: under the new bill, given that an offset is imposed against workers compensation, if workers compensation were not involved would a payment being received from Centrelink be reduced or lost on receiving this non-expense assistance? This bill suggests that an amount received under workers compensation is income.

Another question I have relates to the taxation implications. Once again I refer to the offset against workers compensation. It again implies that the amount is income. What is the effect of receiving this amount with regard to income tax? Workers compensation is income tax assessable. Would this amount also be income tax assessable?

Coming back to my original question, is there an unintended consequence in drafting this bill? If the amount is offset for Centrelink purposes, it seems to be unfair that this is not. These amounts are meant to be payments to victims of crime to give them a hand up, not a hand out. They have sustained a terrible crime against them or against a family member. Surely this could not be regarded as double dipping. They should be entitled to their Centrelink entitlements or other benefits as well as this amount from the victims of crime legislation. It is assistance as a result of the crime suffered. To my mind and to any fair minded person, these victims should not lose other benefits and entitlements.

I come back to my question once again: is there an unintended consequence? Is this non-expense assistance going to be affected under federal taxation legislation? Once again, any fair minded person would surely agree that this should not be the case. Could the Attorney-General clarify these matters for the House?

My final point is: when it comes to making payments to victims of crime that can be linked back to income rather than simply a lump sum, if they have income protection insurance it is quite likely that, under the insurance laws, any income protection benefit being derived from an insurer will be clawed back. In other words, if we have a part of the benefit being paid to a victim of crime focused on an income component then there is an offset clause in most insurance policies that would in fact claw back benefits. Once again, it simply unfair. I am just wondering whether that is an unintended result of the legislation as it is drafted. Could the Attorney-General confirm that there is no flaw in the legislation that will cause victims of crime to not receive the additional financial support due to this clawback potential right across-the-board—the clawback through taxation, the clawback through Centrelink and the clawback from insurance—as I have outlined above?

Mrs CUNNINGHAM (Gladstone—Ind) (2.59 pm): I rise to support the Victims of Crime Assistance Bill 2009. In so doing, I believe that no victim of crime should have to beg for financial compensation or assistance for the very real trauma suffered at the time of an offence and after as a result of the offence. I note that these amendments are as a result of a review of the current compensation scheme under the Criminal Offence Victims Act. I also note the repeal of the current compensation structure and its replacement by new provisions. In those new provisions the system is being tailored on a needs based response and allows for victims of crime to receive assistance much earlier than the current process where it involves a court process. In the Attorney-General's second reading speech he stated—

The primary focus of the government is to ensure that victims are provided with assistance appropriate to progressing their recovery from the crime rather than giving victims lump sum compensation.

Under the current structure, a court process was required for that lump sum to be determined. I agree that the earlier the intervention possible for victims of crime the more readily they have a chance of rebuilding their lives, both physically and emotionally. I note that the Attorney-General went on to state—

> Victims groups and government departments were involved in and support the change in focus towards early support and treatment and away from purely lump sum payments.

However, in circumstances where a lump sum amount of money is required, I wonder whether that would be forthcoming.

I commend the eligibility criteria in this new scheme that is linked to an act of violence and the injuries sustained rather than a conviction of the offender. That process will reinforce early intervention for victims of crimes, because sometimes it takes a substantial period of time for cases to be heard. The more serious the incident—whether it is murder or a serious offence like that—sometimes the period of time between arrest and actual trial can be significant. I have had parents of victims of crime who are very agitated about the amount of time it has taken to get a trial date set and it is retraumatising for them every time the matter is opened for mention. The earlier that people can get assistance, both victims and the family of victims, then surely that should give a better outcome. The minister also stated—

> Witnesses of serious acts of violence such as murder and manslaughter will be entitled to seek financial assistance for goods and services and other assistance set out in the bill to the value of $50,000.

I ask the minister to clarify, where there are serious injuries like paraplegia, quadriplegia or intellectual impairment and there are ongoing costs, whether this bill will extend to that or whether people will be covered in some other way. The ongoing cost of maintaining a person in that circumstance is significant. If, as I understand it, lump sum compensation has been removed, will that person have to bring a common law claim to be able to cover those ongoing costs? If that is the case, that seems to fly in the face of trying to avoid victims of crime having to go through a court process. How will that be funded, because it is a significant and ongoing cost?

I support victims of crime. Any assistance that is given to them by the community will always be beneficial. Early intervention is essential to address emotional and psychological trauma that is as a result of the violent offence or the offence—sometimes it does not have to be violent to have repercussions—and I certainly support the Attorney-General in this legislation.

Mr MOORHEAD (Waterford—ALP) (3.04 pm): I rise to support the Victims of Crime Assistance Bill 2009 and commend the government for bringing the bill before the House for its consideration. I do not intend to go into detail in my speech given that the House has already had a comprehensive outline of the provisions from the Attorney-General in his second reading speech and also by the former Attorney-General, the member for Toowoomba North. This bill is the result of lengthy consultation with a wide range of stakeholders, and it is very pleasing to see that this bill comes before the House with wide community support. It is great that we can deliver a bill which seems to improve this system for all involved.

This bill provides victims of crime with access to justice. This government has delivered a number of reforms that have provided for people who may not have the means to access justice in Queensland. Most significantly, recently we saw the creation of the Queensland Civil and Administrative Tribunal and landmark reform that provides people with inexpensive and user-friendly justice. Traditionally, the criminal law has not provided a place for victims. Criminal law has traditionally been a question of the state against an individual accused. There has been a separate set of laws in the common law for victims to seek compensation against persons who have wronged them. Unfortunately, those underpinning principles in their traditional form have not provided victims with redress, particularly in the case where many accused are not in a position to meet the financial compensation that would be required to meet what are often traumatic consequences for victims of crime.

There is a general recognition that the basic principles of law in this area are not sufficient, and this bill builds upon a system that has made a place for victims in the criminal law and brought together rights of compensation where the state steps in to provide ready access to justice for victims of crime. Without this type of process, victims of crime would be forced into expensive, lengthy and adversarial court proceedings involving lawyers. This bill introduces a system of compensation that is accessible through an administrative process rather than a court hearing. That means that a person does not need a lawyer, in most cases, to access basic forms of support to get the victim's life back on track, and I think that is a wonderful reform—with the greatest respect to the legally qualified amongst us. The adversarial litigation that victims of crime have often had to go through in the past is adding further trauma to a person who has often already sat through a criminal trial or sat through the re-telling of their story many times before. As well, with administrative access to support and financial support, this bill means that victims can access these supports long before a conviction has been recorded and sometimes without a complaint to the police, but I will come to that later. Essentially, victims of crime are often at their most vulnerable. They are injured, but this injury is of such a consequence that the action that caused it is a crime and the state has said that those behaviours should be unlawful.

An issue that I wanted to raise in particular is the situation of survivors of historical sexual abuse. In the member for Woodridge's electorate but serving the greater Logan area is the Centre Against Sexual Violence, which provides a wonderful service to women who are victims of sexual violence.

By far the majority of the people they support are women who have made complaints about sexual violence often decades after the occurrence, because often it takes that long for people to come to a point at which they are prepared to tell somebody else their story after living with the unjustified shame for so long. I have raised this matter with the Attorney-General. I understand that there is provision in the bill for the time period in which a person brings a claim in this scheme to be extended to cater for those extenuating circumstances. I am particularly pleased that, in relation to offences of that nature, persons will be able to access victims of crime support without making a complaint to the police, thereby causing them further trauma, but instead are able to access support by making a complaint to a counsellor or a doctor.

Importantly, this bill provides access to support at the time when victims most need it, which is directly after they have suffered that injury or when they need that support. Prior to coming to parliament, as a union official I dealt with workers who were injured in the course of their work. Often it was not only the injury that was holding them back but also it was the fact that they were constantly involved in litigation and arguing about their injury. Once these people reached the point at which their claim was resolved, they could then move on with their lives and start planning for the future rather than waking up every day worrying about their WorkCover claim. This bill provides a similar opportunity for victims of crime.

Before I finish, I want to mention one of my constituents, June Reid of Loganlea, who has been a long-time advocate for victims of crime. June and her family suffered a very traumatic crime that profoundly affected them. June has been able to turn that suffering into support for others who have been in that situation. For many years, June has staffed a support line for people who find themselves in these situations of trauma. Despite her own trauma, she has been prepared to help others step through the process as they overcome the injuries that they have suffered as a result of being victims of crime. I think this bill allows those advocates for victims of crime to combine their personal support with the real financial support and medical and social support that comes from this type of scheme. I commend the bill to the House.

Mr WETTENHALL (Barron River—ALP) (3.12 pm): It is with pleasure that I rise to speak in support of the Victims of Crime Assistance Bill, which essentially replaces the Criminal Offence Victims Act 1995 and the provisions under the Criminal Code prior to the introduction of the Criminal Offence Victims Act that provided a limited avenue through which victims could obtain compensation from injuries arising as a result of criminal acts. These reforms are very timely. This bill significantly expands the category of persons who have been a victim of a crime and who can obtain assistance.

One of the most important features of this bill is the transition of assistance to victims of crime from a court based scheme to an administrative scheme. I think that will be a great benefit to people who try to obtain assistance following the commission of a criminal offence or a criminal act against them. Under the old scheme, in most circumstances compensation could be obtained only following the conviction of a person on indictment, that is, in the District or Supreme courts. I think it is well known that the process of a defendant passing through a committal stage in the Magistrates Court and then perhaps awaiting trial in the District Court or the Supreme Court could mean that it could take months, if not years, before a conviction might be achieved, thereby enabling a victim of an offence to pursue an application in those courts for compensation.

The process of applying for compensation through the courts itself could become protracted for a variety of reasons, such as difficulties in effecting service on the offender because, as I mentioned, it was an application process that was predicated on the adversarial system where the respondent was not the state but the offender himself or herself. So despite the best intentions of the act and despite the fact that it made very significant advances on the old and limited scheme under the Criminal Code, victims were really not able to obtain financial recompense for crimes in some cases for years after the offence occurred. That really defeated one of the most important objects of the act, which is that, for assistance to victims of crime to be most effective, it needs to be provided as soon as possible after the offence occurs. All the evidence shows that, whether that be direct medical support and treatment for injuries, psychiatric or psychological counselling, or some other form of assistance, particularly in relation to offences that have caused mental or nervous shock, intervention at an early stage is critical. Unfortunately, under the old scheme, if a victim did not have access through other means to obtain that type of assistance, time would pass and their recovery would be that much more difficult.

This scheme is going to redress the limitations of the current legislation by giving people access to assistance immediately once a crime has occurred without having to make an application to the courts. I think that is one of the most critical features of the bill and it is a much needed improvement. That will have a very significant effect, particularly on victims of crime in remote areas. In many regional and remote areas of Queensland, people do not have access to the specialist services that people in metropolitan or large centres have. It would have been quite difficult for people in those areas to get the

type of assistance that they needed promptly. But under this bill that will be able to occur. I think it is of critical importance that people in remote areas will be able to make an application in simple form and the assistance that they will need can be assessed promptly and will be able to be provided promptly. That is going to be a significant aid to their recovery and in dealing with the impacts of criminal offences committed on them.

The member for Burdekin gave an example of an unscrupulous legal practitioner who had been involved in an application for compensation under the old scheme. Whilst I acknowledge that under the old scheme there no doubt were legal practitioners involved in unscrupulous activity, the vast majority of legal practitioners provided a very, very good service for victims of crime. I am glad to see that under the new scheme provision is made for payment to lawyers of $500 to assist victims to make applications because there will be times when that legal assistance is required and is helpful.

Whilst under the old scheme there no doubt were unscrupulous operators, it is important to acknowledge that the vast majority of lawyers, as I say, did provide a very, very good service to many hundreds if not thousands of victims throughout this state, many of whom would not have been able to pursue their rights under the old scheme without that assistance. It is important to acknowledge that. In fact, in many cases I have no doubt that there would have been lawyers who would and did reduce their professional fees very significantly in order that their clients who perhaps received more limited amounts of compensation could still nevertheless, at the end of the day, walk away with a reasonable amount. Many lawyers that I know personally did just that. Whilst it can at times be fashionable to criticise lawyers for fleecing their clients, and although regrettably in some situations it does occur and did occur under the provisions of the old act, the vast majority of lawyers provided a very, very good service to people seeking compensation under the old arrangements. There will still be a role for lawyers to help people with applications under the new scheme, but most importantly there will be a reduced need for lawyers because it is not a court based system and it is much simplified.

The details of the bill have been well canvassed during the course of the debate. I will just mention a couple of features. Under the bill we are moving away from a monetary compensation scheme, although capped amounts of monetary compensation will still be available under the new scheme to provide direct assistance. For the reasons that I have put forward I think that that is a major improvement. Expanding the category of people who are able to apply for assistance is another key feature of this bill and a very, very welcome reform. Under the old scheme, as I indicated, only those criminal offences that were proceeded with on indictment entitled a person to claim compensation. That left a very anomalous situation where offences, particularly offences of violence which had serious impacts on victims, could proceed in the Magistrates Court, leaving no entitlement for victims to pursue compensation under the Criminal Offence Victims Act. There were limited avenues for a magistrate to award compensation for pain and suffering. It was really quite anomalous because the impact on the victim of some types of offences dealt with in the District Court were less than that of those dealt with in the Magistrates Court. Under the new scheme those anomalies have been corrected. The categories of people who can get assistance under the scheme have been significantly expanded, which is a very good thing.

The scheme enables the state to recover the value of assistance and monetary amounts provided to victims from offenders themselves under the regime of the State Penalties Enforcement Registry. People against whom recovery action is taken will not be able to escape that by seeking alternative forms that are otherwise available under the arrangements for criminal offences. In other words, they will have to pay the state back rather than perform community service. It is an important part of this bill that the state is able to recover from offenders so that they are accountable in that way for their actions and the impact that they have had on victims.

We have come a long way since 1995 in our recognition of the impact that crimes have on members of our community. Many reforms have put the rights and the interests of victims at the front and centre of our criminal justice system and that is as it should be. This legislation is another important step in that direction. I commend the bill to the House.

Mr BLEIJIE (Kawana—LNP) (3.25 pm): I rise this afternoon to add my positive contribution to the debate on the Victims of Crime Assistance Bill 2009.

Mr Kilburn: Speak up.

Mr BLEIJIE: I thought government members would be happy with that. This act will repeal the Criminal Offence Victims Act 1995. It will change the method in which victims of crime are supported by our community. The new method of compensation is based upon an administrative assistance approach rather than the old method of court based lump sum compensation. I agree with the member for Barron River that under the new system lawyers will not have as big a role to play, but nonetheless will have some role to play.

The approach outlined in the new method of compensating victims of crime is sensible and contemporary. Assistance support will be available for acts of violence and will be accessible to not just victims but also families and witnesses. The act being introduced stems from the victims of crime review announced by the government in November 2007. I congratulate the former Attorney-General, the

member for Toowoomba North, for the work that he and his department have done in not just the review but the recommendation process as well. I add that I acknowledge and thank the current Attorney-General for putting this on the table today.

The report to the Queensland government on the victims of crime review 2008 made 27 recommendations. This act has come about following on from those recommendations, and I am pleased that the government has recognised the multitude of financial assistance that is required to support victims of crime and their families in our community. What is disappointing is that the general regard or disregard for the victims of crime over the years has been quite appalling. We constantly hear from civil libertarians around the state about the strictness of penalties and the rights of the offenders. I believe that it is this attitude that has been central to the increase of crime in this state. The constant focus of media on the plight of the Schapelle Corbies of this world rather than on the victims and the families of those law-abiding citizens, who have been marginalised to some extent, is where we as a society are heading in the wrong direction.

In the repeal of the Criminal Offence Victims Act 1995 this bill will also change Chapter 65A of the Criminal Code as preserved by the previous act, providing for a new financial assistance scheme. Under the new financial assistance scheme, victims of crime will no longer need to apply for compensation through the court system. Instead, they can apply to a Victim Assistance Unit through the Department of Justice and Attorney-General. This will hopefully make the process a lot simpler and also reduce the caseload of our courts which, of course, as members would acknowledge, is currently so high.

The most important aspect with reference to this new financial assistance scheme is the fact that it is multifaceted. Under the old legislation victims of crime simply received a lump sum payment without further financial direction or social support. This was, quite frankly, a bandaid solution. The new assistance scheme will focus on victim recovery by paying for or reimbursing the costs of goods and services that a victim requires to help them recover from the physical and psychological effects of an act of violence. These measures also allow for a proactive approach to victim recovery rather than waiting until a conviction is recorded against the offender, which quite often can take some time. The process of rehabilitating the victims should take place well before a conviction is recorded.

I congratulate the government on this legislative amendment. The process from the report stage through to the introduction of the legislation this year has been streamlined. I believe that we have now turned the corner and our focus should be to correct the behaviours of the offenders through the various means but to support the victims.

Far too many times through various media we have seen society sensationalise crime and make celebrities out of offenders. No-one is interested in their story. What does this media attention and fanfare tell our youth about society and the general respect for fellow citizens? In a world where people can YouTube and make instant celebrities out of anyone with a webcam or a mobile phone, we need to be careful that as a society we are not sending the wrong messages to our increasingly impressionable youth.

The approach by the Beattie government in particular to sentencing and being generally soft on crime was appalling. We are finally now seeing a tougher approach to sentencing and juvenile justice being enacted and more emphasis on the victims of crime rather than the offender. I was particularly pleased to see in the legislation that the state can now recover from offenders some of the compensation and, if offenders cannot or do not pay, they have the option to go through SPER to recover those funds. Again, I congratulate the former Attorney-General of Queensland for getting this review underway. I commend the bill to the House.

Dr DOUGLAS (Gaven—LNP) (3.31 pm): This is one of those few bills presented by the current Bligh Labor government that is quite easy to support. So often not only does the handling of the prosecution of a crime against an individual or a group of people take precedence over every other issue but the poor victim is given no right of redress. Sadly, in some cases that victim, in the process of prosecuting the offenders, is put through a process that can range from humiliation to being financially crippled.

The financial penalty on an individual and/or their family, friends, carers and other closely related parties from crime has been a silent, unacknowledged and tragic sidelined issue that has been travelling along when all efforts were being made to facilitate the rights of the offender. While it goes without saying that everyone has the right to a defence and to the presumption of innocence in regard to offending behaviour, when the weight given to facilitating those rights is differentially far greater than the weight given to appropriate redress to the victim then the system is flawed.

I think these comments are entirely fair when I consider the recent comments made by government members in relation to the juvenile justice bill. The grouped similar arguments that I have strong issue with were raised by government members during that debate. Some of those comments related to the justification of seriously offending juveniles not being called on to engage in redress. It would seem, similarly, that the vast bulk of lesser juvenile offenders, who make up the vast bulk of juvenile offenders, are also to be treated with kid gloves. I am very sorry, but if people believe that it is right for one group but wrong for another then they are wrong.

Clearly, the major issue we see daily is graffiti. It is entirely appropriate to compel offenders to clean up the mess where it can be arranged. Redress is not always financial compensation but sometimes it is. I can give plenty of examples where this would be appropriate but it is not prescribed. The fear that it will force someone to do something against their will is outrageous and it will not change aberrant behaviour if allowed to persist as the norm. Where practical, it is appropriate to attempt to get redress from the offenders themselves. To quote from the minister's second reading speech—

... the bill contains a strong mechanism to recover financial assistance paid to victims of crime from convicted offenders.

He added—

Any unpaid debts can be referred to SPER.

Victims of crime have been very patient about being considered as a critical part of the criminal prosecution process. I suspect some feel that the moves are too progressive. Victims of crime have been the poor cousins for too long. It is the coalition that has consistently promoted justice bills that promote the rights of the general public over the rights of offenders. The current changes in this bill follow now 13 years since the introduction of the Criminal Offences Victims Act 1995, COVA. The current scheme is most well known as a lump sum compensation scheme, which focuses entirely on the victim. The changes in this bill regarding this critical issue are as a result of the review of the current scheme, and they are to be recommended.

The two major recommendations which have been implemented in this bill are, first, the repeal of the current compensation scheme and, secondly, the establishment of a new financial assistance scheme under one piece of legislation, and they have been covered by most speakers today. Critically, the major change implemented is the change from a compensation model to a financial assistance model—that is, providing assistance in the form of financial assistance for the services that those victims may require. Appropriately, the model is focused on facilitating the victim's recovery from a crime as opposed to a lump sum payment. The payment is directed to the victim at the time of sentencing of the offender.

The minister has indicated that he will set up a new formal victims of crime payment section within his department, the VAU. That change is absolutely critical, because currently there is a backlog in payments of at least six months. Victims have often had to query the department about whether they would receive payment. Additionally, the lump sum payments mechanism has a somewhat difficult history, with many stories of payments in some cases being 'frittered away' on everything from gambling to alcohol and drugs. This money is and should be intended to enable the victims to get their lives back on track.

In line with those sentiments, I want to raise some of the other provisions included in the bill that will facilitate this process. They are: counselling, for loss of income up to $20,000 in direct payments, crime scene clean-up, sundry other payments and funeral costs up to $6,000. Access to these can occur immediately after the violence after verification by the Victim Assistance Unit. The bill provides for a lead role for a victim services coordinator to be established, and this is to be recommended.

Again, just as assistance is given to offenders for them to be dealt with fairly and promptly, if offenders are correctly sentenced and dealt with as sentenced then on conviction the victims are to be promptly and fairly dealt with. On the side of dealing with the victim in the same fashion, what should be achieved is fairly and reasonably giving the victim the best possible chance at rehabilitation. That is, there needs to be even-handed treatment of those on either side of the equation—the offenders and those offended against. If the balance is corrected, as is planned, then the rights of the victim are protected. They share equally in the orderly process of a conviction.

If the constant of the numerator divided by the denominator equals one then the balance of justice and rights is achieved. This sounds somewhat mathematical, but it is probably the easiest way to explain the bill's aims. This bill is really addressing the issues of the denominator. The numerator is the issues relating to the offender or offenders. The other key ingredients of the factor of the denominator that are included in this bill are the allowance of a reasonable amount of time—that is, three years—before the application for a victim of crime assistance payment is payable and also that all reasonable steps are to be taken by the scheme manager and given to the applicant in writing to facilitate their claim. Previously six months was the gazetted time and, as we can see, the department has unfortunately got a little behind.

Another critical factor in the denominator is that the government has increased funding to $28.8 million by 2011-12. This in large part will allow for sufficient funds for victim payments. The bill also attempts to define victims and creates a new scheme in relation to financial assistance—primary, secondary and related victims. There is payment available up to $100,000 for the secondary relatives in an accumulative fashion. That is the total quantum. There is also provision for witnesses of lesser offences to receive payment of $10,000. These are new definitions and they are a welcome clarification of the issue of who is a victim, and it is a sensible approach to this critical issue. The assistance is available from magistrates courts through to the higher courts.

The final significant factor in the denominator is the formal implementation of a regime for victim impact statements to be part of the conviction process, and there is an appeal process pathway available through QCAT if the victim or group is unhappy with the outcome. These steps address major gaps that have precluded much of what the victims have been asking for being made part of the criminal process. This is the issue of justice. If justice is to be fair then victims need to have their day in court as well. Their voices need to be heard and recorded. There is evidence that the information not only impacts upon the offenders themselves but also modifies the offender's subsequent behaviour. It has both reactive and proactive benefits. The courts do not lose their capacity, as a sentencing option, to order compensation beyond what is already detailed under the Penalties and Sentences Act.

Within the bill there is a special category of victims. These are victims of sexual abuse or violence or violence against a child. They are not required to report to police but are given multiple appropriate options of seeing a doctor, psychologist or counsellor and for those professionals to be the person reporting for them.

These are very sound approaches. These crimes are often secretive. There is often a delay in reporting. Often family members or friends are involved. Victims are often ashamed of their perceived role in the crime. It takes time for victims to understand that they are the victim. Often the perpetrator claims to be a victim too. Family often complicate the issue and there are victims everywhere. The key to the solution is treating each problem as a singular one: try to understand what the victim wants and help them, find a path forward that may uniquely address their circumstances. I believe this bill is attempting to do that.

I have avoided until now discussing victims of crime other than the specific group of those who are affected by sexual offences. I have had considerable experience in the area of offenders and I can say that the suffering of victims is often perpetual. Their memory is often so terrible that their whole life is ruined as they see it. Many never forget the offence, the offender and the date of the offence. Sadly, the offenders who have a variety of other issues may be so affected by drugs or other chemicals that they have no memory of what occurred and who their victim was. This often just compounds the problem for the victim.

Rather than go through the formal medical diagnosis spoken of by the member for Mudgeeraba, I will mention what has been driving the effort by the LNP to address the numerator of the issue that I previously mentioned. Just to reiterate, the numerator is the issue of the offender, the offence and the prosecution process itself. I will explain in detail that I too think that efforts to prevent a 'true tough on crime' policy have weakened our system and by implication added a multiplier effect to the numerator of the justice equation. Speaker after speaker from our side has listed those bills.

In particular, I wish to refer to what I see as the Bligh government's lack of understanding in its critique of members' contributions to the juvenile justice bill yesterday. Government members and the minister repeatedly appeared to completely fail to be able to understand the difference between serious juvenile offenders and lesser offenders and, by implication, the best method of address when dealing with each group. The obvious conclusion is that if victims of crime—who are trying to consider whether they have been fairly dealt with—see violent youth offenders shamelessly grouped with lesser offenders, if their perception is that the punishment of the offender does not fit the crime, then no amount of compensation, financial assistance or physical redress will address their sense of lack of justice.

I have a deep concern that, while the principles embedded in this bill are broadly those of the UN Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, they are merely just part of this puzzle of how to satisfactorily address the equation I discussed earlier. When it is not considered as part of an overall comprehensive strategy involving both numerator and denominator in the justice equation—that is, offender and victim's rights—then the end result is neither justice nor balance, that is, there is no equity in the conclusion of the process.

I accept that the government believes that its offender strategy is complete. I believe evidence contradicts the government's position and, strangely, a good way of determining whether the offender strategy is working is to closely monitor its victims of crime statistics. This is borne out by the Victorian studies. Generally, this might be considered a perverse way of analysing data. It will be clouded if convictions and courts become bogged down in red tape, but the bill seems to clarify some of those issues and this may not occur. It is convictions that trigger much of the victims' rights and the subsequent benefits that flow to them, and the others are deprived under the new definition of victims.

There is a further possibility of an industry developing in and around the issue of financial assistance to the victim. I heard what the member for Barron River said with regard to the issue raised by the member for Burdekin, but I would come at it slightly differently. With 15 times more Aboriginal juvenile offenders proportionately per head of population being in the youth justice system, with 26 per cent of the near 6,000 adult prisoners being Indigenous and with family payments to victims of crime now included, there is potential for a problem to develop that undermines any attempt at true reconciliation for victims. It is possible that some regular families may pursue benefits inappropriately on

a regular basis in the future. Through my experience in corrective services, I know this has been an emerging issue. The number of Indigenous people in custody in Queensland is much higher than in other states, except Western Australia and the Northern Territory. In sheer numerical terms, we in Queensland hold far more Aboriginals in custody and this is a serious issue.

I was very disappointed to hear the weak political ideological criticism of the LNP by the member for Everton, the Parliamentary Secretary for Health. I normally enjoy his enthusiastic detailed prose, but I believe he took a cheap shot at the member for Mudgeeraba which was not appropriate because it was not followed by a detailed critique of exactly what she said. I believe he was incorrect. To be fair, I wish to emphasise those critical points she made about victims of crime. They were the issue of post-traumatic stress, endogenous depression, personality disorders and suicide, and there are many more. As someone with an interest in health, he was wrong not to support her position. These are terrible consequences, and they deserve bipartisan support.

At this stage I would also like to congratulate the former Attorney-General, the member for Toowoomba North, Kerry Shine, on what was a very comprehensive review and approach to this victims of crime issue. I would further like to congratulate the current Attorney-General, Minister Dick, on what he has done with the bill subsequent to that. It would have been very easy to copy the Victorian model, but the former Attorney-General and the current Attorney-General have approached the problem sensitively. I say to the previous staff and the current staff: I think you have done an impressive job. The result will be a lasting testament to the efforts made by the member for Toowoomba North, who is away at a funeral today, and the current Attorney-General. To the former Attorney-General: our community and the legal profession appreciate and acknowledge your contribution to this bill.

In conclusion, the transition of this bill towards a comprehensive approach to victims of crime via the new term of victims of crime assistance programs is a far better method of assisting victims in recovering from the crime perpetuated upon them. The ability to begin the process early is a very progressive approach and demonstrates a proactive approach to a resolution of crime by the offenders upon innocent victims and others. There is a new definition of victims as well which addresses those people who have arisen.

I have highlighted a major potential problem area that I see. I urge the minister to consider my comments fairly and in a balanced manner so as to ensure that benefits are fairly directed to the purposes which the taxpayers have entrusted the government to pursue.

The VAU as a one-stop shop for victims of crime is to be commended. We support this bill. Acts of violence must be balanced by protecting victims' rights, not just before the offence but in this case after. It then has the potential to be not just for redress but preventative. I agree that the minister can truly say this bill 'builds relationships with the community and ensures quality service to the victims of crime in Queensland'. What he needs to ensure for victims is that the issue of equity to victims is addressed, and that must involve a more transparent process in demonstrating to victims that an offender's punishment must fit the crime. When he does so, the balance of factors that I have discussed will be achieved in full.

Mr RYAN (Morayfield—ALP) (3.47 pm): I rise in support of the Victims of Crime Assistance Bill 2009. This bill repeals the current scheme which was established under the Criminal Offence Victims Act 1995 and chapter 65A of the Criminal Code. But, more importantly, this bill establishes a new financial assistance scheme for victims of crime. It is a wonderful scheme and there are wonderful amendments contained in this bill and it will be well received by people in the Morayfield state electorate.

This is a human bill, and we have heard that said by a couple of speakers. I know the member for Everton said this in his speech on the bill: it is a human bill. It does what we are here to do. It helps people. It provides assistance where people need assistance. I do not know what motivated other members to get elected to this place, but one of the things that inspired me and motivated me to get elected to this place was the ability to help people. I can say that this is one of those bills that does that. This is one of the bills that provides direct assistance to people who need it. As I said, it will be well received by the people of the Morayfield state electorate.

Importantly, this bill provides direct assistance for people who are disadvantaged, marginalised and vulnerable because they are a victim of crime. It is important that laws passed by this parliament reflect societal views and expectations. I believe that societal views and expectations are for a tolerant and progressive Queensland but also a Queensland that provides a safety net and support for people. I am pleased to say that this bill achieves that.

I believe it is important to have a robust criminal justice scheme that is about not just being tough on crime and having tough laws but also having a well-resourced Police Service and court services. It is clearly on the public record that the Queensland government is tough on crime. We have strong laws. We have strong penalties. We have a well-resourced Police Service and a well-resourced court service. But having a robust criminal justice system is also about providing support for victims of crime, and this bill does that.

This bill will see significant improvements to publicly funded support and assistance for victims of crime, and for that reason—I have said it already—it is an outstanding bill. It shows how a state government—a public entity—can provide care and support for people in the community. As I said, the current scheme will be repealed by this bill. To some extent that is a good thing, because the current scheme has been widely criticised. It is complex. It is costly to victims. It is overjudicious. It diverts court resources. It is impersonal. It also reinforces perceptions and the stigma of victimisation. When you think about that sort of logic—the logic that, if you are a victim and you have to continually prove you are a victim through a complex judicial process—those feelings of victimisation are not only structurally reinforced but also personally reinforced.

In my experience before being elected to this House I did some volunteer law work with the Homeless Persons Legal Clinic. Through that volunteer work, I came into contact with a number of people who were victims of, in many cases, quite horrific crimes. Providing advice to those victims of crime included, to a large extent, qualifications about the difficulty of navigating the current system, the difficulties associated with being very judicial, and the cost and timeliness of the process.

For that reason, many of those clients who attended the Homeless Persons Legal Clinic were very reluctant to continue with the application process. In some cases, the timeliness of the process meant that some people who needed immediate support and assistance did not receive that support and assistance as quickly as they should have. This bill will remedy those criticisms about the current system.

As I have already said, this bill will establish a new system that focuses on victim recovery and provides tailor based need responses. It also focuses on early intervention—delivering the services, support and assistance to people as soon as they need it, which will help them overcome the tragic and quite confronting situation of being a victim of crime. This new system and scheme will be quicker, less costly, more supportive, more relevant to victim recovery and it breaks down those stigmas of victimisation.

I am pleased to see that the new scheme will also broaden the categories of people being able to access the compensation scheme. Those categories will be extended to primary, secondary and related victims. I am also pleased to see that there will be increased assistance in the form of not only lump sum payments but, more particularly, support services. That is the critical thing: additional support for people who need it.

I am also pleased to see that this bill will have up-front interim assistance for people prior to any final award of assistance being given. This bill says something about the proper role of government in a contemporary modern time. Private citizens affected by the actions of others have private legal rights to commence legal action against those people. It is my belief that individuals affected by the actions of others should consider their private legal options available to them, but that is not to say that the government should not have a role in supporting and assisting victims of crime.

I welcome the shift in the model to a scheme focused on assistance and support rather than direct financial compensation. Compensation rights are not limited by this bill, and individual victims may still commence legal action for compensation against any offender, and rightly so. The bill nonetheless provides tangible support and assistance up-front to individuals, and individuals can then make their own decision about any private legal action that they may be able to pursue.

I also welcome the proposed amendment contained in this bill regarding the recovery of financial assistance from convicted offenders. The bill provides that, if the state provides any financial assistance to a victim and the victim's offender is convicted of the offence, the offender will then owe a debt to the state for any payments made to their primary, secondary and related victims. The bill provides that the state can recover these amounts through the State Penalties Enforcement Register. For want of a better description, I will call this a clawback mechanism. The clawback mechanism not only reinforces this government's strong tough-on-crime credentials but also sends a clear message to offenders and the community that, if you commit a crime, you will be held to account for those actions.

This is an outstanding bill that highlights the great role of Labor governments in providing progressive reform, in providing support for disadvantaged, marginalised and vulnerable people, in being tough on crime and holding criminals to account, but also, and probably most importantly, in providing a valuable safety net for our communities and helping people where we can.

I would like to congratulate the Attorney-General, the former Attorney-General and member for Toowoomba North, staff from the Attorney-General's office and the department on bringing this bill to the House. I commend them for their hard work and commitment to the people of Queensland and to victims of crime. This is a very important bill. I commend all involved for bringing it to the House and I also commend the bill to the House.

Ms FARMER (Bulimba—ALP) (3.57 pm): I rise to speak to the Victims of Crime Assistance Bill 2009. Since my election as the state member for Bulimba, I have had the opportunity to meet with many, many local residents, to hear their stories and their struggles. Among the most devastating of the stories

that people have related to me are those regarding the victims of criminal acts. The suffering of victims and their families and their struggle to return their lives to some semblance of normality after these horrible incidents is incomprehensible to those who have not shared the journey with them.

On behalf of those individuals and families who have suffered and continue to suffer from the effects of crimes committed against them and their loved ones, I thank the Attorney-General, the Hon. Cameron Dick MP, for bringing this bill to the House. I also thank the previous Attorney-General, Kerry Shine MP, for his work on this bill.

I am pleased that today I am able to stand and speak in support of the Victims of Crime Assistance Bill 2009, which will deliver some very important outcomes to some members of our community who are most in need. With the circumstances of victims of crime from my own electorate in mind, I would like to speak to some of the key features of this bill.

Victims of crime are each affected in different ways. They are surrounded by varying levels of support and require different approaches to assist them in their recoveries. This bill presents a marked change in the approach of legislative support to victims of crime. The bill provides for a new scheme—Victim Assist Queensland—which focuses on victim recovery by paying for or reimbursing the cost of goods and services that the victim requires to help them recover from the physical and psychological effects of the crime.

This scheme is a reflection of the shifted focus from criminal compensation to financial assistance and support for victims. The bill will create a system that more effectively places victims of crime in touch with the actual services, assistance and support that they require to help them and their families recover as quickly as possible. This new approach has been developed in consultation with victim representative groups including Bravehearts, Homicide Victims' Support Group and Legal Aid. I can inform the House that this service delivery approach is one that resonates with the personal experiences and needs of victims of crime in my own electorate.

Discussions with affected parties and community stakeholders in the Bulimba electorate also reiterated some of the key themes raised in the community consultation undertaken and outlined in the victims of crime review report of November 2008. Key among these thematic messages noted by local victims of crime is the assertion that the current eligibility criteria for compensation are too narrow.

I will, out of sensitivity to local victims of crime, not be specific at this point. However, I am aware from their stories that the classifications previously assigned to victims of crime left many victims and their families unable to easily access support services. I am aware of the terrible burdens placed upon victims of crime as a result of difficulties or an inability to access victim support due to the structure of the current system. I have sat and listened to the stories of lives overturned, children who will never ever be able to move past what has happened to them, people struggling day to day to just stay sane.

This bill will provide comfort to members of the Bulimba community as it acknowledges a much broader range of categories of victim than under the previous act. Under the new scheme primary, secondary and related victims will all be entitled to make application for assistance to help with their recovery and begin to move on with their lives. Under this classification the title of primary victim will apply to victims of summary offences and indictable offences dealt with summarily.

Primary victims will be entitled to a maximum amount of financial assistance of $75,000, the same as the current scheme, which will apply to a broader range of victims. A primary victim will also be entitled to a lump sum for special assistance for the act of violence ranging from $130 to $10,000. The amount of special assistance is determined by the category of offence the act of violence falls within and within each category a range of financial assistance is available depending upon the extent or severity of the act of violence.

This bill also demonstrates its understanding of the complex nature of effectively dealing with victims of crime, making allowances so that in certain circumstances an act of violence can be uplifted to a higher category of special assistance. For example, a sexual assault can be uplifted to a category A if the victim has suffered an injury that results in a permanent and significant reduction in their quality of life.

Importantly, this bill also recognises parents who are injured as a result of their child being injured, witnesses of serious acts of violence such as murder and manslaughter and witnesses of other violent acts by creating the classification of secondary victims. The bill also creates the related category which is available to provide assistance to a person who is a close family member or a dependent of a primary victim who died as a direct result of the act of violence. I enthusiastically commend this bill's efforts to provide a more efficient and effective response to victims of crime. These categories will ensure that all victims of crime are identified, acknowledged and supported. For many victims of crime this change will have a significant, meaningful and positive impact on their current circumstances.

I would like to draw the attention of the House to a further feature of this bill—a feature that responds to another principal flaw of the existing system as noted by victims and stakeholders alike. This bill, through the creation of the Victim Assist Queensland scheme and other features, will ensure that assistance is provided to victims in a timely fashion.

It is this expeditious approach to providing care and support to victims that I would like to highlight. Under the bill, victims will have access to interim emergency funding of up to $6,000 to cover urgent expenses such as funeral expenses or relocation costs when the home is a crime scene. Under the Victims of Crime Assistance Act, victims will no longer be required to apply for compensation through the court system or await sentencing. Victims of crime will now have an avenue to access goods and services to aid in their recovery, be it physical, emotional or physiological, when they most need it—that is, immediately after the crime has occurred.

The speedy provision of support to victims of crime who have been through tremendous hardship through no fault of their own is an admirable and appropriate goal of legislation on this topic. Each member of this House will be aware of victims of crime in their own electorate. I am sure that, in acting in good conscience to deliver the best outcomes for those victims, they will join with me in supporting this bill.

I know that for the people who have approached me as their local member—although they will never be the same again as a result of the horrendous experiences they have been through—their situation will be acknowledged by a government doing its best to try to ameliorate those experiences and to provide for a compassionate and caring support system around them.

As a number of other members have said before me, this bill goes to the heart of what a good and caring government should be about. Like the member for Morayfield, it is one of the reasons I am in this House today. I commend the bill to the House.

Mrs STUCKEY (Currumbin—LNP) (4.04 pm): I rise to make a brief contribution to the Victims of Crime Assistance Bill 2009 introduced into this assembly by the Attorney-General, the honourable member for Greenslopes, on Tuesday, 18 August 2009. The act has been amended in the past 14 years a total of six times. This most recent bill comes as the seventh amendment. I have spoken on many occasions in this House about the need for better protection for victims of crime. Whilst I wholeheartedly support the Attorney's attempts to support victims, it seems this bill and its measures are too little too late for countless sufferers.

Late in 2007 the Premier and the Attorney announced the victims of crime review aimed at providing easier access for victims to financial assistance and making access to the system easier. A further aim of this review was to see the better coordination of victims and victims' services. Ten days later the issues paper was released online and called for submissions.

It would seem that during 2008 the government ignored the matter, sitting on its hands and waiting until May of this year to enter a draft bill into circulation and waiting a further several months to bring the legislation before the House. The age old legal maxim of restitutio in integrum to date appears to have been bypassed in relation to victims of serious crime in this state. Whilst legally it is not for the state to make amends for the nefarious doings of perpetrators of serious offences, it is gratifying to see the government stepping up to the mark with this legislation.

Through this process the Queensland government has now taken some truly positive steps towards protecting victims and towards effectively and efficiently assisting victims of crime to embark on the path of restoring their shattered lives. Fashioned on the Victorian model, the Victims of Crime Assistance Bill aims to financially help those who have lost amenity when beleaguered by crime. Provisions in this bill will establish a recovery process against an offender which is triggered by a conviction in a timely manner. In countless cases victims have had to wait extended periods of time before they could access therapeutic and other treatments. Yet the contents of this new model will allow for early intervention in the form of financial assistance. Because the current scheme works in a compensatory way with lump sum payments awarded depending upon the extent and category of the injury sustained by the victim, healing processes were thwarted and therefore the potential existed for the significant grief and distress they were experiencing to become amplified.

As stated, the focus was on compensation rather than rehabilitation. From a holistic viewpoint, making available avenues of rehabilitation soon after the incident is way more important to the long-term wellbeing of the victim than being given a chunk of money with little or no direction on how to best use it or, worse, to gain limited benefit because of the passage of time since the violence was perpetrated. This is a much more remedial approach and one that hopefully will provide better outcomes for individuals and their families who have been traumatised by crimes inflicted upon them.

In his second reading speech the minister states that the new scheme will apply to three types of victims—primary, secondary and related—in an effort to provide services and assistance as needed to those directly and indirectly affected. Furthermore, applications can be made up to $6,000 for interim assistance and makes accessible the opportunity for victims to claim funeral expenses up to this amount for primary victims.

But not everyone is embracing this legislation which, if passed, will come into effect on or near 1 December this year. Mr Justice Stevenson, the Queensland Legal Aid Victims of Crime Compensation Unit coordinator, was reported in the *Courier-Mail* a few days ago as recommending that the 11 victims of the bike path predator who was recently jailed for 25 years should apply promptly for criminal

compensation before provisions in the new act commence. He commented that a top monetary payment for these women under this legislation meant they could only claim $10,000 plus help with medical and counselling costs, whereas under the current legislation they could receive $75,000 as a maximum payout. Notably this bill contains a strong mechanism to enable recovery of financial assistance paid under the scheme from offenders with the option of referring unpaid debts to the State Penalties Enforcement Registry.

I am of the firm belief that it is our responsibility to protect the rights and liberties of victims so that they can move about in our society freely. As we have heard from many honourable members in this House, the reason for our coming into this place and choosing to take this path of representing our electorates is, in many cases, a desire to do our best for our community and support them and be their voice when sometimes they cannot speak. It therefore unsettles me considerably when I know that many attackers get away with vicious crimes that cause permanent injury, not to mention emotional scarring, with their victims left to muddle along as best they can.

Increasingly, I find myself sitting across a table in my office from distraught parents whose teenage child has been senselessly bashed in an unprovoked and indefensible incident. The episodes I have been told about have happened to males whose only crime was to go out on a Saturday night. Parents show me A4 size before-and-after photographs of their beloved kids whom I found hard to recognise from the injuries that they had sustained—grossly distorted swollen faces, broken jaws, smashed teeth, cuts, bruises and metal plates holding together what were healthy, rather handsome human beings. One young man aged 19 was doing the right thing in catching public transport into Surfers for a Saturday night out when he was set upon by a gang of thugs after his parents dropped him off at around 10.30 pm at a bus stop on the Gold Coast Highway at Palm Beach. Another was walking with a group back to a friend's house after a party in Robina was shut down because of gatecrashers. The gatecrashers followed the young 17-year-old and his friends before isolating him from them and bashing him unconscious.

The answer would appear simple: report the incident to police so they can catch the perpetrators. But fear is pervading our communities and the bad guys are getting away with ruining innocent people's lives. How can attackers get away with this, honourable members may well be asking? The injured teenagers are so frightened of repercussions from their assailants that they do not want to report it to the police. Even if they have the courage to do that, they often will not press charges, which means the offenders are free to continue their thuggish ways.

I am very pleased this government has taken the road of expediting the application process for victims seeking compensation, and I agree with the Attorney in that the government assessment model proves the most efficient in terms of rapid service delivery. Both of the other foreshadowed models—namely, the Magistrates Court and the tribunal assessment model—proved too slow and too costly for the victim and the victim is left wanting in service delivery. The government, to its credit, has allocated $28.8 million for this new model—a budgetary increase of $7 million. In supporting this legislation, it is to be hoped that it will ease the distress and suffering for victims whose world has been turned upside down and help them to build the strength and confidence that they require to lead meaningful and happy lives. I shall continue to encourage residents who come to me for advice and comfort to report matters to police so that our suburbs can be made safer. In closing, I want to commend the Attorney for bringing this bill before the House.

Mr MESSENGER (Burnett—LNP) (4.12 pm): I note in rising that the shadow Attorney-General has indicated that the LNP will support the Victims of Crime Assistance Bill 2009 and I, too, offer my support in my brief contribution. In his second reading speech the minister stated—

> The bill establishes the financial assistance scheme component of the reforms and sets out the fundamental principles of justice to be applied in the treatment of victims.

I also note that the objectives of the bill as detailed in the explanatory notes are—

- declare fundamental principles of justice to underlie the treatment of victims by certain entities dealing with them; and
- provide a mechanism for implementing the principles and processes for making complaints about conduct inconsistent with the principles; and
- provide a scheme to give financial assistance to certain victims of acts of violence.

Many members have talked about the different categories of victims of crime. We as members of parliament have different people coming into our offices telling us their stories. Our hearts break when we hear some of the stories that people tell us and we wish that they were not victims. This government—I have to commend it—has made an honest effort in addressing the problems within the current scheme.

I bring to the House's attention the victims of a potential crime who are nonetheless being and have been compensated through a government special compensation process established by this government, and they are of course the victims referred to in the Queensland Public Hospitals Commission of Inquiry. I know that there are ongoing aspects of this inquiry that are sub judice, and I have no intention of contravening standing order 233 and referring to those matters which are before the court. However, I will bring to the attention of the House in a general sense a victims special

compensation system for people who are largely from Burnett and the Bundaberg region. By highlighting some of the flaws and injustices that are contained in the government's special compensation system, perhaps we will get some guarantees and clarifications from the government that the same flaws and injustices have not been replicated in the legislation before the House today. I foresee a couple of cracks appearing, especially in relation to the people whom I represent.

The legislation before the House today, as I said, has three major objectives. As members before me have stated, one of the principal and most important objectives is to provide a scheme to give financial assistance to certain victims of acts of violence. I ask the Attorney-General to explain to the victims that I am referring to in this House through the course of the debate how they—the victims referred to by the Queensland hospitals commission of inquiry—would be affected by this legislation. The definition of a victim contained on page 13 in clause 5 at chapter 2 of the bill states—

Meaning of *victim*

(1) A ***victim*** is a person who has suffered harm—

(a) because a crime is committed against the person; or

(b) because the person is a family member or dependant of a person who has died or suffered harm because a crime is committed against that person; or

(c) as a direct result of intervening to help a person who has died or suffered harm because a crime is committed against that person.

(2) A person who commits a crime against a person as mentioned in subsection (1)(a) is not a victim of the crime under subsection (1)(b) or (c).

After reading and considering that, I believe that the patients and families of patients described in the Queensland hospitals commission of inquiry will qualify as victims under this legislation, and we are talking about a potentially significantly large group of people—1,500 people at least—remembering of course that the Queensland hospitals commission of inquiry investigated 87 deaths. Will this bill still cover those people who are eligible to claim compensation under the old scheme?

I ask that question because that is the category of persons that I am talking about—people who were eligible to claim compensation under the old scheme. I understand that under the old scheme victims were only able to claim compensation for assistance after a guilty verdict. So presumably there is a group of people who have become victims prior to the passage of this legislation through this place who were still waiting for a guilty verdict in order to qualify for compensation under the old scheme. Will those people who have become victims pre the passage of this bill qualify for the financial assistance and the provisions of this bill once it has been passed and made law? There is a group of people that I am very concerned about, and of course the people that I talk about in the special compensation process are part of that group.

While speaking about this special compensation process, I believe that victims who are still going through the special compensation process—and it is an ongoing process—are being unfairly manipulated by this government and lawyers in that they are being bullied into accepting compensation which in many cases is an insult. I know that widows have received barely enough to cover the cost of a funeral. I am glad to see that funeral expenses are contained in the bill in the order of an amount of $6,000, and I believe that many widows of the Bundaberg special victims compensation group have received only $6,000 or $7,000.

They are scared of speaking to me—and this is another thing that I have concerns about, the secrecy provisions—or indeed any other member of this parliament because they are forced to sign a non-disclosure contract before they even walk into the special compensation mediation room. I appreciate that there will not be that sort of construct in this legislation. However, I have addressed this issue in a question on notice that I have asked the Premier in this sitting of parliament. I would like the Premier to give an undertaking that, if people who are involved with the special compensation process choose to speak to a member of parliament about that process, the government will not take legal action against them. These people are scared that, if they speak about the obvious faults in the system—the injustices, the perceived unfairness they are being forced to endure—they may be subject to legal action because they have broken a government non-disclosure contract.

The other problem with the government special compensation process is that there is no transparency. I hope that that lack of transparency has not been replicated in this bill. For example, in relation to the special compensation process that has been set up for the people referred to in the Queensland commission of inquiry by Commissioner Davies, we do not know how much to date the special compensation cost the taxpayer. We do not know how much in total has been paid to the victims. I do not want to know how much the victims have received, but we do not know the total amount of that. How much in total has been paid to lawyers for legal fees? That is another aspect of this bill that I am very glad about in that it seems to have sidelined the lawyers to a certain extent and cut down on the legal fees. We do not know how many victims have agreed on compensation. We do not know how many victims have been deemed by this government as being ineligible to receive compensation. If those people come to us, then once again they are under threat, through having signed a non-disclosure form. Were false, fraudulent or unreliable Queensland Health records used to deem people ineligible for compensation?

Mr Shine interjected.

Mr MESSENGER: There is a big question mark over that. How many victims are still to go through the process? Once again, I have placed a question on notice in the parliament in order to find out those details. I know by parliamentary convention that the Premier has 30 days in which to answer these questions. I would hope that this Attorney-General shows a little bit more transparency, openness and accountability than the previous Attorney-General who kept the details in a secret little cupboard.

Mr SHINE: I rise to a point of order. I would ask that the honourable member withdraw his most inaccurate as well as offensive remarks.

Madam DEPUTY SPEAKER (Ms Johnstone): Order! Member for Burnett, the member finds those comments offensive.

Mr MESSENGER: I withdraw and I look forward to the support of the member for Toowoomba North and the former Attorney-General when it comes time to disclose these figures.

Mr Shine interjected.

Mr MESSENGER: I take it the members want to support me on that. I am glad to hear that. I need all the support I can get. In conclusion, I draw attention to the explanatory notes. Under the heading 'Reasons for the bill' they state—

The Review Report also recommended maintaining the fundamental principles of justice and introducing a mechanism for resolving victim complaints in relation to departures from the fundamental principles by government agencies.

How do we know if a government agency has departed from the fundamental principles if the compensation process is shrouded in secrecy? I would like a guarantee, and I would like to reinforce this, that the victims who are pursuing financial assistance are not made to sign any non-disclosure documents that prevent them from talking with their local member of parliament or other trusted people. I commend the bill to the House.

Ms O'NEILL (Kallangur—ALP) (4.24 pm): I rise to speak in support of the Victims of Crime Assistance Bill 2009. I note the outstanding contributions of my colleagues who have spoken previously and I will be brief. This excellent bill arose from a comprehensive review of the needs of victims of crime in Queensland. It has been designed to minimise stress and trauma and to assist victims to recover from the consequences of crime. It recognises the cost, both financial and emotional, and the wide-ranging impact of violent and serious crime—the impact not only on victims but also on witnesses and families of victims.

The impacts of crime and violence are multidimensional. Apart from injury and death, victims of crime and violence suffer long-lasting psychological trauma and subsequently live with the fear of crime. Therefore, the move away from purely lump sum payments to providing financial assistance is welcome. This move recognises that the impact is not only financial and that it is just as important to provide early support, treatment and assistance for ongoing trauma by allowing funds for counselling and other services into the future.

The creation of the Victim Assistance Unit will provide a one-stop shop—a properly integrated service. Without the establishment of this unit, the vulnerable and the confused may never know their entitlements. They may not be motivated or sufficiently knowledgeable to negotiate their way throughout the maze of assistance groups. Previously, accessing vitally needed help may have been a matter of knowing the right person or having an initiated friend to help. With the implementation of this unit, financial assistance claims will be processed in a timely way, vastly reducing stress and allowing victims and their families to rebuild their lives.

The bill removes the need to return to court to apply for compensation, which removes another traumatic process. Returning to court can bring back the feelings and the emotions of the court case and slow down recovery. In future, injured parents of children injured will be entitled to claim financial assistance for medical and counselling services, loss of earnings and other assistance as set out in the bill. Witnesses will also be able to have their trauma recognised and receive assistance, counselling and other services. Their trauma can have an ongoing impact for life if not addressed. The bill recognises related victims, which is further recognition of the wide effect and impact of crime on a victim's family and community.

Other practical assistance provided by the bill is that victims can apply for interim distribution to allow for immediate assistance. That amount of up to $6,000 will be deducted from their final award. It will also provide a strong mechanism by which they can recover the cost of financial assistance from convicted offenders. This may assist in providing criminals with further evidence of the consequences of their crime and, in some cases, the financial consequence might be more readily recognised than other punishment and provide a further deterrent to reoffending. I congratulate all of those involved in preparing this bill. I commend the bill to the House.

Hon. CR DICK (Greenslopes—ALP) (Attorney-General and Minister for Industrial Relations) (4.27 pm), in reply: Firstly, can I thank all honourable members for their contributions to this debate on the Victims of Crime Assistance Bill 2009. I would like to recognise particularly the support given by all members on both sides of the House for this bill. At the outset, I would also like to table the erratum to the explanatory notes circulated in my name.

Tabled paper: Victims of Crime Assistance Bill, erratum to explanatory notes [846].

This erratum goes to clause 61 on page 74 of the explanatory notes—the last sentence. There are two errata. One is the removal of a full stop and the other one appears in clause 80 on page 58 in the fourth paragraph. That erratum better describes an example that is in the explanatory notes. Just out of an abundance of caution and to give greater clarity, we have reworded the example set out there in clause 80. It does not change in any substantive way the explanatory notes but just makes them clearer for honourable members.

The debate on this bill today is the culmination of the most substantial review of the criminal injury compensation scheme in this state since the introduction of the soon-to-be-repealed Criminal Offence Victims Act 1995. The review, announced in November 2007 by the Premier and the then Attorney-General, the member for Toowoomba North, whose presence in the chamber I acknowledge today, and undertaken by the Department of Justice and Attorney-General involved extensive consultation with an external community reference group formed specifically for the review.

The review recommended that the existing scheme be repealed and replaced with a new scheme. The key findings of the review which underpin this bill were that the new scheme should provide financial assistance to a more comprehensive range of victims through interim and final payments for specific needs related to their recovery from the effects of the crime; the new scheme should be simpler and easier to access and reduce victims' costs and contact with the court and offender; and services available to victims should be more coordinated to provide a continuum of care that will assist victims to recover quickly and get on with their lives sooner.

Consistent with the review's recommendations the government has made a definite decision in this bill to focus on financial support and services for victims. Specifically, the assistance scheme under the bill provides for the payment or reimbursement of the costs of goods and services that the victim requires to help them recover from the physical and psychological effects of the crime. When the new scheme commences victims of crime will have access to faster, more effective financial assistance as well as coordinated support services. Waiting times and costs will be reduced because victims will no longer be required to apply for compensation through the court system. A team of assessors will ensure applications are finalised in a timely manner as well as making the process easier and less daunting than the current criminal compensation scheme.

I mentioned before the consultation with an external reference group as part of the review. This reference group comprised a range of victim support groups. Before turning to some of the matters raised by honourable members, I place on record my appreciation of the work and input of this reference group, in particular the victim support groups, the members of which gave their valuable time so willingly and contributed so much to the development of this bill. Their tireless effort and input into the review has ensured a new and more efficient scheme to assist victims.

I will now address some of the matters raised by members in the course of this debate. The member for Southern Downs raised the issue of funding to the State Penalties Enforcement Registry to support the changes brought about by this bill. I concur that this is an issue that we need to remain cognisant of and would note that since 2001 the State Penalties Enforcement Registry, known as SPER, has increased its clearance rates and the value of debts collected. In the 2008-09 financial year SPER finalised 116,949 court orders to the value of $61.58 million.

The member for Burdekin raised the issue of payment of legal costs. The new scheme will replace a complex and overly legalistic victims' compensation scheme with an assistance scheme focusing on the needs of the victim for goods and service to support recovery from their injuries. Unlike the current scheme, victims will not be required to lodge an application to the District or Supreme courts. The Victim Assistance Unit and Victims LinkUp service within the new scheme will assist victims in applying for assistance and will gather most information required to make a decision to provide assistance to the victim on their behalf. However, clients of the new service may have high support needs and may be very distressed from their experience. Therefore, the government has provided for $500 in excess of any financial assistance granted to most categories of victims under the bill. This will assist victims of crime who are injured to seek independent legal advice where necessary.

The member for Coomera asked whether the payment of funds under the victims scheme would affect Centrelink or other payments and whether it would be assessable for taxation purposes. I am given to understand that this has not been an issue that has arisen under the current scheme due to the payments having no income component. I would note that persons concerned at any time about their taxation or Centrelink obligations should discuss such matters with the Australian Taxation Office and

Centrelink respectively and take independent advice. An interim indication from Victoria is that special assistance payments in that jurisdiction may not be taxable. I am not in a position to provide definitive advice on behalf of the Australian Taxation Office or Centrelink and reiterate the need for independent advice on the subject.

The member for Gladstone asked whether victims would need to go to court in order to access further compensation amounts. It should be noted that neither the current compensation model nor the new victims assistance model are intended to reflect the common law approach or amounts of compensation. The new scheme, in contrast, is not about a lump sum payment to a victim but rather about providing victims with the funding they need to access services and get them back on their feet as soon as possible. The government's responsibility under this scheme is a clear one to the needs of the victims, demonstrating a clear responsibility to the people of Queensland to ensure the scheme is just and equitable for all who access it.

The member for Currumbin raised the issue of victims of the individual who was recently convicted of rape and sexual assaults on Brisbane bikeways. It is not appropriate for me to comment on the entitlements of individual cases yet to be determined under the current or new scheme. Each matter needs to be considered on its individual circumstances to determine the best interests of the victim. Also, the victim's wishes need to be taken into account.

Both the current and new scheme provide for a maximum amount of assistance of $75,000. There are significant differences in timeliness between the two schemes. A victim who applies under the current scheme will need to wait for a court order against the offender and if the offender does not satisfy the order the victim can then apply to the state for an ex gratia payment. This can take years. Under the new scheme a victim will receive assistance quickly, including interim assistance as necessary of up to $6,000. The assistance will be tailored to their needs at the time they most need it, for example, counselling and medical expenses, special assistance up to $10,000 and assistance to cover loss of earnings of up to $20,000.

Under the current scheme, a victim will not necessarily receive the maximum; it will depend upon the nature of the injuries they have sustained. Compensation is determined having regard to the compensation table set out in schedule 1 of the current act. The table lists the injuries and the percentage of the maximum that can be awarded for each injury. It is not necessarily the case that a victim will receive less under the new scheme. It will depend upon their individual needs and out-of-pocket expenses, including loss of earnings. The new scheme gives victims the greatest chance of recovery rather than a lump sum years after the incident. Also, the victim does not have to go to court with the prospect of having to face the offender again but applies to the government instead. There are tangible and intangible benefits to the victim, government and society of early intervention under the new scheme. It will be the victim's choice which scheme they wish to access assistance under. Victims groups that were involved in developing this change in focus to early treatment rather than lump sums years after the event support the proposed scheme.

The member for Burnett raised the question of whether persons who became victims before the bill becomes law would be able to apply under the new scheme. The bill repeals the current scheme. The transitional provisions ensure that victims who have an act of violence committed against them prior to its repeal do not lose a right to apply for assistance. If a victim applies under the current scheme before commencement of the bill, that application will continue to be heard under the current scheme. For court applications, a victim has until two months after commencement of the bill in law to make the application. This is due to the complexity of court applications, the need to file documents and to engage a lawyer. For non-court applications, the victim must make the application before commencement of the bill on 1 December 2009.

A victim who would have had a right under the current scheme except for its repeal but who has not made an application under the current scheme will be able to apply for financial assistance under the new scheme within the time limits set out in the bill. Some victims who are ineligible under the current scheme will have rights to apply for financial assistance under the new scheme—for example, primary victims whose offenders are dealt with in the Magistrates Court and secondary victims. These victims are only eligible for financial assistance for acts of violence that occur after commencement of the act. The act will be prospective, not retrospective.

The bill also transitions applications by family members and dependants—that is, related victims. If one or more related victims has made an application under the current scheme, they must be made within the current pool—that is, $39,000 for dependants and $9,000 for related victims. If none of the related victims have made a claim under the current scheme before commencement of the bill, then the related victims can put in a claim under the new scheme for the $100,000 pool of assistance. My department has prepared a communications strategy to alert victims to these issues, including newspaper advertisements and radio announcements.

The member for Burnett also raised issues in relation to persons affected by events at the Bundaberg public hospital and whether they would be able to apply under the new scheme. I would encourage any victims to contact the Victim Assistance Unit, once it is established under the act, where they can receive advice as to their rights and the processes available to them.

In conclusion, I again thank honourable members for their contributions to this debate. I particularly acknowledge the work of my predecessor, the member for Toowoomba North, the honourable Kerry Shine, for his work in championing this bill. He has been a relentless champion in this House for the rights of victims in Queensland and this bill is a testament to his hard work and legal acumen. I also take this opportunity to thank once more the members of the external reference group and publicly acknowledge the role they have played. I wish to acknowledge them individually by name. The members of the group were the Queensland Homicide Victims Support Group, the Aboriginal and Torres Strait Islander Legal Service, Relationships Australia, Bravehearts, the Gold Coast Centre Against Sexual Violence Inc., the Australian Lawyers Alliance, the Queensland Law Society, the Working Against Abuse Service, Protect All Children Today Inc., the Immigrant Women's Support Service, the Elder Abuse Prevention Unit, the Women's Legal Service Queensland, the Domestic Violence Court Assistance Network, the Queensland Domestic Violence Services Network, Women Working with Women with Intellectual and Learning Disabilities, Queensland Advocacy Inc., Caxton Legal Centre and the Court Network.

These groups and the hardworking Queenslanders who give their time, often voluntarily, to keep the process going are valued members of the broader justice community and this new scheme has benefited greatly from their input and advice. I also thank the officers from the Department of Justice and Attorney-General who have been integral in working on both the review of the criminal injuries compensation scheme and the preparation of this bill. From the review team, I particularly acknowledge Natalie Parker, Farina Khan, Liza Windle, Gail Hartridge, Susan Kerr, Anna Rickard and Tricia Matthias. In particular, for their further work on this bill I thank Tricia Matthias, Kerry Bichel, Natalie Parker and Nicola Doumany, as well as Mark Biddulph from my office. I commend the bill to the parliament.

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

Motion agreed to.

Bill read a second time.

Consideration in Detail

Clauses 1 to 4, as read, agreed to.

Clause 5—

Mr MESSENGER (4.40 pm): I thank the Attorney for clarifying to a certain degree the situation for that group of victims who had a crime committed against them pre this legislation. The way I understand it from his summing-up is that they have almost two rights—for a certain period of time they will be covered under the old legislation up until December this year and they also have the right to apply under this legislation. I ask the Attorney to comment on that briefly.

I appreciate the Attorney saying that the victims identified in the Queensland Public Hospitals Commission of Inquiry should possibly contact the new unit set up by this legislation. Will the Attorney-General give an undertaking that in relation to the old special compensation scheme he will support the disclosure of those details that I have requested in a question on notice to the Premier this week?

Mr DICK: In respect of applications, the transitional provisions of the bill make it clear that court ordered criminal injury compensation will continue for two months after the commencement of the act. Anyone else is eligible to apply under the current scheme up to the commencement of the act. Then people will be eligible to apply under the new act once it commences. As all honourable members know, the sum of $75,000 is the cap for both the old scheme and the new scheme, so there is no disadvantage. But, as all honourable members have indicated during the debate, there is now a significant shift in the compensation that is provided to individuals, particularly up-front for medical and counselling support, the purchase of goods and services and so on.

In respect of those other matters, I acknowledge that the honourable member has put that question on notice to the Premier. The government will of course answer that question in due course in accordance with the standing orders. We will provide that answer when the answer is due.

Mr MESSENGER: In the interests of accountability, openness and transparency, I urge this government to provide those public details. We do not have the details of how much of taxpayers' dollars have been spent on the scheme. We do not know how many people have applied. We do not know to date how many people have actually received compensation. There is the non-disclosure aspect of this which is very worrying to me—that someone can go into a special compensation process and have to sign a non-disclosure clause and document, even before they are actually made an offer.

I ask the new Attorney-General to look at this aspect of this process and stop it, because those people are scared of approaching members of this Legislative Assembly and I ask that that fear be taken away from those victims. They have been through horrific processes. They do not need to be revictimised, which is essentially what is happening because of that non-disclosure clause. Fair enough, they can sign a non-disclosure form once they have agreed upon an amount and once the deal is done. But for them to have to sign sight unseen a non-disclosure clause is just beyond my comprehension, and I think it is beyond a sense of fair play and a fair go for Queenslanders.

Mr DICK: I do not want to delay the debate. Obviously the honourable member's question is not germane or relevant at all to this bill. What I would say is that individuals who participate in the special process were given the free choice to be able to do so. They were given the ability to participate voluntarily. No-one was required or forced to participate in the special process. They were given the opportunity to pursue their legal rights under the general law in Queensland. Some people elected to do that and those matters take on a course of their own under the relevant legislation in this state covering civil litigation and litigation in respect of personal injuries.

I also indicate that individuals participating in the special process are of course independently legally represented. They are not represented by the government. In fact, their legal representation is paid for by the government so they can engage in a fair and open manner in respect of the special process. That is the choice available to anyone who wishes to participate in that process. No pressure was placed on anyone to participate in that process. Individuals were given the free choice and the voluntary choice to participate.

Clause 5, as read, agreed to.

Clauses 6 to 217, as read, agreed to.

Schedules 1 to 3, as read, agreed to.

Third Reading

Hon. CR DICK (Greenslopes—ALP) (Attorney-General and Minister for Industrial Relations) (4.47 pm): I move—

That the bill be now read a third time.

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

Motion agreed to.

Bill read a third time.

Long Title

Hon. CR DICK (Greenslopes—ALP) (Attorney-General and Minister for Industrial Relations) (4.47 pm): I move—

That the long title of the bill be agreed to.

Question put—That the long title of the bill be agreed to.

Motion agreed to.

MEMBERS' ETHICS AND PARLIAMENTARY PRIVILEGES COMMITTEE

Reports

Mr SHINE (Toowoomba North—ALP) (4.48 pm): I seek leave to table two committee reports of the Members' Ethics and Parliamentary Privileges Committee.

Leave granted.

Mr SHINE: I table report No. 98, *Report on study investigation by the committee, July 2009*, and report No. 99, *Report on a right of reply No. 20*. I commend the reports and the committee's recommendations to the House.

Tabled paper: Members' Ethics and Parliamentary Privileges Committee Report No. 98—Report on Study Investigation by the Committee, July 2009 [847].

Tabled paper: Members' Ethics and Parliamentary Privileges Committee Report No. 99—Report on a Right of Reply No. 20 [848].

SUSTAINABLE PLANNING BILL

Second Reading

Resumed from 19 June (see p. 1155), on motion of Mr Hinchliffe—

That the bill be now read a second time.

Mr GIBSON (Gympie—LNP) (4.48 pm): I rise to make a contribution to the Sustainable Planning Bill 2009 and in doing so indicate to the government that the LNP will be supporting this bill's passage through the House. We note that, whilst there are some meaningful differences between the Sustainable Planning Bill and the Integrated Planning Act 1997, this bill maintains many of the underlying philosophies embraced by the Integrated Planning Act. However, it is important to note that the Integrated Planning Act has been amended by six core amending acts and 63 other acts and has been reprinted in the order of 85 times. As a result, IPA has ended up being complex legislation whose provisions are not necessarily internally consistent.

We note that a review of the Integrated Planning Act commenced back in 2006 with the report *Planning for a prosperous Queensland: a reform agenda*. As a result of that review, initially 80 recommendations were made following wide public consultation. From these recommendations there were notable inclusions and exclusions that are found now within the Sustainable Planning Bill.

I do note that there has been wide consultation by this government across a broad cross-section of stakeholders in compiling the Sustainable Planning Bill. However, I also note that in the final stages there involved a strict confidentiality agreement for a small number of stakeholders who were invited to comment upon the final draft. However, the final draft was not complete. After the bill was tabled it was raised with us that the issue of deemed approvals was not available for them to consult and came as a surprise to many of those stakeholders who had been involved in signing the confidentiality agreements for that final draft. It raises the question with regard to deemed approvals and the time line of incorporating deemed approvals into the bill. I cannot help but ask the minister: has this been rushed, and are we going to find some unintended consequences as a result of this? We note that with many pieces of legislation drafting errors occur when we rush things through. Whilst I note that it has not been the intent to rush the Sustainable Planning Bill, the issue of deemed approvals does seem to have been included at the last minute.

We have some concerns about some small drafting issues and we will be proposing amendments on those. I hope that the minister will take those in the good faith in which they are proposed. There are some amendments that relate to policy issues and we will have that debate as it is appropriate in the consideration in detail stage.

I did note that in his remarks—and it is something that is picked up—the minister described this bill as somewhat of an evolution in planning legislation rather than a revolution. I note the intent of that, but I wonder if that is perhaps a little bit simplistic. Whilst this bill is largely considered a refinement of IPA, there are some rather important changes which will fundamentally affect the way local government administers its planning responsibilities into the future. These are things that are not just evolutionary; they are quite a significant shift. It will result in a large change to the culture of dealing with planning under this particular act. I think it is important that we recognise that. Simply saying that it is an evolution implies to our local governments, to developers and to others that it is a little bit of a change when in fact there are some significant areas that we should be looking at.

Once implemented, the standard planning scheme provisions will provide some uniformity to the format and content of planning schemes throughout the state of Queensland. We acknowledge that this will make it easier for applicants to operate across local government boundaries. It will be far easier than it is at the moment for certain applicants who deal with issues across the state.

The Sustainable Planning Bill also includes policy, procedural and operational provisions which are very significantly different from those that are in the existing IPA. Extensive training of planning practitioners and the cultural change aspects of the proposed legislation will need to be managed carefully by the state government. I note that we are approaching the time frame in which the government intends to have this bill up and running, and I hope that within the minister's department resources have been allocated to ensure that those cultural changes and those training issues can be dealt with appropriately.

In addition, local governments will need to manage their resources carefully to achieve the cultural and administrative changes envisaged by this bill. We have to acknowledge that many councils are already stretched with regard to change management as a result of the amalgamations that they have recently gone through. The implementation of this bill could further tax their resources. We would ask the government and also local councils to ensure that they manage their resources wisely, for their failure to do so will put them in a very difficult position.

The need for the reform of IPA has been well known for some time. The measures needed to be taken have been discussed at length almost from the implementation of the bill. The implementation of solutions has been far slower than stakeholders would have liked. Applicants will need to become familiar with the changes to the time limits during the development assessment process that are contained within the Sustainable Planning Bill. Applicants will benefit from the ability to revive lapsed applications and to rectify missed referrals. Applicants will also benefit from expanded powers of the court to excuse noncompliance with procedural irregularities during the development application process. Local governments will need to be vigilant to ensure that decision time frames are being met so as not to run the risk of development applications being deemed to be approved. Applicants making development applications under superseded planning schemes will now need to do so within one year of the planning scheme taking effect.

The Integrated Planning Act is recognised as having both strengths and weaknesses for Queensland. The bill proposes an increased focus on the strategic elements of planning and requires such elements to be considered and reflected in local government planning schemes. One of the principal weaknesses of IPA's planning schemes is that, in general, local governments were prevented from incorporating any real forward planning provisions which, in turn, has led to a more complicated and uncertain development assessment process. The reintroduction of strategic elements into planning schemes is considered to be a positive legislative change and is likely to improve the robustness of planning schemes over time.

This bill is the overarching document that determines the structure of development in Queensland including state planning instruments, regional plans, state planning policies and standard planning schemes provisions, ministerial call-ins, local government planning schemes and planning policies, master plans, the integrated development assessment system—or IDAS—planning dispute resolution and infrastructure provision.

The clarification of the hierarchy of state planning instruments is welcomed as it gives clarity to this important area. It should be noted that under this hierarchy state instruments trump local plans. Whilst this may not immediately have substantial impacts on the process, we have been seeing an ongoing trend for state instruments to become increasingly detailed. A quick glance at the South East Queensland Regional Plan demonstrates clearly this phenomenon. Interestingly, we will see local government sovereignty undermined by these state government processes.

Also of concern is the lack of regulations released to underpin this bill. I appreciate the intent of the government in incorporating the detail in regulations, but with a significant bill like this it becomes a case of 'Trust us.' We have some concerns that the regulations may not contain the detail or may contain the wrong requirements, and we will not know that until we see the regulations when they are tabled. I assure the minister that there will be keen observation of all the regulations. Rather than having to move a disallowance motion, we hope that there will be opportunity to ensure we get them right for the benefit of the state of Queensland.

Mr Hinchliffe: There will be broad consultation on the regulations.

Mr GIBSON: Broad consultation on the regulations will be well regarded.

It is the stated intention of the government to have this legislation in place by the end of the year. As I indicated, that means around three months lead time. In this time an extensive education process will be required. We must remember that local government has been operating under IPA for an extended period and understands and has its processes geared around the requirements of IPA.

These changes, whilst not impossible, will be effected in a tight time line. We need to ensure that there is a good process of education and that the regulations are properly consulted within the time frame that we have. Otherwise we will see the process of change becoming blocked and ineffective, and this will seriously compromise the application of this bill.

It was indicated to me that one-third of the cultural change that is required comes from the bill. Two-thirds will occur out there from state government agencies, local government and developers. Two-thirds is a lot. I think we all have to agree with that. Three months is not a long period of time to be able to achieve that. While I know there are a lot of legal firms that are touting business for the new Sustainable Planning Act, it is important that education filters right down to those who are making the decisions so they understand it very clearly.

It is important we ensure that the education that is necessary underpins that cultural change. Cultural change is as critical within state government agencies as it is within local government as it is with developers. We are looking to achieve something that will be for the benefit of Queensland. There is certainly a lot of discussion within this House and within the broader community about the global financial crisis, about the need to have some certainty, about housing affordability. There is a range of issues. This bill provides us with opportunities to address those, but it is not because of the simple clauses within this bill; it will be because of the cultural change that occurs.

As I look to this bill's purpose, I note climate change, urban congestion, supply of infrastructure, adverse effects on human health, housing choices and alternatives to non-renewable natural resources are all important elements that need to be considered. Under this Labor government, we have seen local government and planning reforms in Queensland designed to shift planning to a new regional level. This has occurred through the amalgamation of local government councils, with increased planning controls at state government rather than local government level, and even the issue of water resources being brought under state control. Debate still rages over whether this model will increase or reduce the control of development, protect habitat and deliver better infrastructure outcomes under the pressures that Queensland is currently experiencing.

An alternative view argues that planning at this higher level, in particular, statutory planning, can be dictatorial, inflexible and out of touch with local communities. I am sure it is the intention of all members of this House that that is not the case; that we see planning that is in touch with local communities, that reflects the needs of those communities and adapts to the local issues that we have across our communities in this state.

I note within the bill there is discussion about the precautionary principle. It is a principle that the lack of full scientific certainty should not be used as a reason for postponing a measure to prevent degradation of the environment if there are threats of serious or irreversible environmental damage. The proposed Sustainable Planning Act obliges decision makers to incorporate or use the precautionary principle within their decision-making process. This would apply even if the form of those decision-making processes were to change over time.

Whilst the bill does not provide a definition of the term 'precautionary principle', we do see within proposed subsection 2 a short statement as to how decision makers are to incorporate the precautionary principle into their decision-making powers under this proposed act. In practice, the manner in which the precautionary principle is to be used to advance the act's proposed purpose is that its use is to nullify the lack of scientific certainty as a reason for allowing or not allowing a proposed development to proceed or acts to continue or cease.

The precautionary principle in the context of environmental protection is essentially about the management of scientific risk. It is a fundamental component of the concept of ecologically sustainable development and is defined in principle 15 of the Rio Declaration on Environment and Development from 1992. Principle 15 states—

Where there are threats of serious or irreversible damage, lack of full scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent environmental degradation.

Although the term 'measures' is not entirely clear, it has generally been accepted to include actions by regulators such as the use of statutory powers to refuse environmental approvals to proposed developments or activities.

The intergovernmental agreement also contains a provision relating to the precautionary principle. This agreement was signed in May 1992. As a signatory to this agreement, the Queensland government agreed to integrate environmental considerations into its decision-making processes by, one, ensuring environmental issues associated with proposed projects, programs or policies will be taken into consideration in the decision-making process; two, ensuring that there is a proper examination of matters which significantly affect the environment; and, three, ensuring that measures adopted should be cost effective and not disproportionate to the significance of the environmental problems being addressed.

I would now like to direct my remarks to the referral agencies and state government time lines. Whilst local government and developers' responsibilities are clarified and streamlined under this bill, such provisions do not apply to state government agencies. Indeed, under this legislation the matters state agencies must consider when assessing an application have been expanded. To impose such requirements on all other parties while ignoring the need for reform within the state bureaucracy is short-sighted and can be self-defeating.

State agencies often ask repeatedly for increasingly inconsequential or contradictory information, thereby dragging out the decision-making process. I am sure there are many members in this House who have been approached by developers who have been frustrated where they have received information requests and found that there is an inconsistency between what one department or state agency is asking, and another's information seems to be diametrically opposed to the information that one is requesting.

It is clear that there is no coordination between state agencies. The department of infrastructure has vacated the ground in letting other agencies drive their agendas. I will be proposing an amendment to ensure all concurrence agencies provide a copy of their information request to the chief executive of the department infrastructure. This is intended to provide the chief executive the information required to take a lead role in coordinating concurrence agencies' information requests and thereby streamlining the process.

In addition, to minimise the number of information requests from agencies, I will be moving an amendment to limit the number of information requests an assessment manager or concurrence agency may make to two per application. This is intended to ensure that information requests are not used as a delaying tactic. Two information requests should be considered reasonable: one to ask the questions based on the initial assessment of the development application, and then one to clarify any of the information that has been provided within that. However, it is also intended to provide an incentive for applicants to answer information requests fully. It is in their best interests to provide full and comprehensive answers up-front, and not doing so may lead to a refusal of the application.

The provision allowing the applicant to refuse to supply a response to an information request without providing any reason is concerning. Such a situation may not allow the assessment manager to consider the full and proper information associated with such an application. I will also be moving an amendment to ensure referral agencies assess applications under the same planning scheme as the assessment manager. Whilst it is assumed this should be the case, a recent legal finding by the Court of Appeal in Sevmere Pty Ltd v Cairns Regional Council & Anor in 2009 allowed a state government agency to assess an application under the new planning scheme when the local government had decided to consider the application under the superseded planning scheme, and that was within the time limit that was allowed. This case opened up a situation where the local government faced a claim for compensation which it otherwise would not have been liable for.

This inconsistency between how the state agency assesses an application and how the local government assesses an application will, in certain limited cases, cause great concern because of the compensation issue. I am sure that it is not the intent of this bill to have that inconsistency between which planning schemes are being used in assessing the applications but, in light of the recent case, the amendment that we will put forward is quite genuinely about ensuring that all parties are singing from the same song sheet.

With regard to superseded planning schemes, we note that the reduced time frame from two years to one year will ensure that areas have planning schemes that are current and modern for their requirements. As I noted earlier, this may lead to two schemes running concurrently. In and of itself this is a reasonable situation and allows for transitional processes to be put in place. However, particularly for major development projects, the six-month time frame for the preparation and lodgement of a development application may be an unrealistic time frame. We will not know this until the legislation is in place. It is something that we may look to come back to.

With regard to ministerial intervention, this bill continues the trend of expanding the power for the minister to intervene. The bill expands the definition of a state interest to mean (a) an interest that the minister considers affects an economic or environmental interest of the state or part of the state, including sustainable development or (b) an interest the minister considers affects the interests of ensuring there is an efficient, effective and accountable planning and development assessment system. I cannot help observe that these are very broad definitions of state interest. Whilst not wanting to cast any aspersions on the current minister, it is of concern because we may see a situation where the minister is willing to push the envelope when it comes to a call-in because the definition of state interest is so broad.

In addition, the minister also has new powers to direct councils to decide applications or not decide applications. The minister may direct that conditions be attached to a development approval. The minister can also direct an assessment manager to provide a copy of applications for a development. All of these apply as long as there is a state interest involved. As we have just seen, the definition of a state interest is very broad. This is before we consider ministerial call-in powers.

The minister may call in an application but he must only consider the state interest in his decision making. While such call-in powers are not intended to be routine or used often, it is worth noting that in the past 12 months the minister has reported 12 ministerial call-ins—

Mr Hinchliffe: Not this one.

Mr GIBSON: Not this minister. Previous ministers have reported 12 ministerial call-ins to this parliament.

Mr Hinchliffe: My finger is not so itchy.

Mr GIBSON: I take that interjection. I hope that is the case quite genuinely. There is no doubt that there has been an increasing tendency for ministers to use this power. I look forward to this minister's finger not being that itchy when it comes to call-ins.

I am also concerned about the impact on fundamental legislative principles of the ongoing ability of ministers to diverge from the principles set out in legislation and overrule local councils when it comes to ministerial call-ins. An area of interest is the other eligible ministers as contained within the bill. We find that unspecified other eligible ministers will be able to access broad powers under this bill, including the ability to prohibit or regulate development and jointly make state planning policy. As the other eligible ministers are not defined, it is logical to conclude that any other minister could be defined as an eligible minister and can jointly make a regulation or planning policy.

Mr Hinchliffe: Jointly.

Mr GIBSON: I do know that it is jointly. It is very broad. Regulations and planning policies are defined very widely. I am concerned that this is another example of the planning minister and his department ceding their coordination role and their powers to work with other departments when it is our view that they should be taking a pre-eminent and lead role with regard to the planning issues of this state.

I turn to the issue of properly made applications. There has been an emphasis on properly made applications which will require applicants to ensure that their development applications are well made and meet the mandatory requirements. Properly made applications see the introduction of mandatory supporting information. There is no discretion for the assessment manager on properly made applications. However, there is a process for a notice to rectify. This provision is intended to raise the bar for applications and its aim should be widely applauded. However, it may have unintended consequences, including increased litigation. This is again something we will not know until we see the application of the legislation.

It is not known what the IDAS forms, which set out the mandatory information, will include at this stage. It is vital that this mandatory information is objective and not subjective. It is an area that can be challenged in court and it is important that the information required is not of a subjective nature. What to one applicant is a comprehensive assessment, to an environmentalist, a commercial competitor or others may be grossly inadequate.

Whilst this example may be seen to be extreme, it is an area where definitions are not clear and what is reasonable is currently debatable. For that reason, I will be moving an amendment to insert a new subclause to ensure that mandatory requirements are prescribed by regulation. By ensuring mandatory information is prescribed and consistent the intent is to limit disputes. It is also critical that the number of mandatory requirements is kept to a minimum and that the majority of supporting information continues to be nonmandatory.

Also, if an improperly made application is not identified by the assessment manager within 10 days, from our reading of the bill there is no ability for recall. There appears to be no provision under the bill for a situation where an application is not properly made but the assessment manager fails to give the required notice in the allotted time. This may result in an application making it substantially through the assessment process before being challenged by third parties via declaratory proceedings leading to delays and additional court proceedings. Such a challenge may result in the application being sent back to square one even if in every other way the application is up to scratch.

I know that it is not the intent of this bill to cause that type of difficulty. If we have interpreted this wrongly I would ask the minister to clarify it when appropriate. If our interpretation is correct, could he look at ensuring that there is an ability, where an improperly made application has not been notified by the assessment manager, for it not to be required to go right back to the beginning?

As mentioned earlier, assessment managers no longer have the discretion to accept applications which may, for any reason, be considered not properly made. The assessment manager must reject the application. Concerns have been raised with us considering this lack of discretion, particularly considering the short time frame of 10 days for this decision to be made. There should be consideration given to reinserting deeming provisions on this matter if it is found in the application of the bill that this is not achieved.

I note that this bill reintroduces the historical concept of prohibited development, albeit in a restricted form. A development application cannot be made for a prohibited development even when the applicable planning scheme deems such an application as accessible or exempt. The removal of such prohibitions was central to the Integrated Planning Act. However, many prohibitions were imposed through other legislation—for example, the Vegetation Management Act. Prohibitions run counter to the fundamental principle of performance based planning systems but it is recognised that there are times when prohibitions are necessary.

Only the state can identify prohibitions and compensation is not available in most cases. Prohibited development will be limited to development identified by the state in a state planning regulatory provision or in the Queensland planning provisions. Local government planning schemes cannot identify a prohibited development unless it has first been identified as a prohibited development by the state.

It is likely that upon enactment there will be some uncertainty about whether a development is prohibited or not. Schedule 1 refers to 12 prohibited development areas and, of the 12, eight relate to wild rivers. This raises serious concerns about the Premier's claims that wild rivers provisions do not restrict development. Last month she released a statement stating that such claims were wild and baseless; however, the provisions in this bill indicate differently. Whilst the government has indicated

that these prohibitions will be used only as a last resort, we cannot help wondering if this government will be tempted. As was put to me by some of my colleagues, it has form. I fear the government will continue the practice of imposing prohibitions based on little or no consultation. As I was going through the bill I noted that the most prohibitive development under schedule 1 would be the clearing of vegetation to establish a brothel in a wild rivers high-preservation area.

Mr Hinchliffe: A lot of demand for that!

Mr GIBSON: A lot of demand for that! Our concern is that these prohibitive developments may not necessarily address the key areas. I note that no compensation is available for schedule 1 prohibitions, state planning regulatory provisions or if mandated by the standard planning scheme provisions. However, if they are applied by the discretion of local council, it appears that the local council may be liable for compensation. This is an issue of concern and one that I would seek clarification on from the minister.

I now wish to address the issue of deemed approvals. The bill introduces a process of deemed approvals for most code assessable development applications not decided within statutory time frames. This is certainly the most significant change to the integrated development assessment system—IDAS—and it is a reversal of the current situation under IPA. I come back to my earlier remarks: it is hardly evolutionary when we are reversing what has been in place. The implications of the deemed approval process are not fully understood by all at this stage. It is more than likely that local government will need to revisit their processes and their delegations to staff. However, as more information unfolds on this issue over the coming months I am sure there will be more commentary.

It is likely that planning schemes prepared under new legislation may have less code assessable development and more impact assessable development as a risk management strategy. For example, the vast majority of development applications in the Brisbane City area are currently code assessable, as are regional shopping centres. It is unlikely that councils will allow such major or complex applications to be subject to deemed approvals. The philosophy of the bill appears to be that code assessable development should be limited to consistent development at any given location; therefore, deemed approval of particular applications should not cause significant planning problems, particularly as deemed approvals will include conditions imposed by the minister under regulation about which, I have noted, the details are not known at this time.

While such a philosophy is indeed sound, there is potential for significant problems in the period between the commencement of the new legislation and the adoption by local government of new restructured planning schemes. Many of the IPA planning schemes incorporate a concept of code inconsistent development. Local governments can ill afford to allow any inconsistent development to be deemed to be approved, so it is likely that applications for such developments will receive priority assessment. This in turn may result in longer assessment time frames for consistent, more straightforward development proposals, which is a concern from the perspective of the efficiency of the system.

Unlike many of the other provisions in this bill, there is no provision to revive an approval accidentally missed due to exceptional circumstances or an oversight. While it may be seen to be unacceptable for any council to miss such a deadline, there will be situations where a development that should have been rejected is not decided within the time frame. Large councils with considerable resources will be able to reorganise their business practices to avoid such a circumstance; however, in small regional communities it is clearly foreseeable that this may not always be possible. There may be natural disasters such as flooding which can disrupt normal council processes; there may be only one planning officer covering a range of councils able to action the application and who, for various reasons, including illness, may be unavailable to make the decision; or the council may not meet in time to consider the application.

Also, as yet we are unaware what the standard conditions will be for these provisions. Councils will have 10 days to apply conditions, and if they do not the standard conditions will apply. It is important that, in determining the standard conditions, the minister again consults widely and recognises that across this state there are many different requirements to be applied. So it is important that standard conditions do not advantage or hinder one particular area of the state in determining them. My advice there is: less is more. It is worth noting that there are some exemptions to deemed approvals—most notably, code assessable vegetation clearing under the Vegetation Management Act.

There has been much ado made about the bill reducing time frames for development approvals. However, an inspection of this legislation reveals that, apart from deemed approvals, there is limited, if any, real reduction in assessment time frames for applications. This is as, despite a reduction in some time frames, more processes are inserted in the progression of applications. It is interesting to note that the major reduction of response—time on information requests—is borne by the applicant, not by other players.

Over recent years the development industry has experienced a rapid and sharp increase in infrastructure charges. Councils have been encouraged by the state government to develop priority infrastructure plans to better correlate planning and infrastructure charging and infrastructure charging schedules to make infrastructure charging more transparent. These PIPs have not, however, proved popular with either councils or developers. The complexity of infrastructure charging has cast doubts over the transparency and accountability of the process. The provision of appropriate and identified infrastructure in a timely, equitable and economic manner is an essential part of sustainable planning and development. However, as suggested by the fact that the state has been advocating PIPs in local government areas now for some 5½ years and yet only one is currently in effect, this component of the planning process is not the slightest bit straightforward.

Affordable housing, more constrained sites, who really should pay for what, the highest and best use debates, planning schemes, legislative amendments and regional influences are only some of the elements which are continuously moulding our experience with infrastructure planning and charging within Queensland. No discussion about infrastructure planning can occur without a recognition that housing affordability is a significant issue in the state of Queensland. It affects not only the ability to buy a house but also the capacity to sell the house. Often there is no recognition of the capacity of a purchaser to service the loan that is required, and housing affordability and infrastructure charges can act as a double-edged sword for housing affordability, as increased contributions can result in decreased affordability as those costs are passed on.

Larger developers are in a better position to negotiate contributions. Larger developers are in a better financial position to offer discounts, rebates or bonuses and they have a greater capacity to hold stock. But it is noted that all developers are price takers when it comes to infrastructure charges. We must re-establish confidence in infrastructure charging across this state. Demystifying infrastructure charging is an important initiative and one that is well worth pursuing.

Mr Hinchliffe: And that's what PIPs do.

Mr GIBSON: I disagree, Minister. I would hope—

Madam DEPUTY SPEAKER (Ms Farmer): Order! Members should address their comments through the chair.

Mr GIBSON: Thank you, Madam Deputy Speaker. I disagree with the comments the minister has made that that is what PIPs will do, because clearly 5½ years has not resulted in those outcomes. In addition, state government cost shifting is increasingly hitting local governments' bottom lines, and this has left councils with a hard choice—to either hike their rates or increase their infrastructure charges, but it is never as simple as one or the other.

On average, the gutting of water supply and sewerage grants in the recent state budget has increased the cost of a new block throughout Queensland by $5,000. Infrastructure charges are not designed to be the place where state cost shifting lands at the end of a game of hot potato. Time and time again we see this government walk away from its responsibilities.

In addition, there needs to be an opportunity for applicants to negotiate infrastructure changes and to have their voices heard. For that reason, I will be moving an amendment to ensure that any request by the applicant to negotiate the infrastructure charges notices—a regulatory infrastructure charges notice or regulated state infrastructure charges notice—must be considered within 30 days with an additional provision that provides the assessment manager with an extension of 30 days.

As I have stated earlier, despite five and a half years, only one priority infrastructure plan has so far been approved and it is likely that it will have to be reviewed also. Councils understand that the state government has set out the immediate need for them to prepare and adopt PIPs. Under the bill as it stands, all PIPs need to be completed as well as reviewed and approved by the Department of Infrastructure and Planning as well as the Queensland Competition Authority by 30 June 2010. Based on past performance, that will be impossible to achieve. However, if this provision is not met, I am advised that councils will lose all ability to levy and recover infrastructure charges.

Whilst the bill gives the minister the ability to gazette an extension of time, this provision as it stands leaves councils with uncertainty and an ongoing financial impost. It is for that reason that I will be moving an amendment to extend this provision to 2011. The failure to do so will simply set up this clause to fail. This will enable the continuation of the application of the planning scheme based charges with increases limited to increases in the CPI. I also understand that CPI increases are substantially less than the actual increase for cost infrastructure and so continues a strong incentive for councils to urgently proceed with their PIPs.

With regard to compliance assessment, in addition to exempt, self-code and impact assessment, the bill introduces compliance assessment as an option for local governments to use in assessing development against clear technical codes. This is an issue that needs to be considered carefully in the drafting of any new planning scheme and, as such, as the use of compliance assessment in appropriate circumstances is likely to reduce the council's regulatory burden by simplifying the assessment of

particular types of development proposals, to this end the provision should be welcomed. The provision will allow councils to effectively outsource compliance assessment to outside parties. I note that this provision has been modelled on the very successful Brisbane City Council RiskSMART program. I commend the government for being willing to adopt the LNP council's approach.

The standard planning scheme provisions are potentially the most significant policy reform in the bill. The provisions relate to best practice planning scheme drafting and will result in future planning schemes featuring a standard table of contents, standard drafting principles and guidance, model zones and codes and standard codes on matters that are genuinely common across the state, such as acid sulfate soils. These provisions should aid in the preparation of future planning schemes. However, it is important to ensure that such standardisation does not result in insufficient flexibility for local governments to appropriately plan for local circumstances.

At a number of points throughout the assessment processes, as detailed in this bill, there is inserted a five-day window for applications to be revived. Concerns have been raised that it is still likely that an application will inadvertently lapse, but just five days later than they would have otherwise. Nevertheless, lapsed application provisions are welcomed, because they are seen to being able to provide an important step that was not provided under IPA.

With regard to planning policy, I note that the local planning scheme review now extends from eight years to 10 years and that the state planning scheme review at 10 years can be extended to a maximum of 12 years. The explanatory notes state that it is intended that a review of the relevant state planning policy be commenced eight years after the day the state planning policy had effect. But this is not legislated in the bill. For that reason, I will be moving an amendment that seeks to ensure that state planning policies are reviewed within 10 years of the day they came into effect. That is in line with the requirements contained in the bill for local governments. Our view is that if it is suitable for us to place these requirements upon local governments, then surely the state government should have the same requirements placed upon it. That will ensure consistency and good practice by the government, ensuring that planning policies are relevant and timely.

It appears that the bill has removed the presumption in favour of approval for code compliance applications. I would ask the minister in his summing-up to clarify that point for us. Strong concerns have been raised with us that the removal of this presumption may impact adversely on the certainty required for securing finance, particularly in this current economic climate where the provision of finance is not obtained easily.

The bill does not change the process for obtaining resource entitlement for certain applications. The current requirements often present difficulties and delays in obtaining consent from the state regarding applications impacting upon state resources, such as roads. The difficulty resides in the nature of the entitlement. These applications are often made early in the development process. In essence, the applicant is seeking consent to the lodgement of the application. But as the legislation reads, currently state agencies are providing an entitlement to the resource and this is occurring quite early in the application process. Consideration may be needed to be given to a two-stage process, where the state provides consent to the lodgement with the entitlement negotiated and granted prior to the development proceeding to construction.

Under the bill, the Building and Development Tribunal has been replaced by the building and development dispute resolution committee. That committee is to be made up of both lawyers and non-lawyers and may hear declarations, properly made application disputes, the lapsing of a request for compliance and other building related matters.

There are also changes regarding the Planning and Environment Court, including the ability to order costs if the court considers the proceeding was instituted or continued by that party primarily to delay or obstruct, and changes in how the court deals with matters of noncompliance. I note that there are some amendments proposed by the minister and I am happy to indicate that we will be supporting those with regard to the Planning and Environment Court.

The legislation before the House, though, prohibits legal representation before the committee. Whilst the aim of ensuring that the committee is relatively informal and in recognition that the matters it will hear will be of a less complex nature, this blanket rule may lead to unintended consequences. As noted, the committee's jurisdiction has substantially expanded, including into declaratory matters. In such technical and complex cases, there may be argument for allowing legal assistance.

In addition, it is clearly foreseeable that one party could be disadvantaged by the lack of representation. For example, for one party English may be a second language, or they may be suffering a disability such as deafness and that may impact upon their ability to represent themselves, or there could be the situation in which one party is a lawyer and the other party is not. In that case there will be a natural disadvantage to that party representing themselves before the committee when the other individual has the skills and the training of a lawyer. I put it to the minister that there needs to be some

consideration given to address such issues of inequity in limited cases. I acknowledge that they are limited but, as I have said many times in this House, with regard to my own family situation I have seen people with disabilities face barriers that were not intended. I simply would like the minister to look into that area.

With regard to excusatory powers, I note the UDIA has advised that His Honour Judge Rackemann has made the point that the court's excusatory powers would allow a deemed approval to be revoked and it was questioned whether that was intended. I seek clarification from the minister on this particular issue.

In the time that I have left I draw to the attention of the minister, if he has not already seen it, some confidence in the fact that sustainable planning is not an issue that has only been looked at by this House. Indeed, the approaching youth parliament that will meet in this House has put forward a Sustainable Planning and Development Coordination Youth Bill. For the benefit of the minister and the House I will identify the difference in size.

Mr Hinchliffe: Do you want to move theirs?

Mr GIBSON: I am with theirs.

Mr Hinchliffe: I suspect it does not have transitionary provisions.

Mr GIBSON: I would advise the minister that they have not been too worried about cost either. They have some great ideas here but let us not worry about what it would cost the state of Queensland. There are some great ideas. I know that all members support the youth parliament. I commend those members of the youth parliament who have put forward this bill. They have come up with some exciting concepts that we could learn from.

The first that I would like to touch on is the office of integrated planning. It is proposed that this would sit within the department but would act as an office to create effective communication lines between relevant government departments involved in the following areas: infrastructure, regional development, planning, transport, natural resources and environment. It then goes on to say that its purpose would be to compile all relevant data between related government areas, coordinate all relevant government areas to develop land use and infrastructure plans and provide the minister with advice on actions that need to be taken.

Mr Hinchliffe: It sounds like the department.

Mr GIBSON: It does, but it highlights the need to coordinate that information. Earlier in my speech I alluded to the situation where two departments—invariably in my experience to date it has been the Department of Main Roads and the former EPA now DERM—would put forward information requests and one would think, 'Are they talking to each other? Is there any coordination?', because one is asking for one thing that is clearly the opposite to what the other is asking. It does create frustration going forward.

The other issue that I would commend all members of this parliament to seriously consider and to look to develop into policy—it is something that I have been looking at and it is not surprising to see the youth of Queensland, who are incredibly committed to the environment, are looking at as well—is the need for a commissioner for sustainability and the environment, an independent person who sits aside, much like the Auditor-General, but with powers to review those decisions that have an impact on the environment. In this age where we talk about sustainability, climate change and leaving a legacy for our children, it is important that there is an independent officer who keeps all accountable. My view is that that person should be an officer who answers to the parliament of Queensland. The youth parliament bill does not address that. It is exciting to see that the youth members are embracing those issues of sustainability as clearly as we do within the Sustainable Planning Bill.

I thank the many groups of people who provided their assistance in the process of considering the bill—874 clauses is not easy to get through. There have been many industry groups that have assisted, including the UDIA, the Property Council of Australia and the Planning Institute of Australia. Many stakeholders groups, including the Environmental Defender's Office and the Environmental Law Association, have provided valuable feedback, as has the LGAQ. Individual planners within various local governments have provided us with their views and lawyers across the state have given their observations on the bill. It is encouraging to see that so many stakeholders are interested in what is occurring, but it is understandable. When it comes to ensuring that we get the planning right for the state of Queensland it is not something that we can afford to stuff up, to put it bluntly. These are decisions that will hopefully ensure that we have a bill that is not amended to the extent that the IPA was. It is important we have a bill that, once it is implemented, we will only be making minor amendments to.

Should this bill pass this House, and I fully believe that it will, it is important that we see wide consultation on the information contained in the regulations. That being the case, I commend the bill to the House.

Ms BATES (Mudgeeraba—LNP) (5.45 pm): Tonight I rise to contribute to the debate on the government's Sustainable Planning Bill 2009. The bill purports to achieve ecological sustainability by managing the process by which development happens, managing the effects of development on the environment—including managing the use of premises—coordinating and integrating planning at the local, regional and state levels and is more evolutionary than revolutionary.

This Sustainable Planning Bill 2009 will replace the Integrated Planning Act which was introduced in 1997 and much amended since that time. In the past 15 years planning in Queensland has become more complex with further consideration in the planning and development of towns. This is as a result of more complex issues being taken into consideration in the planning and development of our towns and cities, including important environmental considerations. Unfortunately, this has led to longer time lines and increased the costs of development and is a system that is inefficient, awkward, unclear, inflexible and unresponsive.

The bill is designed to lean towards cultural change in the local government and development industries and, whilst it is generally accepted that the introduction of this bill is an improvement, it is disappointing that such changes do not extend to all state government entities. Some of these reforms were contained in amendments to the current IPA in the Urban Land Development Authority Act 2007. These included extended powers of ministerial direction and call-in, an expanded regional planning framework, and the introduction of state planning regulatory provisions. These reforms are reflected in this bill.

This bill will determine the structure of development in Queensland, which includes the following: state planning instruments, including regional plans, state planning policies and standard planning scheme provisions; ministerial call-ins; local government planning schemes and planning policies; master plans; the Integrated Development Assessment System; planning dispute resolution; and infrastructure provision.

Given the ongoing accusations regarding cronyism, kickbacks and deals with Labor mates, this is an area that needs close and constant scrutiny. This bill reintroduces prohibited development in Queensland. A development application cannot be made for a prohibited development, even when the applicable planning scheme deems such an application as assessable or exempt. Only the state can identify prohibitions and in most cases compensation is not available. Deemed approval has also been introduced in this bill. This means that if code assessable applications are not decided within a particular time frame they can now be deemed approved. This then allows the council 10 days to apply any conditions that need to be applied to the application. This is to discourage councils from sitting on controversial decisions without making a decision. There is no provision for exceptional circumstances if time lines are not met. If for whatever reason a decision cannot be made within the time line there is the risk that certain projects may be rejected or may be deemed approved.

Whilst deemed approvals and other provisions streamline local government and developers' responsibilities under the bill, such provisions do not apply to state government agencies. In many cases state government departments request information that is in contradiction to other state agencies. This is a case of the left hand not knowing what the right hand is doing, a common thread with this state labor government as outlined in numerous Auditor-Generals reports.

In addition, state agencies often repeatedly request inconsequential information that only serves to further drag out the decision-making process and this bill will actually widen the consideration of state agencies when considering referrals. The state government must coordinate such requests to stop such ludicrous outcomes which make a mockery of the stated aim of streamlining the planning approval process. Cost shifting of infrastructure charges are increasing between state and local government and, given that councils have limited opportunities to recoup funds through measures other than rates and charges, the only recourse is either through rate increases or infrastructure charge increases, with some councils overseeing skyrocketing charges over recent years that makes development uneconomical.

It is estimated that the shortage of dwellings in South-East Queensland will require three-quarters of a million new dwellings to be built by 2031 to cope with the major housing shortage. The state government in the recent budget predicted that an additional $5,000 would be added to the cost of each new house block throughout Queensland. At a time when other governments are attempting to stimulate the economy, albeit through misguided means, the Queensland government is making Queensland more expensive to live in. With backflips such as removing the fuel subsidy, increased car registration costs, increases in the cost of electricity, food and other staples, and price hikes in rates and housing prices, the lifestyles of Queenslanders have been further eroded.

This bill also includes provisions for ministerial call-ins. Such call-ins are not intended to be used routinely or often, but they are often used by this government and there is no right of appeal. Ministerial intervention powers are expanded under this bill, including being able to direct councils to decide or not decide on applications. However, the minister in his considerations need only consider the interests of the state relative to that particular application. In addition, unspecified other eligible ministers will be able to access broad powers under this bill, including the ability to prohibit or regulate development and jointly make state planning policy.

Businesses in the Gold Coast hinterland town of Springbrook say that they are suffering because of secretive deals between the state government, environmentalists and former owners of properties that have been acquired by the government. Given that this bill purports to achieve ecological sustainability and coordinate integrated planning at local and regional levels, the residents of Springbrook do not feel that they have been included in these development applications or, indeed, the land acquisitions.

The Bligh Labor government has spent about $40 million since 2005 buying at least 42 privately owned properties, covering more than 500 hectares, to be incorporated into the Springbrook National Park. This area is obviously a World Heritage listed area. The residents in Springbrook and I are very pleased that the government is actually looking after the environment, but the residents also believe that the government is accumulating businesses, along with land and buildings. They allege that the government has leased out the businesses and houses for free or very little money and seems to be charging only peppercorn rents.

These government acquisitions have led to many accommodation places, restaurants and cafes closing down, adversely affecting visitor numbers to the area. Residents believe that the properties had been bought at inflated prices, sending their own land values soaring. These are examples that the minister needs to take into consideration in this bill so that residents in my community are not adversely affected. Since these land acquisitions, many residents have had to pay land tax for the first time because of the inflated land values, whilst at the same time businesses are suffering because visitor numbers are obviously down because people do not want to come to Springbrook if they cannot get a bed for the night or anywhere to eat. Residents do not think it is fair that $40 million of taxpayers' money is spent buying properties and businesses that are then leased back without any tender process or seeming accountability.

Another example of inappropriate planning was the complete and utter lack of consultation with residents in the Palm Meadows area and Carrara when a proposal was originally put forward to move the Gold Coast Turf Club to the flood plain around Palm Meadows. Residents had no idea about this process, nor were they consulted, and in fact many only read about it in the local paper.

Another development issue in my electorate was the lack of a solution to the problems caused by acid sulfate from the Carrara flood plain leaching into the Nerang River. More than nine years after this problem was first identified and a further 12 months after 86 per cent of residents directly affected signed a petition, residents up until recently were left in the dark, with no relief in sight.

In February 2000, the Palm Meadows Golf Club, the Gold Coast City Council and the former EPA commissioned a report titled *Issues and options for environmental rehabilitation of Witt Avenue drain, Carrara, Queensland*. The report concluded that there were indeed problems and that there were three options that should be considered to resolve this problem. They were: water treatment only at a cost of $1.155 million, intermediate rehabilitation and water treatments at a cost of $12.4 million, or optimal rehabilitation at an exorbitant cost of $18.6 million.

The former minister for sustainability, climate change and innovation, Andrew McNamara, in response to the petition requested the EPA to undertake further consultation with the council, the department of natural resources and the Palm Meadows Golf Club to determine whether any newer and more cost-effective treatment options for remediation have been developed since the study in 2000. This problem was ignored for far too long and has devastated the waterways and marine life in this residential estate, not to mention devalued properties in nearby canals with the smell of rotting fish and putrid odours pervading the area after heavy rains.

I have been working with Councillor Bob La Castra, councillor for division 8, since June regarding a solution to the problems caused by acid sulfate leaching into the Nerang River. As a result of this issue being highlighted by me and Councillor La Castra, meetings have since been held with relevant departments, with the following options being tabled: the developer is to consider rehabilitation of Palm Meadows Golf Course and surrounding owned land through the development and implementation of an environmental management plan; a trial is to be held on the removal of the tidal-floodgates in Witt Avenue—this will allow for tidal saltwater exchange within the drainage system; three to four water aerators, such as fountains, are to be installed within waterways on the Palm Meadows Golf Course; and during periods of acidity, particularly after rainfall, the Department of Environment and Resource Management will undertake a program of adding hydrated lime along exposed banks of waterways and drains to increase pH levels to neutralise acid run-off.

A meeting with the developer will be held in the coming weeks to establish a willingness to implement one or all of the treatment options. It has been more than nine years since the problem was first identified, but finally residents may soon be able to breathe a sigh of relief. Councillor La Castra is obviously pleased that the different levels of government have been working together to facilitate options to remediate this issue. He said—

It's great to finally get both the council and the state controlled DERM (formally the EPA), to reach a consensus on what needs to be done. I only hope that the land owner will show willingness to undertake works that will relieve the long-suffering residents, who live in this vicinity.

This is a perfect example of what can be achieved when the buck-passing stops and the different levels of government actually work together. Residents need to know that their concerns are being listened to, and it is our job as elected representatives to listen and respond to those concerns. The LNP supports the Sustainable Planning Bill 2009 with proposed amendments. I commend the bill to the House.

Mr STEVENS (Mermaid Beach—LNP) (5.56 pm): I rise to speak to the Sustainable Planning Bill 2009. The Sustainable Planning Bill 2009 will replace the Integrated Planning Act 1997, which originally condensed over 30 pieces of legislation about planning and development processes into one framework. I am glad to say that in my period of local government, which ended in 1997, I missed the introduction of the Integrated Planning Act, but I did leave with the hope that it would be an answer to a lot of problems that were in the act in force at that particular time.

While working with councils and the development industry and the building industry from that time on on certain projects and even later through council processes, as executive assistant to the mayor of the Gold Coast, I realised that the Integrated Planning Act was a major failure in terms of the amount of legal work that had to be done, the amount of bureaucracy that was taken on board through the process in local councils and the fact that it actually stalled development for inordinate amounts of time. So it is very timely that the new Sustainable Planning Bill—and I am not particular about what we call it, even though it is a nice friendly and fluffy name—has come to fruition. However, from the outset, there are certain concerns I have relating to the implementation of this bill. I believe there are some serious flaws that may need to be addressed. I will talk about those later.

I join the shadow minister for infrastructure and planning and concur with his concerns regarding the introduction of the bill and the recent release of the South East Queensland Regional Plan 2009-2031, which this planning bill will hope to sustain in a proper and effective manner as the development of South-East Queensland comes to fruition. I am seriously concerned from the outset about any deals that have already been done with developers and subsequent changes to zoning in areas that have been implemented for the advantage of certain Labor government supporters—cronies I think they are called these days. I question the Bligh Labor government's independence on a lot of these matters.

I refer the minister to a recent court case, which he would be aware of, in the New South Wales Land and Environment Court, which I assume works on the same legal principles as the rest of the courts in Australia. When the case went to the Land and Environment Court—we had one of these calls-ins from the Labor government in New South Wales—it was noted that donors to the Labor Party had put in $220,000 before the application was considered. The Land and Environment Court actually threw out the application on the basis that paying $220,000 to the Labor government had a severe influence on the objectivity of the planning decisions that were made. It threw out the application on the basis of a Labor Party donation. I hope we do not see a repeat of those sorts of circumstances in Queensland. I am sure the minister will be able to assure us that that sort of thing will not occur.

Mr Hinchliffe: You are the people with $16,500 to write your policies.

Mr STEVENS: I beg your pardon?

Mr Hinchliffe: You are the people with a $16,500 fee to write your policies.

Madam DEPUTY SPEAKER (Ms O'Neill): Order! Members should refer their comments through the chair.

Mr STEVENS: I take the minister's interjection. A person such as himself who has been involved in the lobbying industry up around Rainbow Bay and Inskip Point should know very well that paying $16,500 for the privilege to write policy has no correlation whatsoever. However, if he was out there lobbying, as the minister would know being in the industry, then those matters may well be taken into account by a planning and environment court at a later time if he had been involved in any particular matters. I am taking it that the minister has not been involved in this particular case.

This is one of the biggest potential land management zoning changes in the history of the state of Queensland. I do not hesitate to say that I have great concerns about the implementation as we move along. Just like the 1997 plan—it became involved with major legal interpretations and major adjustments by local councils getting used to the implementation of the new act—I can see a very difficult time ahead in the development industry in Queensland, and I will talk about that more as we move along. We may well be headed for a rocky road with the introduction of the Sustainable Planning Bill.

It is intended that the Sustainable Planning Bill 2009 will replace the Integrated Planning Act 1997 after being in force for 10 years. It has been under review since the 2006 discussion paper *Dynamic planning for a growing state*. It took this government 10 years to reinforce the fact that it had failed at predicting the growth in the population of Queensland. I have been around these planning documents since Terry Mackenroth's first planning document, which was developed after the work of Tom Burns, who did some excellent work and started to bring it together. Quite clearly, there is always an underestimate and nonrecognition—it has been happening since the sixties and seventies—of the thousands of people flocking to South-East Queensland.

No thought has been put into an appropriate urbanisation model that would see a strategic future direction for the whole of the south-east, and of course this is a major concern. A sensible and controlled urbanisation model needs to be implemented, which would alleviate pressure on all the basic services such as health, sanitation, education and transport. These basic services would be planned as part of the urbanisation model and would develop in accordance with the growing needs of each community. For instance, the expanding Los Angeles metropolitan area—about 17 million people—is an early example of uncontrolled urbanisation which could be avoided by implementing environmentally friendly, development friendly and consumer friendly communities that have access to the services they rightly deserve and pay for in their taxes.

Mr Hinchliffe: They ripped up the railway line like you did on the Gold Coast.

Mr STEVENS: I take the minister's interjection. It was taken up by the National Party at the time because it was a dog's hind leg. As a matter of fact, the Pacific Highway took up the allocation of railway land. It was a very good thing to pull up that railway line that was built in around 1964 because what did we get later on in the Better Cities Project, which was Brian Howe's project? We got a brilliant, new, modern-day railway which we would never have had if the old red rattler and the dog's hind leg wandering all over the Gold Coast had been left. I thank the minister very much for giving me the opportunity to let the House know about certain infrastructure matters relating to the Gold Coast.

A successful urbanisation model that finds a balance between industry, housing and commercial activity development would go a long way in accommodating the influx of 2,000 people to the south-east corner of Queensland each week. According to the Australian Bureau of Statistics, the population of Queensland has increased by 105,000 in the 12 months leading up to September 2008. That is a 2½ per cent increase which is climbing exponentially each year. That is exactly why a strategic urbanisation model has to be adopted to be able to support the massive population growth now and into the future. To be honest, this will be implementing the growth plan.

Putting in a lot of high-rises—and we had a presentation the other day—around places like Coomera and hoping that those sort of heavy densities will work in those areas is just living in fantasy land. High-rises work in appropriate areas such as transport orientated development, areas that are close to views over the oceans and areas of high demand for tourism et cetera, areas of rentals and other short-term accommodation. It has been a failure time and time again. I had the issue with the Coomera Town Centre back in 1994. I have had every development opportunity exposed and followed through in those particular areas. However, this dream scheme of building high-rises in inappropriate areas is not going to work, even though it may be seen as a way for the Labor Party to avoid paying for infrastructure and government services—roads, hospitals and schools—in outer lying areas. That is why we have this brownfield development mentality that this plan is hoping to implement. Of course it will fail again when it moves away from market demand as opposed to giving market direction.

A future growth plan needs to be on a longer scale and, along with a development industry growth plan, needs to take into account the next 50 years rather than the 22 years as the current South East Queensland Regional Plan does. It has been predicted that Queensland may have around 2.4 million households by 2026 alone with the rate of household growth possibly exceeding the population growth.

As the major driving force behind the expansion of Queensland and in particular the fastest growing area of Australia, the south-east corner has been a viable area for our development industry, an industry that I have come to know and understand over 21 years in local government. It is an industry I have been a part of from both sides of the counter and it is an industry that is critically important to the future of this state. I do know that the minister accepts that and works very hard to try to point the industry in the right direction. As he would know, the development industry in Queensland is in crisis mode. With the industry employing around 200,000 direct employees and 100,000 indirect employees—close to nine per cent of the Queensland workforce—and $67 billion in turnover, it is a key component of our economy. To keep up with the population growth, the industry should be delivering about 1,000 homes a week. Instead, it is only delivering 500 homes.

That is not the fault of the development industry but the fault of the Bligh Labor government which has been on the back foot for a very long time with regard to meeting the needs of the expanding growth in population we have in the south-east area of Queensland. It is very reactive and policies are driven as a reaction rather than the government being proactive in these areas. I think of the Urban Land Development Authority and the fanfare with which that was introduced. As I recall, we were going to have 19,000 new homes by March 2009—and I am going on memory of the Premier's delivery of the speech. We have not seen any of those get off the ground.

Mr Hinchliffe: I think you are a bit mixed up.

Mr STEVENS: It might have been 2008, but it was way back when. We have not seen any of them come to fruition through the Urban Land Development Authority from the date it was—

Mr Hinchliffe: It was not for the authority.

Mr STEVENS: Perhaps when the minister speaks he can advise us about which ones the Urban Land Development Authority have come forward with. As reported by the Urban Development Institute of Queensland, there are four main reasons we have an undersupply of housing in Queensland. I might add that that is leading to very high rentals for people in the lower socioeconomic bracket in Queensland whom our good friends on the other side of the House—the Labor Party—are supposed to represent.

The four reasons are restricted land supply, excessive infrastructure charges, inefficient practices and processes associated with the planning process and—given the current trend—finance availability. We are way behind population growth in the supply of suitable housing, which means we will be 45,000 short by June 2010 and the government's transfer duty will go from $2.92 billion in 2007-08 down to an expected $1.704 billion in 2009-10. This will mean up to 75,000 job losses for the industry according to the UDIA. At this point I would like to remind the House that the Bligh Labor government promised 100,000 newly created jobs at the last election. I assume that will be a net 100,000 new jobs. Tourism is going down and development is going down. I wonder which industries are going up in the 'jobometer' of the government's 100,000 new jobs. Nothing has been said by the government on how hundreds of thousands of jobs are going to be lost over the coming years and it has no plan to stop the critical decline in the job market over all industries in Queensland.

Councils across Queensland have had the biggest upheaval in the state's history with the amalgamation of 156 councils down to 72, and the Integrated Planning Act came into force before the amalgamations, which has made the IPA lacking in certain areas. Reforms are needed in other areas in which the IPA does not go far enough. The government believes the Sustainable Planning Bill will deliver all of the reforms needed for managed development and growth of services across the south-east. I question this and the impact that major state government intervention will have on the development processes for local councils.

The objectives of the bill are managing the process by which development happens; managing the effects of development on the environment, including managing the use of premises; and continuing the coordination and integration of planning at the local, regional and state levels. As stated in the explanatory notes, the bill's intent is to significantly improve and streamline land use planning and development framework and systems that reduce costs and get development on the ground sooner through streamlining, clarity, and greater flexibility and responsiveness. Apparently, streamlining is referred to as the planning and development assessment levels, greater flexibility in regard to regulatory framework of planning needs of the state, and clarity in plan making with consistent provisions and structure to allow for faster development assessments.

These are all wonderful words, and I love the sentiment and the spin behind the bill, but the whole matter of a proper approval process is about the receipt in a positive manner by local councils and the delivery of good timely development that will assist the industry overcome the major flaws in the development world at the current time due to the global financial crisis. This sounds good in theory, but from my experience in local government, as mayor of the Albert shire and mayor of the Gold Coast, it does not matter what processes are implemented, there are always variables that need to be taken into consideration with development planning, applications, assessment and final delivery of development processes. In fact, the more they have tried to complicate it, the more difficult it has become and more bogged down in legal jargon and fights in the court.

I remember when the chairman of planning for Gold Coast City was one Alderman Lawlor, who had with him a couple of characters like Alderman Lester Hughes and Alderman Trevor Coomber. They got some approvals done very, very quickly—without the wonderful framework of these planning bills. They did a very good job, and they had a very good planning officer, as I recall, Mr Noel Hodges, who put in teams to get these development works done that were very effective. The Gold Coast had a very good period under that direction. I understand that the tourism minister now has some call-in powers in conjunction with the minister, so he can get things done in tourism areas. Hopefully, the Gold Coast will benefit from some of those powers. I go back to a time when I had a development called Naturelink, which was a very good proposal at the time. Instead of call-in powers, the tourism minister at the time was Merri Rose, the member for Currumbin. Quite clearly, rather than call it in she was determined to knock it out. We would like to see some tourism development proposals going forward with the tourism minister's assistance to the minister.

Speaking of call-ins, I have seen more call-ins in the period of Terry Mackenroth and Paul Lucas than Russell Hinze made in his whole lifetime in local government. It has become a fine art form, and I will be interested to see how the current minister—

Mr Hinchliffe: But his were as dodgy as a two-bob watch.

Mr STEVENS: That is casting aspersions one way and saying that the other mob were not. I will be interested to see how many call-ins the current minister utilises under his planning act, because it was really supposed to be used as a power of last resort rather than a power of convenience or a power for friends needing development favours.

The objectives of the Sustainable Planning Bill will be achieved through the following ways: providing an integrated framework of state, regional and local performance based planning instruments with statutory effect; reforming IDAS to improve its efficiency and effectiveness; an integrated approach for dispute resolution and enforcement; and planning partnerships between state and local government through the master planning process.

My time is almost up. It is a subject I love, and I could go on but I want to get this in quickly. If the minister wants deemed approvals to work, the only way they will work is if he gets rid of the frivolous and vexatious appeals in the planning courts and let the erring parties in the Planning and Environment Court pay the costs. That will save blockages in the Planning and Environment Court after these deemed approvals are utilised more than required by local councils. If the minister were to adjust that at a later date—it is not in this one—he would find that people would be very considerate about going off to the Planning and Environment Court.

Ms DARLING (Sandgate—ALP) (6.16 pm): I rise to speak in support of the Sustainable Planning Bill 2009. Throughout the review of the Integrated Planning Act stakeholders consistently indicated support for the fundamentals of the integrated planning system. The fundamental principles underpinning the planning system and integrated development assessment system support performance based planning and allow for flexibility and innovation in planning and development outcomes. This offers our communities the benefit of land use planning and development that is reflective of their needs and demands with sustainable environmental, social and economic outcomes. Other principles underpinning the legislation include infrastructure planning and charging, state planning policies, state reserve powers, regional planning provisions, designation of land for community infrastructure and the private certification of building work.

These principles have been retained in this bill and are reflected in the purpose and objectives. These elements are also vital in ensuring communities that land use planning development decisions are properly informed by state level, regional level and local level matters, right down to the details of the construction of the building themselves—a truly integrated and balanced approach to our community's futures.

The bill states that the purpose of the act is to seek to achieve ecological sustainability in three ways: firstly, by managing the process by which development takes place, including ensuring the process is accountable, effective and efficient and delivers sustainable outcomes; secondly, by managing the effects of development on the environment, including managing the use of premises; and, thirdly, by continuing the coordination and integration of planning at the local, regional and state levels.

The definition of 'ecological sustainability' stated in the IPA has been retained in clause 8 of the bill, which emphasises the coordination and integration of planning at the three levels at which it occurs in Queensland; namely, the regional, state and local levels. This definition draws on the goal, core objectives and guiding principles of the National Strategy for Ecologically Sustainable Development endorsed by the Council of Australian Governments on 7 December 1992 but which has been expanded to include planning concepts about amenity, including the social and physical wellbeing of people in communities.

The bill continues to facilitate coordination and integration of planning by: providing for robust communication and consultation within and between levels of government as part of the processes it establishes for making planning instruments; establishing regional planning committees to coordinate planning at a regional level; establishing the scope of planning instruments in a way which requires or facilitates coordination of different aspects of planning; and establishing a clear hierarchy of planning instruments which interact in such a way as to result in integrated planning outcomes.

Currently IPA identifies six ways that ecological sustainability may be advanced. These include: ensuring decision-making processes are accountable, coordinated and efficient and take account of short- and long-term environmental effects of development at local, regional, state and wider levels; ensuring the sustainable use of renewable natural resources and the prudent use of non-renewable natural resources; and, finally, avoiding, if practicable, or otherwise lessening adverse environmental effects of development.

These provisions have been retained in this bill. However, the bill also modernises the purpose to include specific reference to contemporary issues such as climate change, peak oil issues, urban congestion, human health impacts, housing choice and diversity and economic diversity. The bill therefore gives explicit recognition to these contemporary issues to ensure that plan making and decision making involves consideration of these issues. This modernisation ensures that these emerging issues are specifically taken into account in building and planning for our communities. Our diverse communities will be assured that these key challenges in our future are going to be actively considered in the future of our communities.

With the proliferation of environmental concerns at an international and domestic level there will be an evolving number of treaty obligations, requirements and standards relating to issues regarding climate change and peak oil. While these principles may not all be incorporated in state legislation and binding on decision makers, they should still be relevant considerations to aid in the application of the

bill when made as an act. By identifying these issues as part of the purpose and objects, the legislation demonstrates that it is progressive and responsive to the political and social environment and ensures our communities will be planned and developed with these contemporary issues actively in mind.

Another contemporary issue addressed in the bill relates to housing affordability. This government addressed this issue last year through the housing affordability strategy. The Fitzgibbon urban development area in my electorate of Sandgate is one plank of this strategy and is delivering affordable housing opportunities for Queenslanders. Stages 1 and 2 have already sold out. The average price of homes in these two stages is $377,000. The demand for affordable housing is so high that the Urban Land Development Authority is now working to bring stages 3 and 4 forward at Fitzgibbon, and I look forward to their release in coming months. Housing affordability is a key issue for our communities and even more so in our current economic climate. I am very pleased that the legislation reflects this need. I look forward to working further with the minister on making sure that we deliver an amazing community out at Fitzgibbon.

By specifying housing choice as a factor in achieving ecological sustainability the bill makes clear that weight must be given to economic and social interests in plan making and development assessment under the act. The bill further deals with this issue by making a number of improvements to streamline and simplify the development assessment system, therefore reducing transaction compliance and holding costs.

Finally, as Australia's fastest growing state we are seeing a proliferation of urban congestion in several areas across Queensland. The recently passed Planning (Urban Encroachment—Milton Brewery) Act 2009 seeks to protect the Milton Brewery from future nuisance claims by residents in encroaching developments. This legislation signifies this government's proactive approach to our changing environment. It also signifies that this government's approach to solving these issues for its communities is an integrated one—that complementary strategies are being and will be pursued. As the key piece of legislation to govern planning and development in Queensland, it is therefore sensible to include the increasing challenge of managing urban congestion as one factor decision makers must have regard to in administering the act.

For over 10 years the IPA has provided a robust framework for the planning and development assessment system in Queensland. The emphasis on achieving ecological sustainability has placed Queensland at the leading edge of planning practice. It is clear the principles of IPA are sound and strongly supported by stakeholders.

This bill provides a number of initiatives designed to build on these principles by delivering an improved planning and development system while maintaining the original purpose and objects of the Integrated Planning Act. By giving explicit recognition to contemporary issues such as climate change and the like, this bill ensures the principles expounded in the original act continue to be relevant for today and into the future.

I congratulate departmental officials on their hard work. I congratulate the minister on bringing forward this bill. I commend the bill to the House.

Ms GRACE (Brisbane Central—ALP) (6.25 pm): I rise to support the Sustainable Planning Bill 2009 and make a few notes on some parts of the bill that I find are definitely a step in the right direction. The bill simplifies planning and development assessment through a number of key initiatives, which include: introducing standard planning scheme provisions; introducing deemed approvals; clarifying the presence of and relationship between planning instruments; introducing compliance assessment as a new level of assessment; simplifying the development assessment and decision rules; and consolidating and simplifying the process for making planning instruments.

These initiatives deliver a no-nonsense, streamlined planning framework that delivers sustainable, appropriate developments on the ground sooner. I think that is good news for everyone. The Sustainable Planning Bill will provide more certainty in plan making and development assessment with significant economic, environmental and community benefits for all of Queensland. Let them roll on! Queensland's communities are clearly the beneficiaries of this bill.

A key measure introduced through this bill is that certain code assessable applications will be deemed to be approved if not decided within time. This is a significant reform. They ensure that assessment managers fulfil their accountabilities. Deemed approvals mean vastly improved assessment times and greater certainty for industry, with faster on-the-ground delivery of appropriate developments. I think all developers will be keen to have that introduced into the legislation. The assessment manager still has an opportunity to set conditions on a deemed approval and any concurrence agency conditions still apply. If an assessment manager does not take the opportunity to set conditions on a deemed approval then a default set of conditions made under the legislation will apply. I also think this is a step in the right direction.

These are further measures that ensure that inappropriate development does not inadvertently slip through the system. I think most in the community, particularly members of the public who are not developers, would be keen to see that that does occur.

Deemed approvals are designed to ensure the statutory time frames which have always been part of the act are met. When joined with the broad range of measures being brought forward in this bill, such as more expansive compliance assessment of technical, low-risk applications and raising the bar in relation to better quality applications, deemed approval offers a more efficient and effective framework for the state.

Quick approvals for applications already consistent with the community endorsed planning scheme will provide significant economic development and community benefits. Currently, the process for making planning schemes under the Integrated Planning Act involves up to 21 individual steps. This bill provides for a simpler, more efficient process by enabling the planning minister to make a binding statutory guideline setting out the process to be followed when making or amending a local planning instrument, including amending a planning scheme to include a structure plan.

The process for making and amending planning schemes will no longer be specified in the legislation; however, the bill does specify guarantees and benchmarks for effective consultation and state involvement. By removing the process from the legislation the bill encourages a more flexible approach to plan making as well as wider involvement in the plan-making process, as the community is more likely to assess the guideline rather than trawl through the schedule of the act. This is a practical step in the right direction as well.

The opportunity for improved community involvement and greater awareness of the process for creating and amending planning schemes aims to shift the focus from reliance on adversarial involvement in individual development applications to a more strategic perspective. It aims to deal with issues up-front during plan making rather than waiting for issues to come out through disputes on individual developments. This should maximise the integrity and sustainability of plan making for the benefit of Queensland's communities, and I am very happy to say that I think most in the public arena will welcome these changes.

The introduction of standard planning scheme provisions will simplify planning and development assessment by providing a clear set of parameters to facilitate plan making. There has been a shift towards standardising planning schemes in Australia in recent years. For example, the Victorian planning provisions and the New South Wales standard instruments are a good example of this. This bill provides the opportunity for Queensland to take a fresh and contemporary examination of these approaches and to set new benchmarks for a robust set of provisions and a simple process for ensuring these are appropriately reflected in planning schemes.

The new system will still provide for flexibility in local government areas, as the bill provides that the provisions may contain parts that are not mandatory. Further, a local government or another entity may request that an amendment be made to the standard planning scheme provisions. There is no formal process for this under the bill, thus providing a very flexible approach. If the planning minister agrees to make the change, the new streamlined process for amending a state planning instrument will apply. The new ministerial powers which will enable the minister to direct a local government to amend a local planning instrument to reflect the standard planning scheme provisions or to directly change one or more schemes to protect a state interest are further examples of the way the system introduces a more streamlined approach to making and amending planning schemes. This will lead to more consistent, robust planning schemes and ultimately result in substantial cost savings for local government. Again, communities are the beneficiaries of this bill.

A key way this bill provides for a more streamlined and simplified planning system is by establishing a clear hierarchy of state and local planning instruments and amending the current decision rules to reflect this hierarchy. Under the Integrated Planning Act, the relationship between state planning instruments is unclear and at times inconsistent. The bill has addressed this issue by clarifying the relationship between state and local planning instruments and stipulating which instruments should take precedence where there is a policy conflict. I really welcome this because I see this as a step in the right direction. The decision-making rules stipulate the types of decisions that may be made and the circumstances where departures from relevant assessment criteria are warranted, such as to resolve conflicts between two instruments of equal weight in the assessment hierarchy or on sufficient public interest grounds.

To supplement these provisions, the bill also includes provision for a statutory guideline to be made which will assist assessment managers to determine the appropriate circumstances for departing from planning instruments. These initiatives will provide greater certainty and assist in the application of these instruments, particularly where there is a conflict between planning instruments during the IDAS process. The overall effect of these changes will be to avoid delays in the process of development assessment and to facilitate a more efficient and effective outcome for all parties involved.

The bill also provides for a more streamlined development assessment process by expanding the current compliance assessment process to apply to a wider range of compliance matters to enable certain development, documents or works to be assessed for compliance against certain standards or criteria. Currently, compliance assessment may only apply to documents or works under a condition of a development approval. There has been strong support from stakeholders to expand the current

compliance assessment process to apply to a much wider range of compliance matters and to provide a new level of compliance assessment for certain types of development. The types of development for which compliance assessment would be suitable are development for which clear technical standards are available, the exercise of broad discretion in determining compliance is unnecessary, or the integrated referral arrangements are also unnecessary.

The new compliance stage will provide an efficient and cost-effective form of assessment for low-impact developments and a wide range of works. This will encourage local governments to utilise this level of assessment rather than code assessment for low-risk developments. This will, in turn, free up the assessment manager's resources to focus more on strategic planning and high-rise developments. Clearly, this bill introduces significant improvements to Queensland's planning and development system. Integration remains a fundamental component of the bill, but the bill ensures that we can be even more responsive to planning and development issues arising at the state, regional and local levels and deliver better on-the-ground sustainable planning outcomes. The environment and the community benefit from these changes. I take this opportunity to commend the minister for the bill and his staff for their work in bringing forward a bill that is contemporary, up to date and reflects community needs. I commend the bill to the House.

Mr MOORHEAD (Waterford—ALP) (6.36 pm): I, too, rise to support the Sustainable Planning Bill 2009 and want to congratulate the minister for bringing this bill before the House. However, it would be remiss of me to not recognise the extensive consultations that have been undertaken by the minister's predecessors, and there have been a number of them—Minister Lucas, Minister Boyle and Minister Fraser. I apologise if I have missed someone. When I was first elected in 2006—

Mr Watt: That was a good day!

Mr MOORHEAD: It was a good day, member for Everton.

Mr Watt: A good day for the people of Queensland!

Mr Wettenhall: A good day for Queensland!

Mr MOORHEAD: I take the interjection from the member for Barron River. I do intend to be brief, because I know that the member for Barron River has a tendency to cover most bills in quite extensive detail and with a comprehensive insight that only he can provide. When I first got elected in 2006 then Minister Fraser was undertaking consultation into this bill and I took the opportunity to make a submission. Planning laws are always an area where there is a great deal of political controversy, and that is because they have such a significant impact on our community. Part of that controversy comes by it being one of the few areas of law in this state where there is no separation of powers, or very limited in that event. Essentially, the people who make the rules—generally local government—are the same people who enforce the rules. So that is something that poses a complex dilemma that is faced in this sector.

The answer is a difficult one but it is a clear one—that is, we have to keep engaging people in the planning process rather than waiting until the whiteboard for consultation comes up on the property and then having people engage in development assessment. There is much greater benefit for both landholders and those people concerned about development in their area if the engagement is done at the time of local planning rather than at a time when people have invested significant amounts of money to plan developments to provide housing or industrial development. If we can get the planning right up-front, we can then avoid the need to have significant argument in the development assessment process. The bill also reintroduces the ability for prohibition status in the planning requirements. I do support that, and I know that is of particular concern in some areas of my electorate where there has in the past been quite strong debate about toxic industries.

I know particularly in 2006 there was a great deal of concern in the Loganlea community that a resin plant would be built quite close to a dense public housing development. At the time the council was in a very limited position to object to that development because of the range of developments that were permitted by the planning designation. It was a very broad range. I must say that at that time I was very grateful that Minister Fraser then intervened in the appeal, which saw that proposal rejected in favour of a more appropriate steel distribution facility.

I want to spend the rest of my speech dealing with the improvements that this bill makes by way of clarity in regard to the effect of state planning instruments. The state continues to have certain strategic interests that it seeks to have reflected in regional and local level planning documents. During that extensive consultation that I referred to earlier that has led to this reform agenda in this bill, stakeholders identified a need for clarification of the role of state level planning instruments for assessing developments.

The bill assists in responding to those needs. The bill makes clear the relationship between state and local planning instruments made under this legislation. By providing clarity and certainty, the community and users of the land use planning and development system in Queensland will be ultimately

benefited by better informed decision making. They know upfront the state's interests and how they work in that system. I suppose that comes back to my earlier point about the need for engagement in the planning at that stage and being aware of the circumstances before we start investing in those developments. This is a real positive for Queenslanders.

The bill achieves this outcome by restructuring the current provisions of the Integrated Planning Act to reflect the hierarchy of precedents of instruments made under the legislation. To complement these changes, the decision rules that are used in the integrated development assessment system have also been amended to reflect this hierarchy and make sure that it works on the ground. These changes will support a more streamlined and simplified process for development assessment.

The new hierarchy is also essential to the preparation of planning instruments. This is because the relationships between the various instruments, how they inform one another and work together, need to be considered during the preparation and drafting of those planning instruments. That will make sure that the system works for everyone involved. The effect of the new provisions will be to make clear the relationship between the various planning instruments and to clarify which instruments prevail where there is a conflict during development assessment.

Under the bill there are a number of instruments that can be made by the state, and they collectively are described as planning instruments. The instruments will have effect in a hierarchical order. So at the top will be state planning regulatory provisions, then regional plans, then state planning policies and then state planning scheme provisions. Although this seems a very technical point, it has important flow-on effects for the everyday users of the system. The clarity of which documents prevail where there is a conflict during development assessment ensures that decision making is not confused or inappropriate. There can be no confusion or inconsistency in decisions because it is clear what instruments will prevail. That is better for applicants and ultimately the community that is being developed through the plan.

The Sustainable Planning Bill also introduces a new type of planning instrument, the standard planning scheme provisions. We anticipate calling them the Queensland planning provisions. This is a new and innovative approach to further develop Queensland's leading-edge planning system. It will save local governments time and money by making their plan making easier and freeing up resources from the technicalities of format into the strategic side of plan making and development. It also offers local governments flexibility to build a planning scheme that services the needs of their own communities from a clear and consistent base. Users of the system and applicant developers will be better able to navigate the system because it will present a consistent and clear set of provisions. Importantly, economic benefits should flow to communities as potential investors in Queensland are also assured of a sufficient level of consistency across the whole of Queensland.

Each of the remaining instruments plays a different role under the planning legislation and is intended to serve a very different purpose. For example, regional plans relate to specific regions and are a high-level integrated and spatial expression of state strategic policy in those regions whereas state planning policies relate to specific state interests. While each planning instrument has a different scope and application, they are intended to offer an integrated melding of relevant interests. However, there may be situations where current instruments potentially conflict.

The extensive consultation showed that stakeholders are looking for greater clarity with respect to the relationship between state and local government planning instruments and which planning instruments should take precedence when policies appear to conflict. The new hierarchy addresses these concerns by confirming state planning regulatory provisions and regional plans as the pre-eminent instruments for articulating state interests and providing for these to override all other instruments to the extent of any inconsistency. The bill also provides for a state planning policy to override a planning scheme to the extent of any inconsistency but retains the current position which says that, if a state planning policy is appropriately reflected in the planning scheme, the state planning policy will not apply to the development assessment.

Good strategic planning relies on a whole-of-government approach that provides for an effective integration of state interests, policies and priorities and planning schemes. Planning schemes are required to take into account the state and regional dimensions articulated in state planning instruments. By strengthening and clarifying the role of state planning instruments this bill will assist local governments to develop a consistent and firm foundation for developing their schemes and it will assist the development industry by providing greater clarity about which instruments should take precedence in instances of policy conflict during the development assessment process. This will not only support more streamlined plan making and development assessment processes but also superior planning outcomes.

This amendment will provide certainty and clarity for all users of the system. It will lead to time and cost savings, which will lead to more affordable housing and more affordable business opportunities for the people whom we represent. Communities are ultimately the beneficiaries of these measures. I commend the bill to the House.

Mr McLINDON (Beaudesert—LNP) (6.46 pm): I rise to speak to the Sustainable Planning Bill 2009, which will replace the Integrated Planning Act 1997. The Integrated Planning Act was introduced in 1987, but many amendments have been made to it since that time. The review of the Integrated Planning Act commenced in 2006 with this bill as the outcome. The bill is designed to lead towards cultural change in the local government and development industries.

I applaud the intent of the bill as seeking to formulate the framework of development in the state and to give certainty. The minister stated in his second reading speech—

Underpinning the delivery of the operational and cultural changes, this bill will significantly improve our current framework by increasing accountability, coordination and integration, effectiveness, efficiency and capacity for delivery of sustainable outcomes. It is key to ensuring a clear line of sight from state and regional plan priorities to development decision making on individual sites, with streamlined processes to achieve clarity for the community, industry and government.

I know just from my time serving on the Logan City Council that more and more challenges and issues are having to be taken into consideration with planning and development. As the chair of the Environment and Sustainability Committee, I was acutely aware that environmental considerations were merely just one aspect. The minister also stated in his second reading speech—

New fast-track assessment mechanisms, such as compliance assessment, get the simple applications through the system faster, enabling better use of scarce resources on the more complex and innovative proposals, driving councils' capacity to manage these innovative developments and see them on the ground sooner.

No-one would argue about common-sense solutions to red tape.

We also read much about state interests in this bill. A state interest is defined in schedule 6 of the bill as the following—

An interest that the Minister considers affects an economic or environmental interest of the State or a part of the State, including sustainable development; or... an interest that the Minister considers affects the interest of ensuring there is an efficient, effective and accountable planning and development assessment system.

However, the minister also stated in his second reading speech that the bill—

... will achieve better planned communities, faster development on the ground, preserve valuable environmental values and places of scenic beauty, and economic benefits from greater certainty of investment and development to cost reductions realised from clearer, faster development assessment. This new planning legislation is evolutionary, not revolutionary.

I am sure that the minister is aware of the very targeted strategies to keep some local councils in the dark, to drag out the development approval processes by not providing the right information in time. I am sure that the minister is well aware that departments can often request inconsequential information on particular projects, dragging out the decision-making processes required also. In the context of an astronomical housing shortage in Queensland—some three-quarters of a million new dwellings are needed in 20 years in South-East Queensland alone—I congratulate the government and the minister on some of the innovative approaches in the bill. As I said earlier, common sense and much needed reform to combat unnecessary red tape is always welcome.

I recall the minister and the government only weeks ago claiming that the passage of this legislation through parliament should be halted until a detailed examination of the interaction between government and Labor lobbyist activities could be conducted. Does the minister blame the public for its perception when we see him running around boasting that the laws will fast-track certain development approvals so much so that we will see 'applications out the door within a week'? After claiming that the legislation would be halted, the minister went to a $140-a-head downtown lunch held by his former employer, the Property Council of Australia, as soon as he got the chance. That does little for public confidence.

Deemed approvals are introduced in this bill. That is, if most code assessable applications are not decided in time they will now be deemed to be approved and the council will have 10 days to apply conditions, otherwise standard conditions will apply. The deemed approval amendment raises some concerns. Local government and community groups, including the Property Council, have raised concerns regarding the proposed deemed approval system whereby particular development applications are to be automatically given the green light—I use the word 'green' loosely—if they are not decided by a set deadline. While deemed approvals and such other provisions streamline local government and developers' responsibilities under the bill, such provisions do not apply to this state government.

There is actually a strong opinion in the community on the direction of sustainable development, reflected in local government plans such as those adopted by the Sunshine Coast Regional Council corporate plan. Such plans tend to provide the core strategic direction of the council and identify the priorities for the next decade. They guide the council's decision-making processes, resource priorities and budgetary deliberations. However, as these local governments put together their planning directions there is a real, widespread and present attitude that this legislation not only changes the great efforts of these local communities but can actually undermine them.

Of course, we have increasingly seen the state government cost-shifting the responsibility of infrastructure onto local governments. With limited opportunities to recoup such funds, except through rates and infrastructure charges, councils are stuck between a rock and a hard place. In fact, this legislation represents a significant power shift from local government. Make no mistake: this government is systematically removing the capacity for a local community to consult in the development of their area. Like his colleagues in the Health portfolio, this minister is one of the centralising extremists in this government, not content until all executive power rests on one desk. Less power to local governments with added responsibilities makes for a very difficult operation for local councils and therefore the ratepayers.

This government makes demands on councils with absurd claims of ensuring orderly growth, yet it does the opposite itself. I draw to the attention of the House one example. The minister will be interested to know that his dearly removed colleague the former member for Hervey Bay and former environment minister is not a fan of this bill. In fact, Andrew McNamara expressed his view on these issues to a Queensland Conservation Council breakfast recently.

I ask: how is Tower Holdings's billion dollar proposed development of lot 21 on Great Keppel Island—it has been steamrolled through—is considered in this? Is this sustainable development? Let us have a look at the billion dollar development I talk of and see if we can identify traces of sustainable planning and development. We will start with the golf course, because it looks rather interesting. I refer to a study by Gallagher and Volker of 2003. Numerical studies of nitrogen flows under effluent irrigated lawns on islands in the Great Barrier Reef show that the run-off from the current golf course is at levels just under those that could potentially impact the nearby reefs. The current golf course there is a small pitch-and-putt course, but this development has in the pipeline a full size international golf course in the middle of the island adjacent to extensive mangrove communities.

Mr HINCHLIFFE: Mr Deputy Speaker, I rise to a point of order. I think the member for Beaudesert fails to appreciate that the proposal he is talking about is not to be assessed under IDAS, which is the subject of the bill before the House, but will in fact, for the first time, have an environmental impact statement.

Mr DEPUTY SPEAKER: Order! Minister, I have heard your point of order. I call the member for Beaudesert.

Mr McLINDON: I thank the minister for waking up.

The current golf course there is a small pitch-and-putt course, but this development has in the pipeline a full size international golf course in the middle of the island adjacent to extensive mangrove communities. So the potential for run-off pollution is quite obvious and far from sensible sustainability.

Let us talk about the nearby coral reefs. The minister is well aware that Tower Holdings's initial advice document states that the reefs off Clam Bay and Monkey Point are the most extensive reefs adjacent to the island. The minister has been either hoodwinked or lobbied by 'Labor Mates Inc.' yet again. In fact, the most important reefs are the deeper fringing reefs that fringe the entire rest of the island and include reefs at Passage Rocks, Half Tide Rocks and off the mouth of Leeke's Creek. There are up to 60 species of corals in some locations, and the coral reef at Passage Rocks has the second highest diversity of all and is in the direct line of any sedimentation from the proposed marina.

Water quality is one of the keys to reef robustness. We would expect that any government agency concerned with reef health, as in the state reef rescue plan, would also be concerned with the impacts of this development. It is clear that each aspect of the development will have different impacts on specific reefs. The golf course run-off can produce algal blooms affecting the reefs off Leeke's Beach and Half Tide Rocks, sedimentation from dredging will kill coral reefs on Passage Rocks and Middle Island, and the impact of a huge increase in visitor numbers—1,700 villas with a minimum of two people in each—would increase the island population by 3,400, not to mention the numerous aspects of the development on fragile reef ecosystems. Sewage, rubbish and pollution are just some of the impacts that will be caused by such a huge increase in the population of the island.

That brings me to the marina proposal. Dredging for the construction of this marina and for its continued maintenance will cause plumes of sedimentation that will directly affect Passage Rocks and the green zone around Middle Island. We are not just talking about any reef, either. They are part of a green zone, and not just any green zone; this is the Great Barrier Reef Marine Park.

Some welcome news in the Sustainability Planning Bill 2009 relates to the receipt of applications to councils. Applicants often lodge development applications incorrectly or without enough information. The assessment manager has 10 business working days to assess these, and the applicant will have a further 20 business working days to make the additions or amendments needed for a successful application. A key part of the Sustainable Planning Bill 2009 is that it raises the bar in terms of the quality and the content of development applications submitted to council. Often a lot of time is consumed in council resources and staff in processing incomplete or sloppy applications. Councils already struggle to keep staff in their development assessment branches as they are competing against a very competitive private sector which makes staff retention and attraction even harder. Overall I give the bill 5½ out of 10.

Dr DOUGLAS (Gaven—LNP) (6.57 pm): This is a very big bill. It seems to be promising all things to all men. It is said to be a progression from the previous Integrated Planning Act 1997. The minister said that it is evolutionary rather than revolutionary. It has been released with a mandate of ensuring 'planning and development legislation establishes a quick and efficient process which stimulates our economy'. The minister further said that it is supported by an associated package of regulation and statutory guidelines that will provide further guidance about the implementation of the legislative changes and enable more flexibility in the planning system.

This bill is still very complex. Consultation with stakeholders made it clear that the IPA had become too process driven and needed major reform. I have read the bill with many others, especially those with extensive local government experience. The new bill is still very process orientated. I will talk about the process changes that have come about that make it more difficult. It should have become more outcome orientated, yet it remains process orientated.

The third key aim of the bill I feel is listed in such a way that is to drive sustainable change. The minister said—

One of the key changes to the purpose of the act is that the system delivers sustainable outcomes. Sustainability takes into account environmental impacts such as the effects of development on climate change.

This bill will not deliver ecologically sustainable outcomes. I say this because the bill retains and in fact expands upon the compensation provisions—known as the injurious affection—which severely restrict the capacity of local governments to respond to new aspirations or emerging knowledge—read issues such as climate change. This means the councils will not be able to afford to do what the government wants them to do. The government might say they will but, consistent with this Bligh Labor government's recent decisions to welch on local council grants when they were locked into its election promises, local councils will not put their budgets at risk. They cannot.

The fourth key aim from the minister's second reading speech is to give local government a substantial role. I will expand on those key changes that lie within that. Local governments have already indicated that they believe they have been short-changed by the government. So the four key aims that the government is wishing to implement within this bill are (1) reduce complexity and streamline; (2) reduce process with no mention of outcomes; (3) deliver sustainable outcomes; and (4) give a key role to local government.

This bill is more complex and introduces more complexity overall. It is said to streamline the process, but the regulations play a significant part and they are not seen yet. This bill increases process. The type of process is just different. Local governments believe the process not only will be longer because of the sustainability provisions that have to be fitted in at the end but also will require more corporate knowledge. So this will increase the number of planners and they will have to be retained at a higher cost. The member for Beaudesert talked about the difficulty with employing those planners. In other words, the time to assess the plan will increase.

This bill will not produce sustainable outcomes largely because of, primarily, the expansion of the compensation provisions that the councils cannot afford. The minister's relationship with local government is toxic. It may never recover. The minister did not attend their conference and he has refused to respond to the financial commitments that they have asked of him. This is a big 'suck it and see' bill.

Mr O'Brien: Why are you supporting it if it is so bad?

Dr DOUGLAS: It is such a huge step that it is just too much because of the weakness it has in addressing the key aims within the bill.

Mr O'Brien: You're going to vote for it.

Dr DOUGLAS: The member should listen to this; he might learn something. I am saying that this bill will fail. It will not matter how many amendments the government makes to the bill over the next few months or few years. Much of the failure can be demonstrated at a micro level rather than a macro level.

Because the bill is such a step forward from the IPA, I would just like to highlight some of the unique small issues that were raised by the member for Mudgeeraba. In spite of anyone's feelings about using such a local approach to highlight problems, there is a problem when a system becomes bogged down in process rather than being outcomes driven. Expanding on that, when outcomes do not drive the process, developments become stalled. It becomes more expensive and no amount of regulation will get things moving.

In the Gaven electorate, which is the fastest growing electorate in the Southern Hemisphere—

Government members interjected.

Dr DOUGLAS: We are in the largest growth corridor. In fact, government members may be unaware that, according to the SEQ plan, within the next 11 years 41,000 people are going to move to this area by way of 'infill'. So our problems are only going to worsen—and they are going to magnify very quickly—in the near and distant future if steps are not taken now. Unfortunately, it will not work.

I will quote from the *Sydney Morning Herald*'s article 'Housing shortage will hurt the poor' by Jacob Saulwick on 12 March. It states that the Rudd government's first home owner cash splash has 'drawn criticism for simply pushing up home prices'. The article continues by quoting Dr Owen Donald, chair of the National Housing Supply Council. It states—

Dr Donald said, state governments had failed to provide enough social housing. They had also contributed to prolonged planning and development approval constraints on 'infill' land in built-up areas.

This is obviously the issue in our area. As I said, the Gold Coast, currently has the highest growth. It also has the highest infrastructure charges—$70,000 per dwelling.

It is appropriate to look at those examples from the Gold Coast, especially in relation to the Carrara flood plain, that have been mentioned tonight because they will give a strong insight into what may happen under the new act.

I wish to highlight that already both consumers and developers wish to pursue some of the aspirations of the bill because they want to achieve some of the same things the government wishes to and these things are market driven. Climate change is a buzzword and it seems to attract some interest now, but it has to work on a community level. One can have all the best ideas in the world but, as much as one feels it should happen as one might wish in an ideal world, the world is imperfect and everyone has to be in agreement—those tremendous words 'consensus' and 'balance'.

I have no doubt that planning in Queensland over the last 15 years has become a lot more difficult. The SEQ plan, which the government has championed and believes has revolutionised planning and demography, has led to cronyism and lobbyists, especially former Labor government staffers, and in particular an excess of former Beattie government members and other former members. They are conspicuous by their presence in nearly every contentious development that is proposed within South-East Queensland—overwhelmingly on the Gold Coast. We have the current spectre of former Brisbane Lord Mayor Jim Soorley, a full-time lobbyist, informing our local papers directly and indirectly what he thinks should happen.

There is no doubt that there are more complex issues that have to be taken into consideration in the planning and development of our urban communities. It requires more planning at an increased cost. Aggressive litigation has gone on and it will increase. It will continue; it will just be a bit different. I put it to the minister that we are going to see some very complex litigation.

The issue overwhelmingly that has been raised tonight is that of deemed approvals. Already we are seeing this terrible problem of call-ins by multiple ministers. It is not just a single minister—namely, the Minister for Infrastructure and Planning—but there are now multiple ministers making call-ins and this will increase. There have been more call-ins in one year than there were in the whole time of the previous coalition government. I believe this is going to increase.

I put it to this government that deemed approvals are going to lead to more complex litigation than this department has ever conceived. I say this because the local government environment in Australia is hostile to government. Government attempts to avoid making infrastructure payments to councils—and this is to continue—and the deemed approvals would seem to suggest that the government is exempting itself from its own rules that it demands of local councils. The minister should not underestimate regional governments and what they might do. The issue of code assessable applications being undecided within the time frame and being deemed approved, with the aim of discouraging councils, looks to me as though it is saying that it wants to ignore the wishes of the community in most cases.

These councils will reject many more of these plans than they should. A little more time is what will be required. Without allowing for exceptional circumstances, I see rejection and aggressive litigation and further government interference. I put it to the minister that the explicit aim seems to build into the process a further role for the lobbyist and—wait for it—there is no right of appeal for the ministerial call-in. This does not make any sense to me. I wonder if there has not been a reasonable enough attempt to get down and get their hands dirty.

To understand what will drive this process forward is to understand what happens at the coalface. Since developers want certainty—and I certainly agree that they do deserve this—even if it is code assessable, good planning can give both the developer and the community a better result. Often, time is what is required.

It is not a one-size-fits-all situation. Quick approvals do occur and in fact they are often the norm, but some approvals will need a bit more time and they will have to meet the needs and aspirations of individual communities. I do not accept that a Brisbane-centric government has all the answers, and the government driving this bill forward with regulations still to be decided seems to indicate that the government really does not know how this will all end. Can members see why I think this is a 'suck it and see' model?

The method by which the bill intends to operationalise its changes to the old Integrated Planning Act has been discussed in depth by the member for Gympie, and I will not go into that. The compliance assessment issue seems reasonable because it makes it easier for councils and because it will be absolutely critical to the aspirations of a sustainable planning act.

I do not think the bill will work; I am very sorry. We on this side intend to support the bill. I think that the bill, as big as it is, just goes too far and not only promises too much but has such major flaws deep within its substance that I predict it will die a death of a thousand cuts. The frequency of the cuts will exponentially rise to the point where the blood-letting will have to end. I see the tragedy as being that the key aspirational aim, that of addressing climate change, is going to be killed off for the very reasons that we are currently seeing affecting the emissions trading scheme.

For those who are uncertain that the method suggested under this bill effectively is a tax—unfortunately, states cannot raise taxes. Inherently the emissions trading scheme is a tax system and it is a progressive tax system. This bill is not that. The government seems to be saying to me that it has the right to raise taxes via this method. It will not achieve that aim because it will give the lawyers a field day and open up a whole new area which it never thought it would go into. I urge the minister to listen to what I have said, acknowledge that there are significant anomalies within the bill, amend it as a matter of urgency and look forward rather than back.

Mr SHINE (Toowoomba North—ALP) (7.11 pm): At the outset I congratulate the minister, his predecessor and the relevant departmental and ministerial officers on the mammoth work that has been undertaken with respect to the preparation and formulation of this bill. This is a most difficult area and it is difficult for many people in Queensland to understand the intricacies involved, but it is an extremely important subject matter, dealing as it does with so much that will regulate the future development and proper management of that development in Queensland. Not only is it a large undertaking; it is a very important and intricate matter requiring a great deal of skill and attention. I note that the bill is receiving the support of the opposition, notwithstanding a few comments that we have heard from recent speakers. I am very pleased to be able to speak in support of it, albeit briefly.

I note that provision for state regional plans forms a part of the legislation. Recently, as part of the release of the South-East Queensland plan, the minister visited Toowoomba to hold seminars in relation to that plan prior to its release. Then on 28 July an Australian announcement as to the plan was made with particular reference to how it affected my electorate of Toowoomba, Toowoomba South and other parts of the region, which is encompassed by some parts of the electorate of Condamine which are affected as well.

I recall some years ago the discussion that took place with then minister and Deputy Premier Mackenroth as to whether or not it was appropriate to include any part of Toowoomba in the South-East Queensland plan. My view was that Toowoomba was then—and certainly would be in the future—an important player in the growth of South-East Queensland. I was a strong advocate for its inclusion within the plan. It did feature in the draft and now in the final plan the total area involved has increased somewhat as well to take in other areas beyond those in the draft plan, and I will refer to those in a minute. I am very pleased that that is the case. I think it will have the effect of preserving and protecting the good things about Toowoomba that Toowoomba-ites love so much, particularly its greenery.

The Carnival of Flowers of course is this month, commencing on 19 September. I encourage all honourable members to make the trip up the range to see Toowoomba's unique presentation of flowers. The honourable member for Woodridge informs me that she will be there a week early. She is so keen to be there that she is coming a week before the event. I am sure she will not be disappointed. Despite the ongoing drought and our dams still being at about 10 per cent, Toowoomba will put on a marvellous display, particularly if we get an inch of rain between now and then.

As I was saying, the minister announced that South-East Queensland plan and part of it therefore related to Toowoomba. He advised on that day by way of press release that an extra 75,000 people are expected to call Toowoomba home by 2031, which is a very significant population increase for Toowoomba. Toowoomba city itself as opposed to the Toowoomba surrounds contains about 95,000 people at the moment. An extra 75,000 people in the space of about 20 years is a very significant increase.

At the time the minister said that the 2009 to 2031 plan would show how to manage that growth and not merely how to accommodate it. He said—

As part of the review of the regional plan the boundary of south-east Queensland has been changed to include a larger part of Toowoomba ...

"Previously, the plan only covered Toowoomba City, however it now includes the Charlton Wellcamp industrial area, Highfields, Glenvale, Drayton and Darling Heights.

"The population of Toowoomba is expected to grow to about 197,000 by 2031 requiring an additional 31,000 dwellings.

That is quite extensive.

Mr Moorhead: Boom town.

Mr SHINE: It is a boom town, as the honourable member for Waterford correctly interjects. It will boom for a number of reasons, one of which is the opening up of the Surat Basin to the west of Toowoomba.

One of the areas that I just mentioned and that the minister mentioned in his press release is the previous township or hamlet of Highfields, which is now the fastest growing village on the Darling Downs. It is certainly the fastest growing area within my electorate. For example, in terms of electoral moves, it is the largest one and it grows tremendously each election. It is expected that Highfields itself will be a township of about 40,000 or 50,000 people by about the middle of this century. That in itself is indicative of the need for proper planning to be provided for the future.

The new housing that I referred to—the 31,000 dwellings—will be accommodated in line with smart growth principles using a mixture of redevelopment on the one hand and infill in existing urban areas. Broadacre or broad hectare land, being large areas of land suitable for development, within the urban footprint will accommodate the remainder of the housing needs. That broad hectare growth area will be, for example, at Highfields in the main, which has at the moment suitable land for development and the infrastructure to support it. Other outlying areas more to the west and south of Toowoomba itself such as Glenvale, Cambooya, Drayton, Westbrook and several other smaller centres will also experience growth.

As for the infill part of the equation, that will take place within Toowoomba city itself, and it will provide more mixed use and higher density developments. Toowoomba was one of those cities that was blessed in the past with large allotments. Where I live, for example, the allotments are half an acre to an acre and a half in size. I live within about a kilometre of the city centre. Without meaning to declare an interest in future activity—I have no intention of breaking up my home—it is clearly an area that is ripe for infill development. That will be an appropriate option for people who own property in that area in the future.

As I have said before, Toowoomba is the gateway to the Darling Downs. The Darling Downs has a huge future in terms of the opening up of the Surat Basin. Greater Toowoomba itself will continue to provide the most employment opportunities. However, outlying areas like Highfields and Charlton-Wellcamp and a number of small village centres will also create jobs. Charlton-Wellcamp is just to the west of Toowoomba. It is at the moment in the electorate of Condamine. It consists of about 1,000 hectares of largely undeveloped land which is expected to become the major industrial and freight centre. That is designed to link up with the building, one hopes ultimately, of the inland rail from Melbourne all the way to Darwin. That would intersect our part of the world at Charlton-Wellcamp. It would also be a very important spot in terms of the ultimate building of the second range road crossing. Charlton-Wellcamp will feature greatly in years to come in terms of its importance as a major industrial and freight centre.

The new plan that has been announced highlights the government's commitment to protect and nurture my region of Toowoomba as well as the whole South-East Queensland region. So far as Toowoomba is concerned, with 27,000 extra people expected to move there by 2031, it is very comforting to know that we do have a plan that will provide for the future. I commend the minister again for what has been achieved. I know that the people of Toowoomba, if they do not already, will come to value its importance into the future. I commend the bill to the House.

Mr ELMES (Noosa—LNP) (7.23 pm): I rise to make a reasonably short contribution to the Sustainable Planning Bill 2009. The bill is largely the Integrated Planning Act with a new name. Most of its old faults are intact and a few new ones have been thrown in. It is needlessly long and complicated. The Integrated Planning Act has been amended over time by the inclusion of six core integrated planning amendment acts to 63 other acts and reprinted some 85 times. The reform process, which culminates with the bill now before the House, commenced in August 2007 through the process entitled 'Planning for a prosperous Queensland'. As the minister said in his second reading speech, the outcome is evolutionary not revolutionary.

I must congratulate the government on its effort to simplify the act to make the process more transparent. The old Integrated Planning Act had become bloated over time. It had doubled in size from its original version, but the bill before us seeks to simplify the act by adding 140 pages of additional text to an overly large act, and I cannot imagine the scale of the regulations which will additionally accompany this bill. The Amazon rainforest will have to be felled to print them and the regulations will simply enhance the unfettered power of the unelected bureaucrats.

Indeed, the Scrutiny of Legislation Committee had come to the same conclusion. There are any number of clauses about which the committee has expressed some concern and many more about which it has clearly some grave misgivings. The committee restates from section 4(2) of the Legislative Standards Act that fundamental legislative principles require that legislation has sufficient regard to the rights and liberties of individuals. The committee draws attention to the significant number of offences which have the potential to affect the rights and liberties of individuals. The penalties which may accrue under these offences are significant. There are 22 offences listed. Sixteen of these carry a maximum

penalty of $166,500. Only five carry a maximum penalty of $16,500. The remaining matter does not specify a fine. However, these are serious penalties. Of greater concern is the words of the committee that 'liability would rise for a breach regardless of the intention or knowledge'. In other words, an offence can be made simply by making a mistake, but that is neither an excuse or a defence under this bill.

The committee restates from section 4(3)(a) of the Legislative Standards Act that whether the legislation has sufficient regard for the rights and liberties of individuals depends on whether the legislation makes rights, liberties or obligations dependent on administrative power only if the power is sufficiently defined and subject to appropriate review. The committee draws attention to a further nine clauses where that definition may be insufficient or may not be the subject of an appropriate review. In this regard, by the conferring of an override state interest power, the minister—primarily this minister—also has the power to go through and exercise these powers.

The committee restates from section 4(3)(b) of the Legislative Standards Act that whether legislation has sufficient regard for the rights and liberties of individuals depends on whether the legislation is consistent with the principles of natural justice. The committee draws attention to clauses 46, 73, 105 and 588, which may be inconsistent with the principles of natural justice, as the rights and liberties of individuals may be affected without the provision of prior notice or an opportunity to provide a response.

From section 4(3)(d) of the Legislative Standards Act, the committee states that whether the legislation has sufficient regard to the rights and liberties of individuals depends on whether the legislation does not reverse the onus of proof in criminal proceedings without adequate justification. The committee draws attention to that in clauses 611 and 624 in this regard as they impose a burden on an accused person.

Finally, from section 4(3)(e) of the Legislative Standards Act the committee states that whether the legislation has sufficient regard to the rights and liberties of individuals depends on whether the legislation confers powers to enter premises, search or seize under warrant. The committee draws attention to these powers under clauses 715 and 716.

There are two aspects creeping into Labor's approach to legislation. The first is the increasing exercise of power through regulation rather than legislation. The second is these catch-all powers that confer both back to the minister. Both of the approaches show a serious contempt for both the parliament and the electorate. It is simply not good enough to be putting the exercise of considerable power beyond the reach of parliamentary oversight. This is a development in this process which I deplore.

It would be fair to say that the Scrutiny of Legislation Committee was underwhelmed by the bill. Let us not forget the dumbing down. This new bill tries to create uniformity across the state with seemingly high-minded principles such as consistency, but this will be the death knell for unique iconic nationally and internationally renowned and loved places such as my own electorate of Noosa if it were to follow the templates. Local authorities will be faced with two choices—roll over and have the lowest common denominator prevail or try to get around the templates.

Over time, as the state planning authority, which is what this bill really sets up, redresses attempts by local authorities to meet the needs, wishes and aspirations of their communities, it will be met with ever-increasing complexity. We will finish up with an even worse mess than we have now.

Mr Schwarten: How much longer have you got?

Mr ELMES: How much longer do you want me to go?

Mr Schwarten: About two minutes, actually, or otherwise adjourn the debate and you will be back next time.

Mr ELMES: I will see what I can do for you. The key change has not occurred in this bill to prevent development applications being made which are clearly outside the town plan. The DAs waste an immense amount of scarce time and resources with the few remaining genuinely local councils and also the supercouncils considering these matters which should never have to be considered. If the government really wanted to make councils more effective it would stamp out this practice. But then that might be the end of access fees.

As the shadow minister for climate change and sustainability, I am alarmed at many aspects of this bill. The change from the concept of desired environmental outcomes being replaced in this bill with strategic outcomes in clause 88(1)(b) mocks the title of the Sustainable Planning Bill.

Mr Hinchliffe interjected.

Mr ELMES: That is fine; I will go for another 10 minutes, then.

Mr DEPUTY SPEAKER (Mr Hoolihan): Order! Member for Noosa, perhaps we could continue the debate through the chair.

Mr ELMES: Thank you very much for your understanding. I will keep the minister for another 10 or so. Community concern over the power for local councils would prohibit certain developments being included. While there is a fear that some councils would simply block every development, there needs to be a better balance. We do not always need to set the bar at the lowest point. People choose to live where they do for a variety of reasons.

Mr Schwarten: Adjourn the debate. You have to deal with the people upstairs.

Mr DEPUTY SPEAKER: Order! Minister.

Mr Schwarten: Do you want to do 10 more minutes?

Mr DEPUTY SPEAKER: Minister.

Mr ELMES: I am taking my lead from Mr Deputy Speaker.

Mr DEPUTY SPEAKER: I ask the member for Noosa to adjourn the debate.

Debate, on motion of Mr Elmes, adjourned.

SPECIAL ADJOURNMENT

Hon. RE SCHWARTEN (Rockhampton—ALP) (Acting Leader of the House) (7.31 pm): I move—

That the House, at its rising, do adjourn until 9.30 am on Tuesday, 15 September 2009.

Question put—That the motion be agreed to.

Motion agreed to.

ADJOURNMENT

Hon. RE SCHWARTEN (Rockhampton—ALP) (Acting Leader of the House) (7.31 pm): I move—

That the House do now adjourn.

Flying Foxes

Mr MESSENGER (Burnett—LNP) (7.32 pm): I draw to the attention of the House statements from Wildlife Queensland spokesman Des Boyland, who said it was not clear whether flying foxes were the root cause of the disease. He would like to see more positive advances in finding the true cause of Hendra virus and its routine transmission to horses. Mr Boyland said that the culling of flying foxes is pointless retribution.

This man is part of the 'extreme green' machine—the fanatics that this government is pandering to only for voting preferences. I am fed up with these moronic statements. If four tragic deaths are not enough, my advice to anyone who doubts that flying foxes carry deadly diseases is to present to any Queensland hospital with a flying fox scratch or bite and see what happens. They will get a course of rabies like injections. As for the culling of flying foxes being retribution, that is another moronic, idiotic statement.

We are asking for the return of pest mitigation permits to farmers who individually shot only a half a dozen flying foxes—the scouts—every year. The number of flying foxes which are shot to protect crops is negligible in the overall scheme of things. I table a state Parliamentary Library research paper into flying foxes.

Tabled paper: State Parliamentary Library research on flying foxes, dated Friday, 28 August 2009 [849].

I draw to the attention of the House the fact that, according to this research, there is currently a study into Hendra virus in bat populations which is being carried out throughout Queensland, including in Rockhampton. The member for Rockhampton would be interested in this. This is an ongoing study which started in June 2008 and is funded until June 2010. At this stage there have been no papers or results released.

The Biosecurity Queensland Hendra virus study is not publicly available at this stage, and access to the study would require authorisation through the minister's office. In the interests of public safety, I call on the government tonight to allow all Queenslanders access to the information contained in that study.

Also contained in the library research is information that the EPA conducts studies into bat and flying fox populations and migration; however, they do not monitor bat diseases. Let no-one in Queensland be doubtful of the fact that it is flying foxes which are the animal hosts for many deadly diseases, including Hendra, Nipah, SARS, lyssauirus and the list goes on. If members doubt that they should present to any accident and emergency department with a flying fox scratch or bite. For the sake and safety of all Queenslanders who are living near flying fox colonies we need to test these colonies and make sure they are not carrying deadly diseases.

(Time expired)

Fossil Fuels

Ms NELSON-CARR (Mundingburra—ALP) (7.35 pm): On a more pleasant note, I do not need to tell anybody in the chamber just how wonderful it is to live in a state like Queensland. We have the perfect climate and the best environment. It is second to none. However, fossil fuels which have made our economy what it is today and given us some real material wealth are obviously impacting on Queensland's wellbeing. We have a large concentration of greenhouse gases in the atmosphere which accelerates global warming and puts at risk the ecosystems that the member for Burnett is talking about, not only in Queensland but also in Australia and around the world. This in turn will have serious implications for our society as we know it, including industry and the economy.

Like the rest of the world, Queensland is experiencing very significant warming. In fact, four of Queensland's seven hottest years on record have occurred since 2002. Unless we take action to reduce these emissions we will not be able to prevent those dangerous levels of climate change occurring. The government's response continues to expand on reduction methods including both short-term and long-term solutions.

While climate change is impacting on the regions, it is impacting in different ways. That is why it is so great to hear about plans and programs being implemented in the Townsville region. I would like to take a quick look at VRM Biological products as one example. They provide inoculants to the sugar industry which are used to assist with the consistency of the operation of waste treatment processes. The company also deals with a range of biofertiliser products aimed at a more efficient use of fertiliser products. The company has developed a range of products, largely produced from crop residues in the Townsville region, which greatly enhance soil health and assist in the development of soil carbon reserves. Soil carbon helps prevent nutrient run-off. Not surprisingly, VRM has been a recipient of a number of federal and state innovation awards for its product development.

Prime Carbon Pty Ltd was set up in Townsville to operate a mechanism whereby incremental improvements in soil carbon reserves which result from improved soil health could be sold as a carbon offset. In this way, farmers who voluntarily do the right thing can be rewarded. Prime Carbon has been instrumental in the demonstration of methodologies which allow voluntary carbon markets to buy soil carbon units from the North Queensland region. Farmers who engage in prime carbon soil enhancement and carbon sequestration programs sign a contract in which they offer to make significant changes—changes like reducing fertiliser use by 30 per cent. Landholders who voluntarily participate in this program receive reports which show their reduced fertiliser use, minimum tillage and increased soil health properties, all of which are in line with provisions of the Barrier Reef protection legislation.

Student Leaders Visit; Motorcycle Safety

Mr RICKUSS (Lockyer—LNP) (7.38 pm): I rise to advise the House that I had a very pleasant group of school leaders in the chamber today.

Mr O'Brien interjected.

Mr RICKUSS: I take the interjection from the member for Cook. I think the 'w' word relates to him. The school leaders were from Lockyer District State High School. The leaders were Corey Neumann, Jessie Quinn, Eibhlis Emerton and Lucas Bird. Their teacher was Amanda Carney. They were an excellent group of students. I actually hosted Corey Neumann's and Jessie Quinn's older brothers and sisters on previous occasions when they were leaders at the high school.

It is very interesting to talk to the future leaders of our state simply for the fact that they have some interesting thoughts on issues of the day. Lucas wants to be an overseas journalism correspondent, Corey wants to be a PE teacher—he is a very good sportsman in the local area, so I am sure he will do that—Jessie wants to be a psychologist and Eibhlis has not quite decided what to do. Given that they just sat their Queensland core skills tests yesterday and the day before, I am sure that they will do very well and get a very high score at the end of the year and successfully take on any kind of study they want to take on.

While I am on my feet, I want to talk about the number of tragic deaths from motorcycle accidents on our highways over the last few years. Unfortunately, the number seems to be climbing at a dramatic rate in Queensland in particular. I call on the transport minister to put in place safety programs purely aimed at the motorcycle fraternity in South-East Queensland, and not just bandaid solutions. I call on the minister to look at some of the accident sites and other sites that really do need to be looked at with Main Roads to see if they can improve the riding experience for motorcyclists so that dangerous corners and other dangerous areas are fixed. We also need to highlight this issue to motorists so that motorists are aware of the dangers that motorcyclists face every day when they hop on a motorcycle. I note with interest that in London and in Victoria motorcyclists can use transit lanes.

Murarrie State School, National Tree Planting Day

Ms FARMER (Bulimba—ALP) (7.41 pm): I inform this House of a remarkable school and a remarkable partnership between business and the community which played out to the benefit of students in the Bulimba electorate several weeks ago. On Thursday, 30 July Murarrie State School students put aside time to recognise National Tree Planting Day. This in itself was a wonderful commitment by the school to sustainability. But what made this day particularly special was the contribution of the Cannon Hill branch of Bunnings, along with staff from the Carindale PCYC and the Cannon Hill Fire and Rescue Service, who visited the school to help them with their project. Thanks to the six staff from the Bunnings store, including manager Ryan Baker and his dynamic offsider Jade Robinson. Students at Murarrie State School were treated to a barbecue lunch to help fortify them for the work ahead, had their faces painted, had extras playing on their cricket team and worked with a trained horticulturist to not only help them put in the plants but also learn about what they were planting and how to look after the plants afterwards.

Two people came from the PCYC to help with the barbecue and there were three dedicated firemen who gave the students an up-close and personal look at the inside of a fire engine and dug holes in the very hard grounds of the school. The day was also enhanced by the preparation work done by Phil Young of Bulimba State School and by Brisbane City councillor John Campbell, who organised the 50 native shrubs to be delivered to the school. As a result of this event, there will soon be a mini fruit orchard, bush tucker and herb garden thriving, with spectacular acacias and banksias chosen specifically because those plants are the names of the school sport houses, with orange twists and marigolds adding an inspiring splash of orange to complement school uniform colours.

It was such a pleasure to take part in this day. Murarrie State School is a great school. With just 120 students, it is a real community and under the guidance of Principal Tina Gruss is able to celebrate many achievements and successes. Students are strongly committed to the school's social code and are vigilant about acting against negative behaviour. There is a whole school program called Leadership During Vision Time. Why is this a great program? Because older students teach younger students new concepts and skills and teachers and students evaluate each other on their leadership and communication skills, and there are individualised curriculum programs for all students thanks to the passionate staff committed to addressing the interests and needs of all students. I know that the staff, students and parents of Murarrie State School were buoyed by what happened on 30 July. It is critical that our young people know we think they are important, and the efforts of all involved in National Tree Planting Day at Murarrie gave just that message.

M1, Upgrades

Ms BATES (Mudgeeraba—LNP) (7.43 pm): I rise tonight to speak on behalf of the thousands of motorists who travel the M1 on the Gold Coast every week and refer in particular to the lack of safety barriers on the M1 between Nerang and Mudgeeraba. Those opposite and the minister for roads will beat their drums and say that barriers will be installed when the M1 upgrade is complete, but let us just put that into perspective. The upgrade of the M1—and we are only talking about the four-kilometre section between exit 73 and exit 75—is due to start early next year and, as announced by the minister, will take two years to complete. One only has to look at the Nielsens Road interchange, which took seven years to complete, and they can understand why local residents and motorists are hesitant to believe anything will be completed on time or, in fact, on budget.

Since 2000 there have been 10 fatalities and 64 hospitalisations as a result of accidents between exit 73 and exit 79—a mere 12-kilometre section of the M1. Safety barriers improve road safety for all road users by reducing the consequences of crashes into potentially hazardous environments. Safety barriers shield vehicles and their occupants, riders and pedestrians from hazardous objects and other vehicles on the roadside and the median. We are not perfect. Excursions from the traffic lane will occur. Alcohol and speed are obvious contributing factors, but a large proportion of crashes result from human error. Similarly, the role of fatigue in crashes, from falling asleep at the wheel through to decision-making errors and reduced attention, is increasingly being recognised as of greater importance than previously considered.

I read with interest in the *Gold Coast Sun* last week that three other Gold Coast families also received a bill from Main Roads. Families throughout Queensland have had to deal with this heartless and callous bureaucracy. However, it seems that there is a light at the end of the tunnel. I take this opportunity to, firstly, thank the minister for his apology to the Flett family and secondly, congratulate him on his announcement that the policy of recouping costs from fatalities is now under review. As has been shown, even though the policy is meant to be administered sensitively and compassionately, this has not always been the case.

So where to from here? Temporary safety barriers need to be installed on the M1 between Nerang and Mudgeeraba now before the upgrade works commence. Why wait? The more accidents that occur, the more money it costs our community, and our road toll continues to rise. The minister

made no apology last week on the Gold Coast Channel 9 news bulletin about the barriers on the Gold Coast Highway which are there to protect pedestrians and motorists alike, so I strongly urge and plead with him to install temporary safety barriers on the M1 before further lives are seriously impacted through major injuries or, worse, another fatality occurs.

McPherson Federal Electorate

Ms MALE (Pine Rivers—ALP) (7.46 pm): It has been reported quite widely that Margaret May, the current federal member for McPherson, will be replaced by the current member for Dickson, Peter Dutton. I want to say some words about this development. If he is going to be parachuted into the seat of McPherson, he will bring with him the same traits of the last person the Liberal Party decided to parachute into the area of the Gold Coast, which it did in 2001, and that was Steve Ciobo. If one looks at the media reports, many people hold the same view, including many of the local LNP branch members, who are asking for nothing extraordinary except for the opportunity to elect one of their own—someone like Margaret May, who knows the area of the Gold Coast well, somebody who is able to represent their interests because they are genuinely interested in representing those interests, and somebody who brings with them experience to represent their local area.

In 2001 the LNP took a decision to override the wishes of the local branch members to parachute Mr Ciobo in. The arrogance that is being displayed by the Turnbull-led opposition—a continuity of the Howard government—for a lot of local people defies belief. People do not want to have imposed on them candidates from outside their area simply because there has been some factional deal stitched up by people in the back rooms of the LNP.

I want to read into the record a couple of comments which have been made in the press recently. On the *Gold Coast News* website on 24 August, an article titled 'Local Libs dig in to block Dutton' stated—

'There is that perception that Mr Dutton is walking away from a fight and in the same breath is telling the ALP that the next federal election is already lost,' said one LNP source.

It continues—

Mermaid Beach MP Ray Stevens ... who unsuccessfully contested the Moncrieff pre-selection, said Mr Dickson would not be handed an easy ride.

But the point is that the people of McPherson deserve someone who is local, someone who is interested in representing their own interests, and not someone who is a seat-hopper—deciding to take residence on the Gold Coast because they believe they cannot win the seat they are currently representing any longer. The reality is the LNP needs to stop this arrogance, to listen to the local branch members and to listen to local constituents.

My words may have caused a great deal of mirth on the other side of the House, but I should point out that they are not my words. They are in fact the exact words of Peter Dutton in a speech to federal parliament on 15 September last year about my proposed move from Glass House to Pine Rivers. I of course changed the names to suit Mr Dutton's decision to move to the Gold Coast, and I seek leave to table a copy of his speech for the information of the House so members can compare the two speeches.

Leave granted.

Tabled paper: Copy of House of Representatives Hansard (pages 7449-7450), dated Monday, 15 September 2008 regarding Mrs Linda Lavarch, Ms Carolyn Male and the seat of Pine Rivers [850].

It shows the sheer hypocrisy of Mr Dutton. At least the seat of Glass House borders Pine Rivers and my former home was 10 minutes drive from the electorate. The only connection Dickson has with McPherson is that they both end in the letters S-O-N. Peter Dutton has shown himself as a nasty, party-political hack who applies one rule for other people and a totally different rule for himself. There is no leadership there, and he has just proven that with his decision to move.

Eagleby

Mr CRANDON (Coomera—LNP) (7.49 pm): I would like to acknowledge the efforts of so many people in the suburb of Eagleby, which is in the northern part of my electorate nestled between the Logan and Albert rivers. The people of Eagleby are truly proud of their community. In the past few months I have had the opportunity to meet with so many of the locals in all sorts of circumstances.

Eagleby has two primary schools: Eagleby South State School, with around 250 students, and Eagleby State School, with around 350 students. Recently, I attended Eagleby State School and was asked to participate in the Friday morning assembly to which parents are invited. The children sang the full version of our national anthem, with background music that included the didgeridoo. I commented that it was the best version I had ever heard.

I had great pleasure in assisting in the presentation of awards to the children, followed by morning tea. I congratulate the principal, Suzanne Jolley, and her staff on the programs and ideas that they have implemented over time that have helped to create a sense of community. The recent mother and daughter dinner and fun run day are just two wonderful examples of this sense of community.

Recently I met with the acting principal of Eagleby South State School, Andrew Barnes, and I was impressed with his team approach to the challenges faced by the school. One idea is designed to bring together members of the local and broader community. Andrew is developing a book club where local retired people and some local heroes come along to the school and read to children in a relaxed environment. The idea is to instil a love of reading in the children. I, for one, am looking forward to being involved in the club. Recently I set up my community conversations booth at the local shopping centre and took the opportunity to have a sausage sizzle, with all proceeds to go to the purchase of books for the book club. I am pleased to report that we raised $200 for the club and had the opportunity to have some great community conversations with locals.

During those conversations it became apparent that an issue that had come to my attention only the day before was a pressing issue for the community. The matter relates to the silting up of the local boat ramp. I am pleased to say that, following discussions with the relevant department, we can expect an early remedy to the problem and an assurance that a more permanent solution will be developed. The locals are passionate about their community and evidence of that has been demonstrated to me time and time again.

Just last Saturday, the Eagleby Festival, run by the Eagleby Community Association, was by all accounts bigger and better than ever. I congratulate the organisers on their efforts. There were thousands of locals in attendance as well as local business and community groups. This truly is Eagleby's signature event and I look forward to supporting the committee's efforts in future years.

Whether it is parents and teachers committed to better education outcomes for the children, support for a local doctor struggling to stay in the community that he is committed to and that is clearly committed to him, or locals demanding their entitlement to the public amenity of their boat ramp, it is clear that the Eagleby community is passionate. It is a vibrant community that will grow stronger and stronger over the years to come because of the people who make up its fabric. It gives me great pleasure to represent the community of Eagleby in this House. I look forward to delivering on my promise to work hard—

(Time expired)

Women's Health

Mrs MILLER (Bundamba—ALP) (7.52 pm): In my electorate there are two women's health groups auspiced by Queensland Health: one at Goodna and the other at Springfield Lakes. These women's health groups discuss many issues, ranging from the need for breast screens; pap smears; eating properly; children's health issues; men's health issues; mental health issues, especially depression; and exercise.

About three weeks ago there was a combined meeting of both groups in Goodna to discuss pap smears in particular and barriers to women having pap smears at two-year intervals or more often if clinically recommended. The women reported that they believed that pap smears should be bulk-billed for all patients and that there should be no out-of-pocket expenses, especially pathology costs. Some women reported that GPs will not take a pap smear test unless a long appointment has been booked and paid for, resulting in a significant gap payment; some reported being shocked to receive expensive pathology test bills when this was not explained to them; and some simply said that they could not afford to have pap smears anymore because of the expense. So, instead of going every two years, they may go every three or four years.

We also discussed a number of options for improvement. One option that was favoured was for a women's health one-stop shop. This would operate for all women. When women reached the age of 40 they could have their breast screens and pap smears taken on the same day. That would save time. It would be a free service, it would be undertaken by allied health professionals or nurses—not doctors—and it would be in a women-friendly environment.

I believe that our government should consider such a worthy recommendation. Why is it that GPs seem to have a monopoly on pap smears? Why can't the breast screening clinics, located in major centres across the state, be extended to also include pap smears? Furthermore, the Commonwealth government's Medicare payments for pap smears to doctors could be redirected to these women's health one-stop shops.

The women of Goodna and Springfield Lakes, Redbank Plains and all of the surrounding suburbs have indicated that they are very happy to be involved in any talks about these issues, as pap smears save lives. Pap smears where cells are detected early can save on expensive medical interventions. They can also save time off work and the resultant family stress. I sincerely hope that the Minister for Health, Paul Lucas, takes these matters on board in any discussions involving pap smear policy and implementation. The Goodna health building in my electorate is certainly one health centre that would be a very good place to have a women's health one-stop shop for breast screening as well as pap smears.

North Eton, Flying Foxes

Mr MALONE (Mirani—LNP) (7.55 pm): Tonight I rise to speak about a small community in my electorate, North Eton. It is located in the Pioneer Valley west of Mackay. Over the past couple of weeks many words have been spoken about flying foxes. This small country town has been inundated by a small colony of flying foxes that moved in about two or three years ago. I have some photos and I will table them later. The colony of flying foxes has located itself in a residential area and alongside the Eton North Bowls Club.

The human face of the issue of flying foxes has probably not come out in this place as much as it should, but these photos will show that the colony of flying foxes is located alongside a house with a rainwater tank. This small community does not have the benefit of town water. The people who live in this house have young children who have to walk through the yard with faeces and urine and everything else that the flying foxes deposit on the lawn. These people are in desperate need. They would love to sell out and move on, but they cannot sell their home. If they were able to sell, they would literally walk away from the house.

The community has appealed to the Queensland parks and forest service within the EPA to do something about moving on the flying foxes. Obviously the flying foxes have come from somewhere and there is no reason they should not go back to where they came from. The EPA, in its wisdom—and being totally useless as it is—keeps throwing the ball back to the local council. The council is stifled in its ways and means of making some progress. The EPA keeps making sure that the council has no means of moving on the bats. If there is any attempt to move the bats, all the EPA does is tell the residents that they are going to be fined $100,000 if they disturb the bats. The situation with the bowls club is just abysmal.

Mr Wettenhall interjected.

Mr MALONE: I will table the photos and the member can see whether he would like to live alongside them. I invite the member to come down and do that—come and bring the family down and live in that house, come and buy the house, for what it is worth, and see if he wants to live there. The member is an absolute joke. The council gets blamed for this all the time. The community cannot work through the issue. The EPA is useless. Quite frankly, it is about time this government realised that people and flying foxes cannot cohabit. It is about time we had some common sense.

Tabled paper: Collection of photos of flying foxes [851].

Elliott, Mr J; Great Pyramid Race and Country Fair

Mr PITT (Mulgrave—ALP) (7.59 pm): Firstly, I would like to acknowledge my friend and former colleague Julian Elliott and his son, Liam, who are in the gallery this evening. Last month, I had the great honour of officially opening the Great Pyramid Race and Country Fair, which has been an annual event since Queensland's centenary in 1959. It has become a legend. The Great Pyramid Race is a race like no other in Australia—a 12-kilometre cross-country race that includes a climb to the peak of Walsh's Pyramid, which stands 922 metres above my home town of Gordonvale.

With its Toward Q2 initiative, the government has set the ambition of Queenslanders becoming Australia's healthiest people. That is why we support events such as the Great Pyramid Race through the Queensland Events Regional Development Program. Q150 community funding of $10,000 was provided in order to stage the grand street parade and put together a commemorative magazine to celebrate the 50th anniversary of the race. Ordinarily, the race is limited to 100 entrants, but in honour of Queensland's 150th birthday the number was increased to 150 with great success. The Great Pyramid Race shines the spotlight on what is truly a magnificent part of Australia. It is an opportunity for the Gordonvale community to show why it is still the envy of many in Far North Queensland.

I was also privileged on the day to present community service awards in recognition of two people who have consistently given of their time so generously to benefit the local community. It is often said that behind every great man is a great woman. President of the Great Pyramid Race organising committee and businesswoman Cheryl Campbell is well known. It is her husband, George, who turns this saying on its ear. The entire Campbell family are an institution in community activities in Gordonvale, but George Campbell is an unsung hero who deserves public recognition for his work. He has been a silent partner—one-half of a relationship that has helped with events such as the Great Pyramid Race for many years. Almost everyone in Gordonvale knows his famous big red truck, which has carried more chairs and trestle tables than it would care to remember. George is like salt and pepper: he is in everything. No matter what it is, he puts his hand up to sponsor, donate or chip in. He has also been a terrific supporter of junior sport in the area, long after his own children were no longer involved.

The second award recipient, Thelma Kelly, was also long overdue for recognition with her enormous fundraising efforts for the Leukaemia Foundation over the past eight years in order to assist patients and their families living in Far North Queensland. I am told that Thelma alone has raised over

$70,000 over this period. In Far North Queensland in the last financial year the Leukaemia Foundation provided over 3,500 rooms to patients and their families. With what Thelma has raised, this equates to over 467 room nights over the last 10 years. Every day as we go about our day there are five people in Queensland being diagnosed with leukaemia. This is why people like Thelma Kelly are important to the foundation.

The Great Pyramid Race has really grown to showcase Gordonvale for the wonderful community that it is, but the reason there is still such a strong sense of community in Gordonvale is that of the efforts of the Great Pyramid Race event organising committee and because of people like George Campbell and Thelma Kelly.

Question put—That the House do now adjourn.

Motion agreed to.

The House adjourned at 8.01 pm.

ATTENDANCE

Attwood, Bates, Bleijie, Bligh, Boyle, Choi, Crandon, Cripps, Croft, Cunningham, Darling, Davis, Dempsey, Dick, Douglas, Dowling, Elmes, Emerson, Farmer, Finn, Flegg, Fraser, Gibson, Grace, Hinchliffe, Hobbs, Hoolihan, Hopper, Jarratt, Johnson, Johnstone, Jones, Keech, Kiernan, Kilburn, Knuth, Langbroek, Lawlor, Lucas, McArdle, McLindon, Male, Malone, Menkens, Messenger, Mickel, Miller, Moorhead, Mulherin, Nelson-Carr, Nicholls, Nolan, O'Brien, O'Neill, Palaszczuk, Pitt, Powell, Pratt, Reeves, Rickuss, Roberts, Robertson, Robinson, Ryan, Schwarten, Scott, Seeney, Shine, Smith, Sorensen, Spence, Springborg, Stevens, Stone, Struthers, Stuckey, Sullivan, van Litsenburg, Wallace, Watt, Wells, Wendt, Wettenhall, Wilson

GOVERNMENT PRINTER, QUEENSLAND—2009