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Thursday, 26 November 2009

J MICKEL
SPEAKER

N J LAURIE
CLERK OF THE PARLIAMENT

L J OSMOND
CHIEF HANSARD REPORTER

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THURSDAY, 26 NOVEMBER 2009

The Legislative Assembly met at 9.30 am.

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

SPEAKER'S STATEMENTS

Answers to Questions on Notice

Mr SPEAKER: Honourable members, standing order 114 requires that answers to questions on notice shall be supplied to the Table Office within 30 calendar days. Where the 30th day is not a working day, the longstanding practice that has been adopted is that the answers should be provided by the next working day. An answer is deemed to be tabled when it is received by the Table Office and its receipt is noted by the Clerk or their nominee. I wish to advise honourable members that, due to the intervening Christmas-New Year closure period, answers to questions on notice asked yesterday or today are required to be supplied to the Table Office by Monday, 4 January 2010.

Rulings by Deputy Speakers

Mr SPEAKER: Honourable members, I have received a complaint by a member about the rulings or directions of one of my delegates in the chair during a debate. I wish to note that, whilst as a matter of course I supervise the rulings, directions and conduct of all delegates and provide education and guidance on procedure to my delegates, I will not make either public or private rulings on the correctness or otherwise of any delegate's specific ruling. This is because standing order 16 makes it clear that whilst occupying the Speaker's chair the Deputy Speaker and temporary Speakers have the full powers of the Speaker. Therefore, the only authority which can override the rulings of my delegates whilst in the chair is the House, pursuant to the dissent procedure outlined in standing order 250.

PRIVILEGE

Speaker's Ruling, Alleged Deliberate Misleading of the House by a Member

Mr SPEAKER: On Tuesday of this week the Minister for Public Works and Information and Communication Technology rose on a matter of privilege. The minister subsequently wrote to me on this matter in accordance with standing order 269. The minister is essentially arguing that the member for Moggill has deliberately sought to misconstrue the minister's response to an answer to a question on notice and in doing so has misinformed the public. Despite the merits of the minister's argument, the fact is that the minister has issue with the member for Moggill's reported comments in the *Courier-Mail* and not, from what I can make out, statements made in the House or a committee. It is a contempt to deliberately mislead this House or one of its committees but not the readers of the *Courier-Mail*. For this reason, it is clear that there is no matter of privilege and I do not intend to investigate the merits of the matter or refer the matter to the committee.

SPEAKER'S STATEMENT

Movember

Mr SPEAKER: Honourable members, I have asked the Clerk to conduct research in order to determine whether a very serious contempt has been committed in this House. The Clerk has advised that searches of leading parliamentary texts by authors such as Erskine May, McGee, Odgers and Browning have not revealed any precedent for the matter under consideration. Alas, even older commentaries such as Hatsell's precedents and others, some of which date to the impeachment and execution of the Earl of Stafford in 1641, also offer no assistance. It appears, therefore, that I must allow the member for Morayfield to escape punishment for his lightly veiled criticism of the Speaker's moustache. It appears that I must leave the matter to the high court of public opinion which will be decided at the Movember judging for parliamentary participants at 1 pm today. I am, however, very happy to announce that the Queensland parliament Movember team has thus far raised $5,000 and has commitments for a further $2,000—a total of $7,000 or more for men's health. Indeed, the parliamentary team is one of the top 200 teams in Australia in terms of the money raised. I want to thank all members who have supported, financially or in their attempts to grow a moustache, this very worthy cause.

PETITIONS

The Clerk presented the following paper petition, lodged by the honourable member indicated—

Tugun Desalination Plant

Mrs Stuckey, from 915 petitioners, requesting the House to introduce independent monitoring of the brine output from the Tugun Desalination Plant [1491].

The following Honourable Members have lodged e-petitions which are now closed and presented—

Sleep Disorders Australia

Mrs Attwood, from 468 petitioners, requesting the House to support an electricity account rebate for continuous positive air pressure life support machine users who are registered members of Sleep Disorders Australia, Queensland Branch [1492].

Vehicle Registration

Mr Springborg, from 100,010 petitioners, requesting the House to review the 20% vehicle registration increase [1493].

Steve Irwin Wildlife Reserve

Ms Male, from 4,662 petitioners, requesting the House to ensure that no mining applications are granted on any part of the Steve Irwin Wildlife Reserve [1494].

Kawana, Stockland Park

Mr Bleijie, from 162 petitioners, requesting the House to adhere to the original State Government funding commitment to construct a new grandstand at Stockland Park, Kawana [1495].

Petitions received.

TABLED PAPERS

MEMBERS' PAPERS TABLED BY THE CLERK

The following members' papers were tabled by the Clerk—

Member for Yeerongpilly (Mr Finn)—

1496 Overseas travel report—Report on an overseas visit by the Member for Yeerongpilly (Mr Finn) to Arusha, Tanzania from 28 September to 6 October 2009—Commonwealth Parliamentary Association (Queensland Branch)—Report by Mr Simon Finn MP (accompanied by the Honorary Secretary, Mr Neil Laurie) on attendance at the 55th Commonwealth Parliamentary Conference, Arusha, Tanzania, 28 September—6 October 2009—The Commonwealth and the CPA: Meeting Future Global Challenges

Member for Cook (Mr O'Brien)—

1511 Non-conforming petition requesting that Minister Macklin and Minister Boyle meet and talk with the community and the Futures Planning Committee before any further decisions are made with respect to the Hope Vale community

MINISTERIAL STATEMENTS

Brennan, Mr N

Hon. AM BLIGH (South Brisbane—ALP) (Premier and Minister for the Arts) (9.36 am): Right now, Australian journalists are working in some of the world's most dangerous places. They tell stories that need to be told and stories that without their bravery and dedication the world may never know. I am heartened by the news today that Queensland journalist Nigel Brennan has been freed following his 15-month hostage ordeal in Somalia.

Mr Brennan and his companion, Canadian journalist Amanda Lindhout, were captured by militants in Somalia in August last year. They were released and handed over to Somali officials yesterday, and the ABC has reported that they are now in a hotel in the capital of Mogadishu. Mr Brennan has revealed that he had been pistol-whipped and locked in chains for the past 10 months after a failed escape attempt. He said—

I'm just happy that I'm alive. I'm alive and looking forward to seeing my family and trying to pick up the threads of my life.

As members of this House may know, Mr Brennan is from Bundaberg in Queensland, and he and his family are well known and respected in that city. The Bundaberg *News Mail*, where he used to work, has reported that Mr Brennan's parents have been in Somalia for the past few weeks in a bid to secure his release. I am sure that all Queenslanders would join me in offering our heartfelt goodwill to Mr Brennan and his entire family.

Resources Industry

Hon. AM BLIGH (South Brisbane—ALP) (Premier and Minister for the Arts) (9.38 am): It has been a very difficult year for the Queensland resources industry, but all the evidence suggests that there are good times ahead. This is good news, because as we move to decentralise Queensland by creating more jobs and opportunities in the regions the mining sector will be a big part of that effort. The $1.1 billion Northern Missing Link project is now fully subscribed, securing up to 4,000 jobs in Queensland. In October the government secured the future of the project after reaching commercial agreement with two coal companies to get it off the ground. The QR Network agreed commercial principles with foundation coal company customers like Lake Vermont and Bowen Central Coal for the Goonyella to Abbot Point project.

Since then, four companies have signed up and this consumes all of the capacity on the project. I have said before that this project could well be the Suez Canal of the Central Queensland coal industry and it has the capacity to revolutionise coal transport in our state. Through projects such as this we are making sure that Queensland is best placed to harness the boom in the resources industry that many economists predict over the coming years.

Right now, more than 20 new coal projects, including mine expansions, are either already commenced or are at an advanced planning stage across Queensland. In the Bowen Basin, these include BMA's Bowen Basin Coal Growth Project, Rio Tinto's Clermont mine and expansion at Hail Creek and Vale's Eagle Downs, Ellensfield and Belvedere underground projects. In the Surat Basin, Syntech Resources' Cameby Downs Mine is under construction and Xstrata's very large Wandoan thermal coal project promises to open up the northern Surat.

Proposed new base metal mines include Exco's E1 and Monokoff project, Cudeco's Rocklands project near Cloncurry and Ivanhoe Australia's Merlin deposit as part of a larger copper and goldmining operation south of Cloncurry. Conquest Mining is also progressing the Silver Hills gold dominant deposit near Bowen, and the first stage of Legend International's ore phosphate rock project in north-west Queensland is expected to start operations early next year.

Should all of these projects proceed to development, I am advised that close to 5,000 permanent jobs will be created, with many more thousands of jobs created during the construction phase. In addition, more than 100 million extra tonnes of coal could be exported every year from Queensland, with $25 billion of new projects in the Galilee Basin under consideration by the state government.

The Coordinator-General is currently conducting whole-of-government environmental assessments in three significant projects in the Galilee that have the potential to create up to 13,000 new construction jobs and around 4,500 operational jobs. Added to this is the exciting development of a new export LNG industry in Queensland, which will provide a further boost to our economy and exports and create up to 18,000 jobs.

This year we have worked with the industry to open the door to an estimated $40 million worth of investment in LNG, giving royalty certainty, environmental regulation certainty and working to develop the pipeline superhighway. At its peak, we believe that the LNG industry could boost gross state product by around $3 billion, with an estimated $850 million expected in export royalties.

Our resources industry has endured a difficult year. At the beginning of this year many people in that industry lost their jobs. But it has also proven itself to be remarkably resilient, having grown back with higher employment by the end of the financial year. On the evidence of the projects that I have outlined this morning, I think we can confidently predict that 2010 will be not only a better year for the Queensland mining industry but also a better year for the Queensland economy.

Golding, Mr C

Hon. AM BLIGH (South Brisbane—ALP) (Premier and Minister for the Arts) (9.42 am): Yesterday I attended the annual Queensland Resources Council lunch. I was joined by members of the government and shadow ministers who have responsibility in the area. At this event it was a pleasure for me to award Cyril Golding the Queensland Resources Council Medal. The medal is awarded annually to recognise a significant contribution to the minerals and energy sector in Queensland. At 89 years of age, Cyril Golding has been dubbed 'Mr Gladstone' and the Golding name has become synonymous with Gladstone and with success.

Mrs Cunningham: Hear, hear!

Ms BLIGH: I take the interjection from the member for Gladstone. I am sure the member will agree with me that Mr Golding is an outstanding Central Queenslander, whose reach and influence extends far beyond his beloved home port of Gladstone. He and his firm have been involved in development and construction projects all over Australia. His mining projects, especially in the Bowen Basin, and major industrial developments in and around Gladstone are a testimony to this hugely successful man and his family.

Golding Contractors is a backbone Gladstone family business that has weathered regional Queensland's economic ups and downs. It is not an exaggeration to say that the name is revered in the region. Cyril is a living Gladstone icon and he stands alongside Col Brown, Marty Hanson and Reg Tanna as the port city's giants.

In 1942, at just 22 years of age, Mr Golding founded Cyril Golding Earthmoving, later to become known as Golding Contractors. The mining services and civil infrastructure company now employs more than 1,000 people and operates one of the largest privately owned mining and earthmoving fleets in the Southern Hemisphere. It is a remarkable Queensland story.

Yesterday the people who attended the lunch heard how Mr Golding was a great innovator. He invented tipping truck bodies in the 1940s to allow easy unloading and in the 1980s he taught himself computer programming to write his own applications. When Mr Golding stepped down from the company in late 2007 after 65 years at its helm, Golding Contractors had five regional offices and an annual turnover of $450 million.

Mr Golding has been not only a great industrialist but also a great philanthropist. It was his work for the Gladstone community that earned him the title 'Mr Gladstone'. In 2008 Cyril Golding was the first citizen to receive the keys to the City of Gladstone and this year he represented Queensland at the Australian of the Year awards in the Local Hero category.

In his acceptance speech yesterday, Mr Golding reminisced about his early years in Gladstone, reminding us that the Gladstone that he was born in 89 years ago had a population of just 2,000. It was a town that had only one major employer, the meatworks—a facility that was often operational for only five to six months of the year, requiring men to travel to other parts of the state to find work to look after their families. He reflected that it was a time of great hardship and that the Gladstone then stands in stark contrast to the prosperous, thriving city that Gladstone is today.

As I listened to his reflections in this, our 150th anniversary, it struck me that Mr Golding has been alive for almost two-thirds of that 150 years and that his life and his achievements are a great metaphor for all that we recognise and celebrate during this anniversary.

Toward Q2: Tomorrow's Queensland

Hon. AM BLIGH (South Brisbane—ALP) (Premier and Minister for the Arts) (9.45 am): Just over a year ago I launched our government's vision for the future, *Toward Q2: Tomorrow's Queensland*. When I released this vision the world was a very different place. We have gone from worldwide boom to worldwide economic crisis in the blink of an eye and, although there continue to be encouraging signs for the global economy, we continue to weather the fallout and will continue to do so for some time.

Despite this challenge, the ambitions that our government committed to remain more relevant than ever. Toward Q2 charts the course for a stronger, greener, smarter, healthier and fairer Queensland—five big ambitions and 10 measurable targets. Toward Q2 is shaping our state for future generations and guiding the government as we modernise to meet the challenges of the 21st century. Q2 is about the big challenges and it serves to keep the government's focus fixed firmly on that future.

When we released Toward Q2 in September 2008 we included clear, measurable and objective benchmarks for each of the 10 targets based on the latest available data. Some of the benchmark years were in 2006 and 2007 and some were as at 2008, but in each and every case it was the latest and best data that was used as a benchmark. We also committed to regular reporting so that Queenslanders could measure the government's progress or otherwise against these measures. Never before has a Queensland government been this transparent, and it is helping to change the very way that our government operates in this state.

Today, I am pleased to table the first annual report on progress the government and the community have been making towards realising these ambitious targets. By setting clear, measurable targets with public benchmarks and regular reporting we are changing the way that government operates. It is early days in our long-term strategy for Queensland, but what we see 12 months after setting the baseline indicators is that we are making a good start. Many of these indicators do not record the activities of this year, because the data has yet to be collected by the appropriate authorities—for example the ABS—but across nearly every target we are heading in the right direction.

Of all the targets, perhaps none is more important at this moment than our goal for Queensland to be Australia's strongest economy with infrastructure that anticipates growth. Why? Because despite the global financial crisis, Queensland continues to experience rapid population growth in the order of some 2,000 extra people each and every week. That equates to a new city bigger than Mackay every year and these residents need schools, hospitals, roads and public transport. The growth is real, it is inevitable and we cannot bury our heads in the sand and ignore its implications. That is why our government took the decision to push forward with our nation-leading building program.

But the building program is more than just a stimulus package; it is about modernising Queensland and transforming our state. It is about putting in place the infrastructure that we need for today and anticipating the growth of tomorrow. It lays the foundation for our future success and our future prosperity as a people.

I have also said that I want Queensland to lead the nation in economic growth. Like all states and nations the world over, our ambition for a strong economy has taken a battering in the past 12 months as a direct result of the global financial crisis. Despite our key trading partners facing recession, we have maintained positive growth in 2008-09, growth that is forecast to climb back above the national figure by 2010-11.

Toward Q2 also sets bold ambitions for a greener Queensland. I am pleased to advise the House that our most recent data shows that Queensland's average household carbon footprint fell by 4.9 per cent from 13.77 tonnes to 13.10 tonnes for each household in the 12 months to 2007-08. At a time when the world is focused on the upcoming Copenhagen climate talks, results like this demonstrate that the community is willing to rise to the challenge of combating climate change.

We have also made progress in our goal to expand the amount of land protected for nature conservation. Queensland's national park estate is now more than eight million hectares, an increase of more than 410,000 hectares over the past 15 months. Q2 also means that now, for the first time, we are capturing how much green space there is available for public recreation. As we work to manage our continued population growth, the amount of land available for public recreation becomes more important than ever before. That is why Q2 commits to increasing this amount of land. The first step is establishing clear baseline data for the first time. Doing this has required state and local government to work together to identify all of the existing recreational land and integrate this data statewide. While this has been completed for the south-east corner, it will not be completed for the entire state until next year. It is a very large effort and I think Queensland will be the first in the country to complete it. It will help us to identify gaps we need to fill to ensure that everyone can have enough access to land and green space for recreation and relaxation in the future.

Queensland has historically had the lowest proportion of 3½- to 4½-year-olds undertaking an early education program: just 29 per cent in 2007 compared to more than 85 per cent across the rest of the nation. This time in a child's life is critical in terms of development and education and that is why Toward Q2 sets the target of providing all children access to quality early childhood education. In the past 12 months our enrolments have remained steady at 29 per cent, but our commitment to 240 new kindergartens is a comprehensive investment to increase enrolment and meet this target in future years. Our smart ambition also sets a target of increasing the proportion of Queenslanders holding certificate level III qualifications or above. Today I can advise that we have seen this increase from 50.3 per cent in 2007 to 51.4 per cent in 2008.

The healthy target has seen Queensland in 2007-08 again achieve the shortest waiting times nationally for elective surgery while at the same time moving from sixth place to third place for median waiting times in emergency departments. This achievement shows that our record investment in health infrastructure and health professionals is paying off. Even with the twin pressures of population growth and ageing, Queensland Health is improving its performance. In relation to obesity, smoking and sun exposure, there is good and bad news to report. The rates of those who are overweight and obese have increased for both men and women between 2005 and 2009, despite indications that more of us are eating more fruit and vegetables and doing more physical activity. However, I am pleased to advise that smoking rates have decreased by 1.4 per cent for men and 1.1 per cent for women between 2007 and 2009.

In other heartening news, rates of sunburn also declined from 15 per cent in 2006-07 to 13 per cent in 2008-09, but are still alarmingly high. Meeting our long-term targets for a healthier Queensland means significant behaviour change but the early signs are positive.

Our fair target seeks to halve the proportion of children living in jobless households. In 2007-08 the proportion of children living in households without a working parent decreased from 15.9 per cent to 10.9 per cent primarily due to high employment rates and an increase in the birth rate across the population. Although the GFC may impact on this data when results from 2008-09 are available, the current figures do show what is possible when a government takes the necessary steps to keep an economy moving.

Annual progress on the proportion of Queensland businesses undertaking research and development or innovation will be available from the Australian Bureau of Statistics in 2010, along with the number of Queenslanders involved in communities as volunteers.

When we set these targets we were criticised, but today's first annual report shows just how important it is to set stretched targets and to require effort to meet them. They are targets for the long term, charting a course for a better Queensland today and tomorrow. No matter what the immediate and

daily issues are that a government must deal with, these targets look to the future and guide our priorities. Queenslanders want their government focused on the future. We will always need to collectively continue striving to be stronger, greener, smarter, healthier and fairer.

I thank all of those Queenslanders who participated in developing these ambitions and targets, and I encourage them to continue their involvement to make sure that we are ready for the challenges of this century. I seek leave to table a copy of the annual progress report.

Leave granted.

Tabled paper: Report titled 'Toward Q2: Tomorrow's Queensland—Annual Progress Report 2008-09' [1497].

Mr SPEAKER: Before I call the honourable the Deputy Premier, I acknowledge my special guests in the public gallery today. They are the talented young women from Canterbury College in the electorate of Waterford who performed this morning at the multifaith service. Their Cantabile Choir is internationally recognised. As a special favour to us all, after question time, when we will probably feel like singing, they will be in the foyer in the parliamentary annexe. I want to make them most welcome to the Queensland parliament today.

Men's Health

Hon. PT LUCAS (Lytton—ALP) (Deputy Premier and Minister for Health) (9.55 am): Looking around the chamber today it is clear to see Movember is in full swing. Last year Movember raised $8 million for prostate cancer awareness and vital research. Prostate cancer is a slower growing cancer. In the past, most men died long before they succumbed to prostate cancer. This led to the old saying 'most men die with, not of, prostate cancer'. That certainly is not true today. With the second longest life expectancy in the world things have changed considerably in Australia. Men are living longer, giving the cancer more time to spread beyond the prostate with potentially fatal consequences. It is no secret that it is a killer. It is killing our fathers and our friends at a rate higher than breast cancer. Around one in 10 men will be diagnosed with prostate cancer in their lifetime. Each day about 32 men learn the news that they have prostate cancer. One man every three hours will lose his battle against this insidious disease.

For too long men have simply ignored health issues under the guise of being 'a man'. This government is focused on creating a modern Queensland. In a modern Queensland men take their health seriously. This year the Speaker of the House has been joined by three MPs all growing a mo and raising awareness of men's health issues, including prostate and bowel cancer as well as depression. I would like to pay honourable mention to the member for Morayfield, the member for Keppel and the member for Ipswich West for their outstanding moustache efforts and, of course, the Speaker of the House.

The Bligh government is providing funding and assistance towards research and other support so that we can start to win the battle against this insidious disease. Queensland Health supports training positions for 23 urologists. Within their training these doctors will substantially enhance the urology services available across the state and will participate in clinical research. The government has committed $47.8 million since 2008 to the Queensland Institute of Medical Research, which is currently undertaking vital research into the early detection of prostate cancer. The Bligh government has also invested $1.25 million, which was matched by QUT, through the establishment of the Smart Futures Premier's Fellowship to Professor Colleen Nelson, a very inspirational woman, of the QUT Institute of Health and Biomedical Innovation. This will help to develop new therapies for advanced prostate cancer; support regional and rural outreach services for prostate cancer awareness and public and professional education; and increase awareness of prostate cancer.

I am also pleased to announce the Movember Global Prostate Cancer Summit that will be held at the Gold Coast Convention Centre in August next year. Up to nine countries will be represented at the summit attended by government leaders, the heads of leading cancer fighting organisations, chief executives of business and industry and individuals who are active in everything from early detection to assisting those diagnosed with the disease. A large number of cancer survivors will also be among the delegates.

The Queensland government is also investing $50,000 towards the broader implementation of the innovative Pit Stop men's health program in a variety of workplace environments. The screening program is modelled on a car service schedule for the chassis—or hip to waist measurement ratios; exhaust—or lung function; oil pressure—or blood pressure; and duco—a skin cancer check. On that basis I am ready for the wreckers. The Pit Stop program run nationally has been found to be a successful means of engaging men with healthy lifestyle messages and primary health services. The program will be implemented in five to six catchments across Queensland—Townsville, Cairns, Sunshine Coast, Brisbane North, and Brisbane South—before June 2010. The month of Movember is all about boosting awareness to encourage men to take charge of their health. Early detection is the key. Modern men care about their health.

Forestry Plantations Queensland

Hon. AP FRASER (Mount Coot-tha—ALP) (Treasurer and Minister for Employment and Economic Development) (9.59 am): The government was elected with a mandate to protect jobs and strengthen Queensland's economy. In June the government announced its intention to restructure the state's balance sheet and prioritise essential government services over commercial investments. That plan included selling Forestry Plantations Queensland, the government owned timber business. As we have made clear, it is the position of this government that now is the time to reassess what role the public sector needs to play in the commercial world and whether or not there are elements of what we do that the private sector can do well so that we can get on with investing in priority public services.

We believe that the public sector does not need to be in the business of growing and managing timber plantations, which is why, based on the advice of our commercial advisors, today I can announce that the government is ready to put FPQ to market. This is in line with the schedule we announced in June and is a major milestone on the path towards creating a stronger Queensland. The sale process proper is underway as of today and is now planned to involve the following: firstly, receiving indicative non-binding bids by late January; secondly, conducting due diligence and binding bids in March; and, thirdly, contract finalisation by June.

FPQ is a mature business that will attract significant private investment. Already the government has entered into agreements with the AWU, QPSU, CFMEU and the AMWU to ensure a three-year job guarantee for award employees is put in place. I acknowledge the working relationship we have with those unions, who remain committed in these circumstances to work with the government to ensure the best result for their members.

There are some important issues with regard to the sale of FPQ that must be reiterated. Public access to state plantation forests will be maintained, including access for recreation. The plantation manager will have the ability, as they do now under government ownership, to restrict public access where there are legitimate operational reasons, such as fire risk or a risk to public safety through the use of large machinery. Importantly, the state plantation forest land will remain in government ownership. The new owner of FPQ will be granted a licence to plant and harvest for at least 99 years. We are not selling the plantation land, merely the licence to harvest the timber. This sale structure provides long-term security of access for the owner, reflecting the long-term investment horizon of up to 45 years between planting and harvesting.

There are several rural oriented interests that work in tandem with FPQ. I can advise the House that stock-grazing permits and their allocation and operation under the Forestry Act will continue. In relation to beekeeping sites, it is already established that beekeeping is to be excluded from native forests by 2025 and therefore the plantation areas—including their native forest buffer zones—are seen as an important alternative location. Timber and rural orientated interests have worked side by side for many years, and this will continue into the future.

This parliament has legislated for this sale, and today we begin the formal process. Throughout the scoping process we have sought to achieve four things: to ensure a good financial return for taxpayers, to maintain the right of Queenslanders to access the land, to work with rural sector interests and, like a Labor government should, to protect the workers. We are on track to achieve all four. We remain determined to make the choices, to make the hard decisions and to chart a course for a stronger Queensland, a modern Queensland—toward Tomorrow's Queensland.

Healthier and Greener Queensland

Hon. RE SCHWARTEN (Rockhampton—ALP) (Minister for Public Works and Information and Communication Technology) (10.03 am): Mr Speaker, when are you going to get rid of the moustache? I thought I would pay you a compliment by recognising it.

In keeping with the Premier's statement on the progress of Toward Q2: Tomorrow's Queensland, the Department of Public Works has come up with a simple yet effective way to get the state's public servants into shape and help the environment at the same time. Upon my instruction, we will be opening up the stairwells in 13 government buildings across the Brisbane CBD, encouraging employees to take the stairs rather than use lifts. Indeed, some stairwells have already been opened. The benefits of this will be twofold: there is the health benefit from taking on more physical exercise, plus the green benefit of using less power via cutting back on using lifts. To gauge the feasibility of such a move, back in February we opened up the fire stairs in Brisbane's Executive Building for a six-month trial, known as the Healthy Lifestyles in Government Buildings initiative.

Mr Stevens: Are you going to be taking the stairs?

Mr SCHWARTEN: I do, and I will get to that in a minute. I am pleased to take that interjection.

Before the trial started, we installed an access control card system and temporary pedestrian counters to monitor usage over the six months. An online survey of all employees working in the Executive Building was undertaken prior to the opening of the fire stairs and again when the trial ended in August. A successful outcome required greater than 10 per cent of staff to express interest in using the fire stairs and 50 per cent of these staff to actively use the stairs as an alternative to lift travel.

The Accommodation Office within the Department of Public Works has now analysed the performance data and the results are overwhelmingly positive. I am pleased to report that, of the 30 per cent of staff who responded to the online survey, 90 per cent of those went on to use the stairs during the trial period. Stairs were used an average of 40,000 times per month. I will say that figure again: the stairs were used an average of 40,000 times per month. Based on the outstanding success of the trial, the fire stairs will now be opened up in another 13 government buildings owned by the Department of Public Works in the Brisbane CBD. This will be a major step in working towards achieving the government's Q2 ambitions of making Queenslanders Australia's healthiest people and protecting our state's environment. I look forward to seeing the rollout of the program and the associated benefits of a healthier, greener Queensland being recognised.

In response to the member for Mermaid Beach's earlier interjection, I encourage honourable members to follow my lead on this matter and use the stairs in the Executive Building. I regularly walk up the 23 flights of stairs, but I see a lot of members and staff going from one floor to another floor in the lift. I saw the member for Nicklin on the stairs the other day, and I know that the Leader of the House uses the stairs quite often, as do other members. It is quite simple to do, and we will be putting up signs to encourage members to do that. And please, members, whenever you are using those meeting rooms could you turn the lights out when you go out of them.

Solar Hot Water Program

Hon. S ROBERTSON (Stretton—ALP) (Minister for Natural Resources, Mines and Energy and Minister for Trade) (10.06 am): Mr Speaker, have you been growing a moustache? Yesterday, we witnessed the tactical liar at his best, making unsubstantiated claims—

Mr SPEAKER: Order! I have said in the past—and I do not think you were here that week—that that expression in my view is unparliamentary.

Mr ROBERTSON: I withdraw. He was making unsubstantiated claims about the Queensland Solar Hot Water Program without a shred of evidence—evidence that could have been simply adduced by asking me a question in this place or even putting one on notice, which he had not bothered to do until yesterday. But when the only alternative to making unsubstantiated allegations is hard work, we all know what the member for Callide will choose every time. The Queensland Solar Hot Water Program is delivering and installing $500 systems for eligible Queenslanders and $100 for pensioners. To date, more than 850—

Mr Messenger: Where are they coming from?

Mr ROBERTSON: Mr Speaker, can I be protected from Wilson Tuckey and Barnaby Joyce's love child? To date, more than 850 customers have been allocated to suppliers to conduct inspections and install new systems. By the end of this week, over 110—

Mr Seeney: How many have been installed and are working?

Mr ROBERTSON: By the end of this week, more than 110 systems will have been installed in Brisbane.

Mr Seeney: Two hundred thousand was your promise.

Mr SPEAKER: Order! The member for Callide.

Mr ROBERTSON: Mr Speaker, I will start again. To date, more than 850 customers have been allocated to—

Mr Horan: 99,900 to go.

Mr ROBERTSON: I will start again. To date, more than 850 customers have been allocated to suppliers to conduct inspections and install new systems. By the end of this week, over 110 systems will have been installed in Brisbane, having gone through the process of site inspections and council approvals. A further 200 applicants have been contacted to arrange site inspections and a date for installation. This is a long way from the one which the member for Callide alleged had been installed since October—a long way from the one that you stood in this place yesterday and alleged had been installed.

Mr SEENEY: Mr Speaker, I rise to a point of order.

Mr SPEAKER: Order! Minister, resume your seat. I will hear the point of order.

Mr SEENEY: Mr Speaker, I feel I have to defend myself against this slanderous attack.

Government members interjected.

Mr SPEAKER: Order! Those on my right will cease interjecting while I hear the point of order.

Mr SEENEY: I find the minister's words dishonest and offensive. I said he put out a press release when—

Mr SPEAKER: Order! I do not want you to argue the point.

Mr SEENEY: I find his comments offensive and I ask that he withdraw.

Mr ROBERTSON: Mr Speaker, in withdrawing, I table the press release from the member for Callide yesterday.

Mr SPEAKER: Order! I would ask the minister to withdraw unreservedly.

Mr ROBERTSON: Mr Speaker, I withdraw unreservedly, but I do table the press release.

Tabled paper: Press release, dated 25 November 2009, by the member for Callide titled 'Bligh's solar promise joins other ALP election notables' [1498].

This is a long way from the one that the member for Callide had alleged had been installed since October. The member for Callide might also be interested to know that a second company, Ecovation, has joined the program to supply, deliver and install solar hot-water systems. This is an innovative program—a big plan which the LNP could never have come up with, which is why they hate it so much. More than 43,000 Queenslanders have registered their interest to participate in the program, with more than 10,000 completed applications so far.

Early next year we will call for more expressions of interest from Queenslanders interested in participating in our scheme while we continue negotiations with more companies to come on board. It is quite easy to sit over there and snipe at big plans, but I am sure Queenslanders would prefer if the LNP came up with some of their own plans, but of course that would require hard work.

WorkCover Queensland

Hon. CR DICK (Greenslopes—ALP) (Attorney-General and Minister for Industrial Relations) (10.11 am): During the last sitting week of parliament I tabled the WorkCover Queensland annual report for 2008-09. In tabling the report, I pointed out to the House that WorkCover Queensland, like virtually all organisations throughout the world, had been adversely affected by the global financial crisis last financial year. Negative investment returns were the main reason that WorkCover recorded an operating deficit of $567 million for 2008-09. Despite this result, WorkCover Queensland has maintained its position as the most stable workers compensation scheme in the nation. It is fully funded with a positive funding ratio of 127 per cent. Fortunately, the turnaround in financial markets in recent months has meant that WorkCover has posted a positive return—

Opposition members interjected.

Mr SPEAKER: Order! There are far too many interjections. I tolerate it if I feel that the minister's ministerial statement is an attack on the opposition. That is not the case in this instance. I ask, therefore, that courtesies be extended to the honourable Attorney-General.

Mr DICK: Fortunately, the turnaround in financial markets in recent months has meant that WorkCover has posted a positive return of more than $41 million in the September quarter this year. Despite that, the operating result for 2008-09 has posed challenges for the WorkCover board. To determine a path forward and ensure the viability of the scheme, the WorkCover board has met to consider options to ensure the ongoing viability of the scheme.

The board has now made a number of recommendations to the government to keep the WorkCover scheme strong and viable. Among the recommendations are progressive increases over time in the average premium rate of $1.15, the establishment of either a 10 per cent or 15 per cent whole person impairment threshold to be eligible for common law claims, and modification of the statutory claims benefits in response to any common law threshold that might be introduced.

Each of the recommendations, if accepted, would have ramifications for the scheme. There would also be ramifications for employers and employees, but all recommendations will be carefully and thoroughly considered by government before any decisions are made. It should be noted that Queensland employers currently have the lowest average premium rate in Australia of $1.15 per $100 of wages. This compares very favourably with other states, such as Victoria, which has a rate of $1.39; New South Wales, which is at $1.69; and South Australia, which is $3.

My department will liaise with other relevant government departments on the recommendations. Once the advice of government agencies has been considered, it is my intention to consult extensively with all stakeholders and the Queensland community before any decisions are made. The government will embark on a deliberate and careful process of consultation and analysis in relation to these recommendations to determine the best way forward for Queensland's workers compensation scheme. This is a matter that the government does not intend to rush because we need to get it right. I can, however, assure the House that the government is determined to maintain the viability of the scheme and ensure that it continues to provide support for injured Queensland workers.

NightLink

Hon. RG NOLAN (Ipswich—ALP) (Minister for Transport) (10.15 am): The Bligh government is committed to ensuring late-night revellers can go out, have a good time and get home safely. With the festive season approaching, we are about to receive another patronage spike, but I am pleased to advise the House that we are well prepared for the late-night influx expected in coming weeks. As you know, NightLink services are bus, train and flat-fare taxis which run across the TransLink network late on Friday and Saturday nights between 1 am and 5 am. These 21 bus and three train services cover a large geographical area and have been operating successfully for more than three years.

Demand for these popular NightLink services is high throughout the year, with more than 15,000 people catching the late-night train and bus services each month. These past few years have shown that patronage is especially high during December, as people enjoy Christmas celebrations at office parties and other events in the city and the valley.

During the month of December, we will double the number of NightLink bus services across the TransLink network to ensure party goers are not tempted to drive home after enjoying a bit of Christmas cheer. For the added safety of our late-night travellers, security guards are on board NightLink buses and positioned at NightLink bus stops in the valley and in the CBD. TransLink transit officers also patrol NightLink train services, with police providing roving patrols to Central, Fortitude Valley, Roma Street and South Brisbane train stations. I encourage anyone who is planning on going out and celebrating during the month of December to get on board these extra services and to leave their car keys at home.

Plantations 2020

Hon. TS MULHERIN (Mackay—ALP) (Minister for Primary Industries, Fisheries and Rural and Regional Queensland) (10.16 am): I am pleased today to release for consultation the Queensland Timber Plantation 2020 Strategy. This document sets out the way forward for the industry post the sale of Forestry Plantations Queensland. The strategy signals a fundamental change of role for the government from direct ownership of timber plantations to one of leadership and direction setting. It features five key planks: improved land use planning framework for timber plantations, supportive legislative and policy frameworks, facilitating new investment in timber plantations, targeted industry development support and strengthening community support for timber plantations.

Tabled paper: Department of Employment, Economic Development and Innovation document titled 'Queensland Timber Plantation 2020 Strategy: Growing the future of Queensland's timber plantations' [1499].

New timber plantations face inconsistent planning and assessment processes across Queensland, and this has generated uncertainty for potential investors. In response, a mandatory timber plantation assessment code under the Queensland planning provisions will be developed in conjunction with local government to deliver regulatory consistency and certainty. The development of the code will also ensure that the level of assessment is appropriate, with drafting to commence in 2010.

The second plank will ensure a supportive, stable and transparent regulatory environment that encourages new investment and growth. It will address the sovereign risk associated with changes to government policy over the longer term.

The third plank will facilitate and encourage new private investment in commercial timber plantations in a socially and environmentally responsible manner. This will focus on identifying areas that have the suitable terrain, soil, rainfall and infrastructure that represents strong opportunities for future growth in the sector. We will ensure the delivery of the final phase of a 20,000-hectare native hardwood plantation estate by 2015 to be delivered by the new plantation operator.

The fourth plank will focus on delivering initiatives that build on the capacity of industry, including vital research and development projects. In addition, a new focus will be placed on training and skills development opportunities for the timber workforce.

The final plank will see the government work with stakeholders to improve the profile of the timber plantation sector by highlighting the economic, social and environmental benefits. The timber industry in Queensland contributes around $4 billion annually to our economy and directly employs around 18,000 people in regional Queensland. This strategy will provide stakeholders and potential investors with the certainty required to attract further investment and growth.

Public Safety Network Project

Hon. NS ROBERTS (Nudgee—ALP) (Minister for Police, Corrective Services and Emergency Services) (10.19 am): The Bligh government is investing in Queensland's law and order future to ensure we have the infrastructure and support needed to keep up with growing demand. The Queensland government's law, justice and public safety areas are entering an exciting new era, with the rollout of a $175 million collaborative upgrade of ICT infrastructure across the state. Over the next two years, all sites within the Queensland Police Service, Justice and Attorney-General and Queensland Corrective Services departments will benefit from a stronger, highly protected, shared data network that will meet the current and future needs of these agencies.

As part of the Public Safety Network Project the upgrade will shift the current individual agency networks to a shared end-to-end network. This will have real and tangible benefits for operational staff across the law, justice and community safety sector. The new network, when fully implemented, will provide each agency with near to real-time access to information collected by the courts and Corrective Services systems.

The Public Safety Network Project will ensure our ICT support is state-of-the-art and equipped to keep up with growing demand. The network will provide increased speed and higher reliability as well as the ability to support the separation and security of data in transit. This will enable agencies to securely exchange data classified as highly protected with other jurisdictions including courts, counterterrorism units and child protection agencies.

Our collaborative approach to ICT ensures the latest technology will make operational work safer for staff, as well as be more cost effective and efficient. In addition, a public safety network management centre has been established that will be staffed as a dedicated facility to monitor and maintain the network to ensure security and functionality.

In recent years, law, justice and safety cluster agencies have embraced improved technologies such as radio-over-internet protocols in the Queensland Police Service and videoconferencing for courts in Justice and Attorney-General. The Bligh government recognises that our community safety services must be supported by a secure, robust network that operates 24 hours a day, seven days a week. This is another example of our commitment to providing our law enforcement and public safety agencies with the tools and resources they need to uphold community safety in Queensland.

Local Government Act

Hon. D BOYLE (Cairns—ALP) (Minister for Local Government and Aboriginal and Torres Strait Islander Partnerships) (10.21 am): An important announcement for local government: the new Local Government Act 2009 will take effect on 1 July 2010. The new provisions in the act on lobbyists, and which include postemployment restrictions on mayors, councillors and senior staff, will apply from 1 January 2010. However, the bulk of the Local Government Act will commence on 1 July 2010.

The 1 July start date was suggested by councils, the Local Government Association of Queensland and unions. This way it ensures councils have the time to prepare for the changes and the time for training of both elected members and council staff in the provisions of the new act. Councils need to spend the first half of 2010 wisely, adjusting their systems and processes, improving them and planning for a smooth transition.

I am pleased to say that I have approved for release for consultation the draft of the second of three regulations which support the act. One of the most interesting parts of the new act is the requirement for councils to develop a community plan. In preparing community plans, cities and towns right across Queensland, led by their councils, will develop a vision for their community and a plan for a strong and sustainable future. This is critical in the face of population growth and with so much opportunity on the horizon for so many cities and towns around Queensland.

The community plan will be the community's and the council's key planning document. The community plan sits above all other planning processes of council, including strategic land use planning and corporate planning. The community plan informs priority infrastructure plans and planning scheme development. The community plan will assist in better managing competing pressures of, for example, economic development and environmental protection. It will also help make sure the lifestyle needs and aspirations of the community are met. A few years from now, every city and town in Queensland will have its own community plan. With Queensland's 73 councils, the Bligh government looks forward to working with all our communities on this important local project.

PUBLIC ACCOUNTS AND PUBLIC WORKS COMMITTEE

Annual Reporting Inquiry, Discussion Paper

Mr WENDT (Ipswich West—ALP) (10.24 am): I lay upon the table of the House the Public Accounts and Public Works Committee discussion paper on its inquiry into enhancing accountability through annual reporting.

Tabled paper: Public Accounts and Public Works Committee—Discussion Paper, November 2009, titled 'Enhancing Accountability through annual reporting' [1500].

Annual reports complete the accountability loop in terms of reporting back on the information that has been provided through the budget process. The committee considers that, with the recent changes to financial legislation, it is timely to consider whether the information provided in annual reports can be improved. The committee is seeking public submissions on the issues outlined in the paper. I commend the paper to the House.

Rural Fire Services Inquiry, Discussion Paper

Mr WENDT (Ipswich West—ALP) (10.25 am): I also lay upon the table of the House the Public Accounts and Public Works Committee discussion paper on its inquiry into the management of rural fire services in Queensland.

Tabled paper: Public Accounts and Public Works Committee—Discussion Paper, November 2009, titled 'Management of Rural Fire Services in Queensland' [1501].

This inquiry has been initiated in response to a review conducted by the Auditor-General. The Auditor-General raised a number of issues that represent significant risk to the Rural Fire Service as it currently operates. The committee will consider issues such as the current funding model, urban encroachment, the increasing demands on rural fire brigades and the role of fire wardens. The committee is seeking public submissions on the issues outlined in the paper and will encourage all members to consider and disseminate the discussion paper to interested parties in their electorate, particularly their local rural fire brigades where applicable.

I would like to take this opportunity to thank the other members of the committee for their diligence and dedication to the work of the committee over the past seven months. I look forward to a similarly productive year in 2010. I would also like to commend the committee's research team of Deb, Helen and Marilyn for their professionalism, support and commitment during this very busy year. I commend this paper to the House.

ECONOMIC DEVELOPMENT COMMITTEE

Report

Mr MOORHEAD (Waterford—ALP) (10.25 am): With your indulgence, Mr Speaker, can I start by welcoming Cantabile Choir to the gallery. It is a choir in my electorate that is world renowned. It is great that other members of the House have heard their angelic voices during this morning's multifaith service. Welcome to Cantabile.

I lay upon the table of the House report No. 2 of the Economic Development Committee entitled *Inquiry into identifying world's best practice by governments to effectively stimulate employment opportunities in Queensland*, along with a summary of the committee's report.

Tabled paper: Economic Development Committee—Report No. 2, November 2009, titled 'Inquiry into identifying world's best practice by governments to effectively stimulate employment opportunities in Queensland' [1502].

Tabled paper: Economic Development Committee, November 2009, titled, Executive Summary—Report No. 2—Inquiry into identifying world's best practice by governments to effectively stimulate employment opportunities in Queensland' [1503].

The global financial crisis and the economic downturn have provided a unique and important opportunity to assess how government can best stimulate employment opportunities to ensure Queensland and Queenslanders prosper in the 21st century. This report recognises that the complexity of our economy and society means a multifaceted but well coordinated policy response is vital to promoting employment opportunities.

Employment creation requires an appropriately skilled workforce, innovative industry and reduced regulatory barriers to business growth. The report also recognises the diversity of Queensland's regions, each of which has its own unique opportunities and challenges. Government policy must be tailored to reflect these regional differences and capitalise on existing strengths.

Key amongst the committee's recommendations is a move to more regionally focused economic planning, with industry development and skill development aligned with existing land use and infrastructure planning. The creation of employment opportunities must bring these elements together. In these planning and policy development processes, a stronger local government sector has a greater role to play in planning for employment growth in Queensland's regions.

Queensland also has some special challenges. With a significant number of small and medium sized businesses, promoting innovation must be a priority. To compete on a global scale, Queensland must continue to promote innovation to our businesses, ensuring local businesses are using research and development to create jobs for Queenslanders.

The report makes 28 recommendations designed to address a range of issues including skill requirements, innovation, regional and industry considerations, and government regulation. I would like to thank those people and organisations who contributed to the committee's inquiry by sharing their knowledge, insights and expertise.

I would also like to thank my colleagues on the committee for their consideration, deliberation and contribution to this inquiry. I thank the staff of the secretariat—research director Lyndel Bates, principal research officers Margaret Telford and Joanna Fear, and executive assistant Anne Fidler—and the Parliamentary Service for their dedicated support throughout the inquiry.

PRIVILEGE

Economic Development Committee Report

Ms SIMPSON (Maroochydore—LNP) (10.28 am): I rise on a matter of privilege suddenly arising. I have raised with the chairman of the Economic Development Committee the need to provide committee members the opportunity to debate the report just tabled. Under the sessional orders, this would require him to not only table the report but also give a notice of motion that it be noted. He has refused to do so. This denies non-government members on the committee, who have presented a strong statement of reservations to this report, the chance to debate these issues at the next sitting.

Thus I draw to your attention, Mr Speaker, this deficiency in the sessional orders which allows only the person who has tabled a report, usually a government chairman, to move that it be noted and thus determine whether other committee members have a right to outline their views on the issues raised in more detail within the formal parliamentary proceedings allocated for tabling reports. As committees are usually dominated by government members, denying this opportunity only further weakens the role of committees in the parliamentary system.

Mr SPEAKER: I ask the honourable member to write to me so I can give consideration as to whether this is a matter of privilege or a matter for the Standing Orders Committee.

ECONOMIC DEVELOPMENT COMMITTEE

Report; Notice of Motion

Ms SIMPSON (Maroochydore—LNP) (10.29 am): I give notice that I will move—

That report No. 2 of the Economic Development Committee be noted.

Mr Fraser: See, it was easy.

Ms SIMPSON: It is not in the sessional orders, so it is not automatic.

Mr SPEAKER: We will have the debate another day.

SPEAKER'S STATEMENT

Visitors to Public Gallery

Mr SPEAKER: In the public gallery this morning and throughout the day we will have people from the Enoggera State School in the electorate of Ashgrove, the Nundah State School in the electorate of Clayfield and the Fairview Heights State School in the electorate of Toowoomba North. In the public gallery today we have the wife of the member for Mulgrave, Kerry Grant, and their son, Tristan, who will be watching proceedings.

QUESTIONS WITHOUT NOTICE

Ministerial Accountability

Mr LANGBROEK (10.30 am): My first question without notice is to the Premier. The Premier has painted a former ministerial staffer who is accused of leaning on public servants as a rogue. Will the Premier explain why she does not think a former minister accused of exactly the same thing is also a rogue?

Ms BLIGH: I thank the honourable member for the question. Unlike a lot of members in this House, I have had experience as a public servant and I understand the value of independent, frank and fearless advice to government and its importance in our Westminster system of government. As I said, I welcome the consideration by the CMC of matters relating to the relationship between ministerial officers and the Public Service and the advice that is provided.

What I said yesterday in my answer was that I thought it was unfair and unreasonable for members opposite to claim that there were problems of this nature across all ministerial offices or, indeed, all ministerial staff. I think this is unlikely and a very unfair accusation. If the CMC believes that there is any evidence on which to expand its inquiry, it has all the powers to do so. I have every confidence that it has the independence and integrity to make the decision if that is the decision that it believes needs to be made.

What we have at the moment is a CMC inquiry that is proceeding, that is testing a number of allegations, that is taking evidence and testing that evidence. That is exactly what the CMC is supposed to do. This is an example of this organisation acting within the bounds of its legislation and playing a very active role in the broadest sense of what a watchdog is and what a watchdog should be doing.

What I will be doing as Premier will be taking account of the recommendations and conclusions of this inquiry, as I should. What I will not be doing is jumping to conclusions or jumping to judgement prior to this inquiry reaching its conclusion when all of the matters, all of the allegations and all of the claims have been fully tested by an inquiry that has all of the powers needed to take that evidence, to test that evidence and to reach conclusions upon that evidence. I think it would be unreasonable for anyone to suggest that I should be taking any other course of action.

Crime and Misconduct Commission, Sports Grants Inquiry

Mr LANGBROEK: My second question without notice is also to the Premier. During the Fitzgerald inquiry, ministers adversely named were stood down pending the inquiry's final findings and during the CMC inquiry into the net bet affair ministers adversely named were also stood down pending the inquiry's final findings. In the current inquiry into Labor's sports rorts the Premier's own parliamentary secretary has been adversely named. Will the Premier now demonstrate that she has some integrity left by standing aside her parliamentary secretary?

Mr Lucas: You've got lawyers advising you, have you?

Ms BLIGH: He is obviously taking legal advice from the deputy leader, 'Springborg QC'. The Leader of the House has not been adversely named. The Leader of the House is not the subject of these investigations. The Leader of the House has provided assistance to the inquiry as a witness in relation to matters that the CMC is investigating.

I can advise the House that, when the head of the CMC announced this inquiry and the Leader of the House appropriately advised me that she had been called to give evidence, I spoke to the head of the CMC and asked whether any member of my caucus was the subject of an allegation, was the subject of its inquiries. He advised me that that was not the case, that they had been called to assist the inquiry as witnesses. To suggest that someone should be stood down because they are providing evidence as a witness in an inquiry—

Opposition members interjected.

Mr SPEAKER: There is no need for any interjection. I am listening to the Honourable the Premier. The Premier is providing the answer.

Mr Lucas interjected.

Mr SPEAKER: Order! The Deputy Premier! The same rule applies to both sides.

Ms BLIGH: To suggest that any member of the parliament should be stood aside from any position because they are assisting an independent inquiry as a witness giving evidence to assist the inquiry in investigating a matter in which they are not the subject of an allegation is a nonsense. As I said, I will look at the conclusions of this inquiry. If any action is needed, I will not hesitate to take it. However, I will not be jumping to judgement while matters are still being tested by an independent inquiry and while evidence is still being taken.

I think it is timely for us to ask ourselves why we have a CMC. We have a CMC because a Labor government has sought to protect it against the attempts from those opposite every chance they get to nobble the CMC and get rid of it. We saw it here yesterday. We saw a disgraceful attempt by the deputy leader to circumvent the established checks and balances done by the parliamentary CMC for one purpose.

These allegations should be investigated, but they should not be brought in here to traduce the reputation of the chair of the CMC when it has not been tested. What is being done to the current chair was done to his predecessors by the same members of parliament. They have form on this issue. If the Deputy Leader of the Opposition had had his way when he was last sitting at the cabinet table, there would be no CMC. Not only have we protected it; we have strengthened its hand and given it more resources.

Innovation

Ms GRACE: My question without notice is to the Premier. What is the government doing to continue to build Queensland's international reputation as one of the world's leading innovation hubs?

Ms BLIGH: I thank the member for her question. Her electorate is home to much of the innovative work that is happening, particularly in relation to our larger research institutions and academic institutions and, indeed, some of our major hospitals.

Our investment of $3.6 billion since 1998 has delivered innovation critical mass—more than 30 research institutes, more than 60,000 jobs in research and innovation. This is our Smart State strategy delivering jobs but, more importantly, delivering a turbocharge effect on our economy. We are working in combination with the innovation community. I know those opposite do not like new ideas; it pains them. Every time we talk about research and innovation we hear them groan; we can hear their brains hurting.

Today our efforts will take another step forward at QUT's Gardens Point campus. Leighton Contractors has been awarded by QUT the contract to construct a $200 million science and technology precinct and community hub at Gardens Point campus. We will see a 10-storey, two-tower building starting to be constructed in 2010, but the site preparation works, including some demolition work, starts today. This new facility is as a result of an investment of $35 million from our government's Smart State funds, the federal government's contribution of $75 million, QUT is sourcing $65 million itself and that great philanthropist who has been a real driver of our Smart State Strategy, Chuck Feeney's Atlantic Philanthropies, is putting in $25 million.

This is part of a number of new facilities that are starting to take shape across Brisbane and in other parts of the state. This centre will enable us to play a role in international research into the environment, into resources, into sustainable development and into community living. It gives us yet another opportunity to position ourselves as leaders in tropical environmental management. I know that QUT is champing at the bit to be able to get this building up and running and to start putting researchers in it.

This is about modernising Queensland. It is about driving a diverse and creative economy—a Queensland that is a research hub, designing and discovering the solutions for old problems and new problems of the 21st century. This will be a building that will not only enhance the entry way to our city as it brings down some of the older buildings there but, much more importantly, will attract some of the best researchers from around Australia and around the world to be part of our efforts to make Queensland the innovation hub of Australia.

Ministerial Accountability

Mr SPRINGBORG: My question without notice is to the Premier. For 10 years the Premier sat around the cabinet table while her fellow minister Gordon Nuttall took bribes; 10 years around the cabinet table while her now Labor staffers pocketed success fees and while her cabinet colleague Pat Purcell assaulted and intimidated public servants. This week we find out that the Premier sat around the cabinet table while grants were being rorted over and over. After 10 years of sitting amongst corruption, can the Premier honestly tell the House that she did not say, see or hear anything?

Ms BLIGH: The Deputy Leader of the Opposition continues to demean himself by getting into the gutter and indulging in nothing but smear. This is the man who aspires to be the Attorney-General of Queensland. What kind of Queensland would we have if the Deputy Leader of the Opposition ever had a chance to be the first law officer of this state? This is the man who sat around a cabinet table that designed the Connolly-Ryan inquiry that had one purpose: to get rid of the Crime and Misconduct Commission. That was its purpose. What did those opposite do? They poured millions— millions—of dollars of taxpayers' money into an inquiry that had one single purpose: to get rid of the watchdog. And why? Because they had a secret MOU with the Queensland Police Union. And what happened to that inquiry? It was struck down by the Supreme Court of this state for bias.

What we saw yesterday and see continuing today is the beginning of the Lawrence Springborg transition to government plan. They have not only got form on this issue; they revealed yesterday they have a plan, and their plan does not involve the CMC. What we just heard in that question—again—was a dishonesty. There is no allegation against the Leader of the House involving the matters which the member alleged in his question.

Mr Springborg: What? Did you doctor the transcript?

Honourable members interjected.

Mr SPEAKER: Order!

Ms BLIGH: The only people that I know of who are doctoring documents are those opposite, and they have had to admit to it and apologise for it. The Crime and Misconduct Commission is one of only three such commissions in Australia. It has proven its independence; it has proven its ability to go about its business without fear or favour. This is an organisation that Queensland should be proud of. It is a check and balance in our system that does not exist in most other states, nor at the federal level. Under a Labor government, the CMC will be protected and it will be resourced. Under those opposite, they indicated yesterday for the first time in the clearest possible way their transition to government plan is to get rid of the CMC—nobble it again! They have got form, and now we know they have got a plan. We are now on notice: should Lawrence Springborg ever become the first law officer of this state, the CMC will be his first point of attack.

(Time expired)

Mr SPEAKER: It will help the demeanour of the House if we refer to members by their correct title.

Bligh Labor Government

Mr CHOI: My question without notice is to the Premier. Being the last parliamentary sitting day for the year, can the Premier outline to the House what progress has been made on some of the major issues facing Queensland?

Ms BLIGH: I thank the member for the question and for his great passion for this state and for his determination, like me, to build it into an even stronger place to live and work and play. What a year it has been! Without a doubt the greatest economic challenge we faced for three-quarters of a century was the global financial crisis. We started the year by recognising the global financial crisis and dealing with it. We end the year with those opposite still denying it. To deal with the global financial crisis, we said, 'Jobs.' We said that we would put jobs first, we would keep our building program and we would support public sector jobs to get on with dealing with growth. Those opposite said, 'Cuts.' Who could forget their commitment to make public servants 'de-necessary' and sack 12,000 people, and we end the year with them still sticking to that strategy. We end the year determined to deal with the long-term structural issues in our budget caused by the GFC. We have taken tough decisions on issues like asset sales while the so-called party of private enterprise that promised repeatedly to take this course of action has lost the courage of its convictions to deal with it. We end the year with Queensland leading the nation on integrity with new laws—

Opposition members interjected.

Ms BLIGH:—new laws—

Opposition members interjected.

Ms BLIGH:—new laws for lobbyists—

Opposition members interjected.

Mr SPEAKER: Order! Resume your seat, Premier. Stop the clock. I will wait for the House to come to order.

Honourable members interjected.

Mr SPEAKER: Order! The House will come to order. The Premier.

Ms BLIGH: Thank you, Mr Speaker. I note the mocking of those opposite of Queensland and the fact that our laws are now stronger—

Opposition members interjected.

Ms BLIGH: They hate this place, Mr Speaker.

Mr SPEAKER: Order! Premier, resume your seat. It is impossible for me to hear above that din.

Ms BLIGH: We end the year with Queensland's laws leading Australia on integrity and accountability.

Opposition members interjected.

Ms BLIGH: We end the year with those opposite still hiding their secret $20,000-a-head dinner. That is what they are hiding.

Opposition members interjected.

Ms BLIGH: You end the year still with your dirty little secret.

Opposition members interjected.

Ms BLIGH: But the most—

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

Ms BLIGH: Mr Speaker, the most interesting development at the end of this year of course is the program *Underbelly* saying that the next project will be the Queensland National Party. They are out talent scouting. They have already picked Joh. That of course will be the Deputy Leader of the Opposition—no rehearsals required, no script coaching. He knows all the lines already. And the member for Callide's attitude to truth makes him a perfect person to play 'Shady' Lane. They have not found any role for the Leader of the Opposition yet, but we hear he is out dusting off his studio portfolio of photos—

Opposition members interjected.

Ms BLIGH: The Leader of the Opposition has already sent in the photographic portfolio: 'Pick me, pick me. I'm the movie star!'

Opposition members interjected.

Mr SPEAKER: Order! The House will come to order.

Mr NICHOLLS: Mr Speaker—

Mr SPEAKER: Just resume your seat. I will wait for the interjections to stop. It is impossible for me to hear the proceedings of the House. I call the honourable member for Clayfield.

Crime and Misconduct Commission, Sports Grants Inquiry

Mr NICHOLLS: My question is to the Premier. Premier, yesterday a senior director-general told the CMC inquiry into Labor's sports rorts affair that he did not raise allegations of intimidation and serious misconduct because, to use his words, 'I didn't think it would be fruitful'. All directors-general are on a direct contract with the Premier personally. Will the Premier explain why such a person would not see it as 'fruitful' to raise issues of intimidation and misconduct, or is it a fact that, after 20 years of Labor, intimidation and misconduct are part of Labor culture?

Ms BLIGH: As I have already outlined, what I will be doing is waiting until the conclusion of this inquiry, which is still in the process, as we speak, of testing these allegations. Evidence is still being given. Witnesses are still being cross-examined. I will not be rushing to judgement. What I will be doing is waiting for the CMC to finalise its hearings, to finalise its report and to make recommendations to the government.

Why will I be doing that? Because I respect the work of the CMC. I see it as an independent watchdog—a very important part of the framework of integrity and accountability that this state has relied on for some two decades. The CMC has demonstrated over and over again, under both sides of politics, that it is more than capable of acting without fear or favour, more than capable of acting independently within the terms of its legislation.

What I will not be doing is getting into the gutter and attacking the CMC, as we have seen those opposite do. I think it is useful to remember that as recently as 2002 the Deputy Leader of the Opposition publicly said that the CMC was like a government gestapo. So in the view of the Deputy Leader of the Opposition the CMC is part of Hitler's secret police. This is what burrows away at him.

Whatever the recommendations and options put forward by the CMC, I will be taking them into the account—whether it is in relation to a member of my caucus or a member of the public sector.

An honourable member interjected.

Ms BLIGH: Get over yourself. We have on foot an inquiry that is still testing the evidence in relation to these claims. I respect the CMC, I respect its work and I respect the process. I respect the legal process by which evidence is put, evidence is tested and conclusions are reached.

What we saw yesterday and what we see again today is those opposite absolutely detesting the CMC. They hold it in contempt most of the time and even now they are saying that I should pre-empt it. At the same time as they hold the CMC in contempt, they are saying that I should pre-empt its findings. They do not have a clue. Their inability to understand the legal and justice system is breathtaking.

(Time expired)

Public Hospitals, Waiting Times

Ms MALE: My question is to the Deputy Premier and Minister for Health. Can the Deputy Premier inform the House what steps the Queensland government is taking to meet its Q2 target of achieving the shortest hospital waiting times in Australia?

Mr LUCAS: I thank the honourable member for the question. Health is the largest single budgetary item in the state budget. Health and Education account for over 50 per cent of the Queensland budget and the health of people is a critical issue for the state government.

Queensland has the shortest elective surgery waiting times in Australia—27 days versus 34 days. Our latest quarterly report shows that the total number of long-wait patients has decreased by 15.3 per cent, and an additional 1,095 patients received their elective surgery compared with the previous September quarter, in 2008. That means that a record 33,125 people received elective surgery between July and September. That is a pleasing result but, of course, we need to go further. We need to do more. It is a key target of ours to continue to reduce those long-wait times.

Despite a very heavy flu season—the pressure of swine flu on our ICUs and hospitals—our ED performance continued to improve. There were record attendances at our EDs and more than 24,700 people presented with flu or flu-like symptoms in just three months. Queensland has moved from sixth place to third place in terms of its ED performance. Of course, this regime of reporting simply did not exist under those opposite. In this latest quarterly report I have added even more reporting mechanisms.

We are not resting on our laurels. We are working to continue Queensland's improvement. We are investing $145.2 million in emergency department upgrades in nine of our busiest emergency hospitals: Prince Charles Hospital, Logan Hospital, Redland Hospital, QEII Hospital, Ipswich Hospital, Bundaberg Hospital, Toowoomba Hospital and Townsville Hospital.

Mr Wallace: Biggest in the state.

Mr LUCAS: As the Minister for Main Roads says, Townsville Hospital's ED will be the largest in the state. We will deliver an additional 266 ED treatment spaces, and expansions are already underway at the Rockhampton, Cairns and Princess Alexandra hospitals.

A further $7.9 million has been committed to employ 30 new specialist nurses over the next three years. Those additional nurses will contribute significantly to our ongoing drive to create efficiencies in the system, including an improvement in waiting times. Since 2006 we have employed an additional 581 clinical staff in our EDs alone. To put this extra staff in perspective, since June 2005 we employed over 12,500 more doctors, nurses and allied health professionals in Queensland Health. The total employment of Queensland Rail is 15,500 people.

Recently, the AMA has called for 3,700 extra beds across the entire nation. By 2016 we will deliver an additional 2,000 beds in Queensland alone. But improving care is not just about the number of beds; it is about providing better services, new technology and improved models of care. In 2007-08, the average length of stay for admitted patients in a public acute hospital was 3.4 days. Thirty years ago it was 10.9 days. That means that more are being treated in those beds.

Since 2001 we have opened more than 1,100 extra beds at our top 28 reporting hospitals where the bulk of surgery is carried out. Our patient satisfaction survey in the latest quarterly report indicated that 92 per cent of patients were satisfied with their treatment. Queensland Health treats 50,000 people a day. We always strive to do better for the people of Queensland.

(Time expired)

Crime and Misconduct Commission, Sports Grants Inquiry

Mr SEENEY: My question is to the Premier. The CMC inquiry into Labor's sports rorts affair has heard evidence that senior public servants no longer provide frank and fearless advice but have been intimidated into providing the advice they believe the minister wants to hear. Is this not exactly how advice was provided to create a position for Greg Withers as head of the Office of Climate Change?

Government members interjected.

Mr SPEAKER: Order! Those on my right will cease interjecting.

Mr SEENEY: In the case of Greg Withers, was the government provided with the advice it wanted to hear after exactly the same intimidation as has been revealed in the sports rorts affair?

Ms BLIGH: It really is a pitiful thing to see a former leader of a political party reduced to being the filth master of the opposition. One thing you can rely upon is that when the member from Callide rises to his feet he will have the grubbiest, dirtiest question, that his question will be based on fundamental untruths and that he will be smearing those who are unable to come into this place and defend themselves.

Every part of that question is dishonest and untrue. I have answered many questions on this matter. I have answered them truthfully and honestly and not one piece of evidence has ever been brought forward by anybody opposite that would contradict the processes used anywhere in government. All I can say is that the member for Callide does himself no service—no service whatsoever—in continuing to be the person on that side of the parliament whose role has been reduced to using only filthy, grubby, dirty tactics.

Honourable members interjected.

Mr SPEAKER: Both sides of the House will come to order.

Jobs

Mrs KEECH: My question is to the honourable the Treasurer and Minister for Employment and Economic Development. As a Gold Coast member, I ask: can the Treasurer advise the House of the government's investment on the Gold Coast in innovation and jobs for the future?

Mr FRASER: I thank the member for Albert for her question and her enduring commitment to the Gold Coast. I can say to members of the House that tomorrow I will be joining the Vice Chancellor of Griffith University, Professor Ian O'Connor, in opening the Smart Water Research Centre at Griffith University's Gold Coast campus, a building of $18 million investment—$10 million from this government and a contribution from the Gold Coast City Council. It is an investment in research, innovation and a state-of-the-art facility for the lifeblood of our community; that is, water. We are investing in new research about managing the water supply and ensuring that the water supply is safe for all Queenslanders. World-leading research creating innovative jobs of the future is underway because of this government's investment in innovation and in creating the jobs of the future right there on the Gold Coast. That is part of our commitment to creating the jobs of the future and to creating a modern Queensland.

When it comes to modernisation efforts, we have also seen one in this state over the last 12 months with the efforts of the Liberal and National parties to rebrand themselves as the LNP. We see from popular reports that a bit of market research is being done at the moment about how the brand is travelling. What does that reveal? I refer to the federal Liberal and National parties—the wounded animal torn asunder this week. When it comes to running under the banner of 'Liberal and National' or

'LNP', what has the wounded animal of the federal Liberal and National parties chosen? They want to protect their good name. They have decided to leave 'LNP' to one side because it does not test that well.

In the end, why have they made that choice? Because all it is is a logo. All it is is a rebranding effort. It is not a political party; it is a rebranded logo that papers over the fact that it does not exist. There is not one policy. There is no substance and no ability to engage in a debate. The Liberal and National parties, bottoming along on the scum of the federal political scene, say, 'Let's protect our good name and run as federal Liberals and Nationals,' because in the end the Liberal and National parties and the LNP here are just the KFC of Queensland politics. It was a rebranded effort, but underneath it is the same old greasy fare with the same good old boys in charge.

It turns out that, when it comes to the brand, just like KFC, the federal Liberals and Nationals are already regretting that they indulged. It only takes five minutes. Why would they regret it? Because they actually want to stand for something. They are there trying to have the debate about how to deal with climate change and where is this mob? Absolutely nowhere. Just like the dinosaurs that dragged them to this position who missed the last episode of climate change, we see the dinosaurs of the LNP once again presiding over the demise of the Liberal and National parties and policy development in this state.

Crime and Misconduct Commission, Sports Grants Inquiry

Ms SIMPSON: My question is to the Premier. I refer the Premier to the member for Bulimba, whom she handpicked as Labor's candidate. When scrutinising the background of the member for Bulimba, did the Premier expect her to make full and frank disclosures in relation to her involvement in Labor's sports rorts affair?

Ms FARMER: I rise to a point of order. I find the remarks of the member for Maroochydore offensive and I ask her to withdraw.

Mr SPEAKER: The member for Bulimba has taken offence at the comments you have made. I do ask you to withdraw those.

Mr SEENEY: I rise to a point of order.

Government members interjected.

Mr SPEAKER: Order! Let me hear the point of order.

Mr SEENEY: There are no personal remarks about the member for Bulimba in the question. There are no personal remarks.

Mr SPEAKER: There is no point of order. I have asked the member for Maroochydore to withdraw as required by the member for Bulimba.

Ms SIMPSON: I withdraw.

Mr SPEAKER: The offence against the member for Bulimba has been withdrawn. I would ask you to rewrite that question without that slur.

Ms SIMPSON: I refer the Premier to the member for Bulimba, whom she handpicked as Labor's candidate. When scrutinising the background of the member for Bulimba, did the Premier ask her about the issues surrounding the matters that have now arisen with regard to the sports rort affair?

Ms FARMER: I rise to a point of order. I find the question from the member for Maroochydore personally offensive and I ask her to withdraw.

Honourable members interjected.

Speaker's Ruling, Question in Order

Mr SPEAKER: I will tell you why I will rule in favour of the question. The first question had an imputation against the member for Bulimba. That is why I asked for a withdrawal. The rewording of the question does not contain that imputation. Therefore I will call on the honourable the Premier.

Mr Hobbs: Have you eyeballed her yet?

Mr Lucas: Well, there is the imputation.

Ms BLIGH: Mr Speaker, they continue the imputation.

Mr SPEAKER: I understand the sensitivities of everybody in relation to this. That is why the House will treat this with dignity. I call on the honourable the Premier.

Ms BLIGH: I think it speaks volumes about the opposition that its members are so unable to meet the basic requirements of the parliamentary procedures of this place. For the second day in a row they have shown that they are prepared to trash the traditions and processes of this parliament in an effort to develop just grubby political smears for which they have no evidence and no basis.

I am more than happy to talk about the member for Bulimba. The member for Bulimba is a great local member. Like many of the new members that were elected to this parliament at the beginning of this year, she has diligently applied herself to getting to know the people in her electorate, to working with local organisations, to being a very strong performer in this parliament. What the member for Bulimba did this week was provide assistance to the CMC in its inquiries about an allegation made not about the member for Bulimba but about another person.

The CMC is investigating an allegation about a person who is not the member for Bulimba. They requested the assistance of the member for Bulimba. They requested her to give evidence to assist in their inquiries. She has done exactly the right thing and what I would expect every member of my caucus to do—in fact, every member of this parliament and the public to do. If the CMC asks a person to assist in their inquiries and to give evidence in a public hearing, they do it. That is what the member for Bulimba did this week. She is not the subject of any allegation. The attempts by the member for Maroochydore to imply that she is are disgraceful—simply disgraceful—just like those that were raised by the member for Callide in his previous question. I just say to the member for Callide that we have not forgotten your disgraceful performance on the Berri orange juice and the way that you used tactics—

Mr Seeney: And I won that argument, too.

Ms BLIGH: I note the member for Callide saying he won that round. The privileges committee does not hold the same view and neither does the record of the parliament. If your colleagues had their way, you would be in jail right now for what you did in that matter.

Summer School Program

Ms CROFT: My question is to the Minister for Education and Training. Could the minister update the House on the government's summer school program?

Mr WILSON: I am delighted to speak about the Bligh government's commitment to boosting education standards in Queensland—boosting not only standards but also achievements, the quality of teaching and the quality of teachers in our education system. A $72 million literacy and numeracy plan is being rolled out as we speak. One key element of it has been the introduction of summer schools. Our first summer school was held in the August holidays, and 3,000 students rolled up for this week long program. In fact, 97 per cent of those who enrolled actually came to the program. That illustrates how committed the parents and the students are to this important program, which was held at 70 locations around the state.

We did some surveys because we wanted to find out the impacts of this important initiative on the students and we wanted some feedback from the students and the teachers. From the survey, we found that 80 per cent of students improved in one or more of the targeted areas of literacy and numeracy that were focused on in the week long program. The teachers reported back that students were far more engaged in their learning, that it had a very positive impact and that it built their confidence going into schooling in the following term. We also surveyed the students and 80 per cent responded to the survey. The feedback showed that 84 per cent of the students had a high level or a very high level of enjoyment of the program.

The program has been so successful—that is, we achieved well above the targeted number of about 1,600 kids with 3,500 kids enrolling, which is 3,500 children whose parents made the choice to support this program—that we are rolling it out again in January and in subsequent holidays over the next couple of years. We have also taken into account the parent feedback on what we have done to make sure we maximise flexibility so that we can deliver different solutions for different schools in different parts of regional Queensland. This is part of our $72 million plan, as I indicated, which has a number of other key parts.

But where is the opposition on education and training? It has been 250 days since the election and all we have is a blank page, not just a blank page sitting in the seats over there but a blank page on the internet—no education policies, no training policies. What does the shadow spokesperson say about the summer schools? That this is just a bandaid and that he is in disbelief that people and students would voluntarily turn up to school for this special program. The opposition has no ideas, no plans, no vision. There is no future for Queensland's kids in the hands of the opposition.

Adoption Laws

Mr DEMPSEY: My question without notice is to the Minister for Child Safety and Minister for Sport. I refer to the reforms to adoption laws recently passed by this parliament. Will the minister remind this House why these laws quite correctly continued to maintain the ban on same-sex couples from adopting children?

Mr REEVES: I thank the honourable member for the question. The simple reason is that this parliament passed that legislation. That is the law that is in place. The Bligh government has delivered on its commitment to reform and modernise Queensland's adoption laws. The Department of Communities is working very closely with the stakeholders on the implementation of the Adoption of

Children Act in 2009, with the commencement on 1 February 2010. While many long-awaited reforms will be made with this new act, some fundamental principles will not be changed. Two primary principles will continue to guide the adoption practice and philosophy in Queensland: firstly, the best interests of the child are paramount in all aspects of adoption practice; and, secondly, adoption is a service for children not a service for adults.

We are further strengthening Queensland's adoption services, with a commitment of $1.2 million over three years for a new post adoption support service in Queensland. The Benevolent Society will provide independent state-wide support in counselling services to those affected by adoption in Queensland. Adoption support services are an important element of any modern adoption system. This is a new service for Queenslanders that will complement our new modern adoption laws. It will support people affected by adoption to work through the effects of the new laws, as well as build skills and knowledge about adoption issues among other health and community services.

The investment in new services like this is only possible because the Bligh government has made the tough decisions to ensure Queensland's front-line services are not only supported but also continue to grow. The Bligh government has more than tripled the budget and doubled the staff in Child Safety Services since 2004. The total budget of the Department of Communities' Child Safety Services is $638 million. This government is delivering on its commitment and supporting our communities with new services.

By contrast, opposition members would have cut budgets by three per cent if they were in government. Services like Adoption Services Queensland would have been at real risk of being 'de-necessary' by the LNP. I am pleased that the Bligh government is able to partner with the Benevolent Society to deliver these new services to Queensland. I look forward to updating the House on the implementation of the adoption law reforms after 1 February next year when it comes into place.

Building Services Authority

Mrs SULLIVAN: My question without notice is to the Minister for Public Works and Information and Communication Technology. Could the minister outline how the BSA enforces the rules and regulations involving the construction industry on behalf of Queensland homeowners?

Mr SCHWARTEN: I thank the member for the question and for her ongoing interest in the regulation of the building industry. I have some good statistics to hand. Since 1 July there have been about 1,000 SPER orders issued for about $930,000 and 1,434 orders issued for about $1.6 million. Broken up, there were 520 fines for unlicensed contracting, worth $735,000; 264 fines for failure to rectify, worth $424,000; and 184 fines for advertising by an unlicensed contractor, worth $160,000. Just last month, the BSA was successful in getting a building surveyor brought before the CCT and his licence was suspended and he had to pay $7,500 in costs.

This morning we have seen those who sit opposite—who claim fraudulently to be the opposition—performing in their typical habitat, which is somewhere between the sewer and the gutter. The reality is that there is no better shining example of them than the member for Burnett, with his disgraceful attack in here yesterday and previously and in reported comments in the—

Mr Fraser: Wilson Tuckey of the Queensland parliament.

Mr SCHWARTEN: I think Wilson Tuckey has a few more brains than him actually so that does not say a lot, and he is taller than him too. The reality is that the member for Burnett wants the BSA to pay a Mr Kapp in Bundaberg without any receipts. That is the standard of this gentleman: just turn up, say you are owed money and we will pay you. That is the sort of gentleman he is.

Who did he attack in here yesterday under parliamentary privilege? He attacked a former deputy ombudsman of this state who made an inquiry on behalf of the BSA and reported it to the CMC. Where do all the roads wind to? An attack upon the CMC. That is what it is all about. Mr King, whose bio I table, is a person who was not known to the BSA previous to this.

Tabled paper: Copy of a page, downloaded on 24 November 2009, from the Corporate Success Group detailing the biographical details of Mr Frank King [1504].

Mr Messenger: How much did you pay, Robbie?

Mr SCHWARTEN: The inquiry cost $19,000. What did it find? It found that what you told them was a heap of rot. That is what it said.

Mr SPEAKER: Address your comments through the chair, Minister.

Mr SCHWARTEN: The honourable member is a heap of rot, Mr Speaker, through you. The reality is that it said that Mr King reached the conclusion that the allegation referred for his investigation—

Mr MESSENGER: I rise to a point of order, Mr Speaker. Normally I would say that those words were offensive but, in the light of the Christmas spirit being displayed this morning, I will not.

Mr SPEAKER: Order! I do not think there is a point of order in that.

Mr SCHWARTEN: He just illustrates the fact that you do not need pink and grey feathers to be a galah.

(Time expired)

Asbestos in Schools

Mr POWELL: My question without notice is to the Minister for Education. Will the minister give an ironclad guarantee that no child will be forced to learn in a dangerous asbestos environment in 2010?

Mr WILSON: I thank the honourable member for the question. Make no mistake: we place the safety of students and teachers at the highest possible level in schools, as we do across every public building. I accept your question on the assumption that it is a genuine question directed towards the safety of students in class. What we have done is establish one of the most vigorous and rigorous workplace health and safety standards across public buildings in Queensland, and that includes state schools.

We have a register that identifies—and which we published for the first time in Queensland on Saturday—the 80,000 places where there are building materials with embedded asbestos in them, like the two million residential properties in Queensland and all of the other public buildings in Queensland. We know that there is minimal risk from those building products that have asbestos embedded in them, unless it is damaged or broken. That is why we have the most rigorous workplace health and safety regime that monitors the condition of such building products. That is done to identify those building products where they are broken or damaged. When they are found to be broken or damaged, there is an emergent response that shields that off from further conduct by staff or students. It is either removed immediately or made safe and later removed.

That is done on the advice of QBuild and of independent environmental experts who work in this area. Why do we do that? Because we want to make sure that we apply the highest and most rigorous safety standards in this area. I recognise that this is a serious and controversial issue, but it is made no less serious or controversial because of the scaremongering on the other side. But I am not going to be distracted by that. We are taking no chances. That is why I appointed an independent review to assist and get a second opinion about our make-safe arrangements. That is being done by Mr John Gascoigne, a highly reputed, 35-year experienced building consultant. He will report to us on ways—if there are further ways—in which we will tighten and make more strict our make-safe arrangements because we put kids and staff first.

(Time expired)

Camel Industry

Mrs KIERNAN: My question is to the honourable Minister for Primary Industries, Fisheries and Rural and Regional Queensland. Can the minister please advise the House on the possible benefits a camel industry would bring to Queensland—that is aside from charity camel racing?

Mr MULHERIN: I thank the member for Mount Isa for her question. As people in this House would know, camels have many uses including providing transport, providing meat and milk, and providing a bit of fun. The member for Mount Isa participated in a charity camel race in Mount Isa back in June, and she knows the distance between the hump and terra firma. As her husband, Phil, said, she has an odd way of a speedy dismount. She took the express lift.

On a more serious note, between 1840 and 1920, about 20,000 camels were introduced into Australia to help in the development of rural industries. Their primary purpose was to carry freight. After the development of road and rail, we saw the release of about 12,000 camels back into the wild. These have since multiplied. Over a million camels are now running throughout Australia. In fact, many graziers see great opportunities in not only developing a camel industry but also in controlling woody weed. I know the mayor of Richmond, John Moreton, is a great advocate of the camel.

Queensland Primary Industries and Fisheries has been working with this fledgling industry. In fact, we funded a prefeasibility study into the potential of the camel industry. Last week in Brisbane the stakeholders got together to look at where to take the industry forward so that we can develop a sustainable industry in Western Queensland. Already we have an export market. There is a processing plant at Caboolture that exports five tonnes of camel meat a month into the United Kingdom, France and the United States. Camel meat is high in protein. It has more protein than lamb and chicken. It has less fat and cholesterol than lamb, chicken and beef. The meat is very lean. There is a real potential to develop this export market.

By 2020 they believe that world consumption will increase by 20 per cent. Queensland Primary Industries and Fisheries, through the leadership of Nick Swadling, who is the Charleville based industry development officer, is working with the industry to further develop this. There are great employment opportunities, particularly within Indigenous communities. Next year Queensland Primary Industries and Fisheries will be assisting in further development by running a field day in the first half of next year. I think this industry has great potential, and I know the member for Mount Isa is very supportive of it.

(Time expired)

Calliope, Police Station

Mrs CUNNINGHAM: My question without notice is directed to the Minister for Police and Corrective Services. The previous minister for police promised $3 million for a new police station at Calliope. Will the minister ensure a new station is built on the land available to recognise the growth predictions for the region, the increased role police will have in this dynamic community and the commitment made by the previous minister?

Mr ROBERTS: The government went to the last election with a commitment to an extensive Capital Works Program. As I understand it, Calliope has been discussed within that context. In terms of the specifics about when that project might be built, the actual cost and location, that is a matter that I will need to have further discussions with the service about. I am happy to discuss that with the member, and I give that undertaking to get information back to the member on that specific project.

While I am on my feet I will take this opportunity to talk about some of the other projects that have been completed in the Police Service's capital works program. Those that have been recently completed are: Carseldine, Coomera, Crestmead, Fortitude Valley stage 1; Holland Park; Robina; and Sippy Downs. Under construction are: Charleville, Fortitude Valley, Ipswich, Mareeba, Murgon, Springfield and Thursday Island. In terms of acquisitions, work is to be undertaken at Camp Hill-Carina station thanks to the land issues being resolved. We are working and progressing well to resolve the issues around the Sunshine Coast Water Police Station and planning for the Beenleigh and Lockhart River stations. The Police Service has a very proactive capital works program. I am happy to talk to the member further about the details of that particular project.

Mr SPEAKER: The time for question time has expired.

SURROGACY BILL

First Reading

Hon. CR DICK (Greenslopes—ALP) (Attorney-General and Minister for Industrial Relations) (11.30 am): I present a bill for an act about surrogacy arrangements, to provide for the court sanctioned transfer of parentage of children born as a result of particular surrogacy arrangements, to prohibit commercial surrogacy arrangements, to make particular related amendments of the Adoption Act 2009, the Births, Deaths and Marriages Registration Act 2003 and the regulation under that act, the Criminal Code, the Domicile Act 1981, the Evidence Act 1977, the Guardianship and Administration Act 2000 and the Powers of Attorney Act 1998, to amend the Status of Children Act 1978 for particular purposes and to make minor and consequential amendments of acts as stated in schedule 1. 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: Surrogacy Bill [1505].
Tabled paper: Surrogacy Bill, explanatory notes [1506].

Second Reading

Hon. CR DICK (Greenslopes—ALP) (Attorney-General and Minister for Industrial Relations) (11.30 am): I move—

That the bill be now read a second time.

Earlier this year the Premier and I announced this government's commitment to implement important reforms that will assist people to realise their dreams of a family. Even with recent medical advances in the use of assisted reproductive treatment for infertility, there are people in Queensland who are unable to start a family. The current law in Queensland has prevented these people from using surrogacy as a last-resort option to create a family.

The Surrogacy Bill 2009 heralds a new approach to the regulation of surrogacy in Queensland. The bill decriminalises altruistic surrogacy in Queensland and provides a legal mechanism for the parentage of a child born as a result of a surrogacy arrangement to be transferred from the birth mother to the intended parents. This new approach to surrogacy is guided by and implements much of the report of the bipartisan parliamentary committee established in 2008 to investigate certain matters relating to altruistic surrogacy in Queensland. This new approach is consistent with the Australian Capital Territory, Victoria, South Australia and Western Australia, where legislation has been passed to regulate surrogacy and to provide a legal mechanism for the transfer of the parentage of the child from the birth mother to the intended parents.

All of the reforms in the bill have been the subject of extensive public consultation. The main features of the bill were released for public comment in the Queensland model for the decriminalisation of altruistic surrogacy and the transfer of legal parentage—otherwise known as the Queensland model—on 18 August 2009. The overwhelming number of respondents supported the proposed surrogacy reforms in the Queensland model. An exposure draft of the Surrogacy Bill 2009 was also released for public comment on 29 October 2009. Again, the clear majority of respondents to the exposure draft supported the approach set out in the bill with some suggested minor changes.

Consistent with the parliamentary committee's report, the bill includes principles that will govern the legislation's application. The bill is underpinned by the main principle that the wellbeing and best interests of a child born as a result of a surrogacy arrangement, both through childhood and the rest of his or her life, are paramount.

Under the bill, a surrogacy arrangement is where a woman—the birth mother—agrees to become pregnant and to relinquish the child to another person or persons—the intended parents—who will be the child's parent or parents. Same-sex de facto couples and single persons are not excluded from entering into a surrogacy arrangement and becoming intended parents. This government is committed to the freedom and autonomy of the individual. We believe in the dignity of all citizens and that all citizens should be free from unlawful discrimination. Long gone are the days when the Queensland government sought to embroil itself in the personal affairs of its citizens. We hope we never return to those dark days.

Labor governments see family life as fundamental to the wellbeing of society, and we do not seek to impose one narrow set of criteria on our description of what constitutes a family in Queensland. Nor do we have any preconceived ideas about which individuals make the best parents. Queenslanders should be free to determine, between themselves, the surrogacy arrangements they wish to put in place.

Consistent with the parliamentary committee's report, parties will be able to utilise any of the various methods for conception, including assisted reproduction technology through fertility clinics, self-insemination or natural conception. There are no restrictions upon the use of genetic material used in conception of the child. Nor does the government consider it appropriate to impose restrictions based on marital status, gender, sexual orientation or methods of conception.

However, to ensure that the wellbeing and best interests of the child are protected and that parties to a surrogacy arrangement understand the implications of the arrangement, various safeguards are included. These safeguards are built into the court process for an application to transfer the parentage of the child. Before a parentage order transferring the parentage of a child from the birth mother to the intended parents can be made, a judge of the Children's Court must be satisfied of certain requirements.

These safeguards include the court having to be satisfied that the parties to the surrogacy arrangement obtained independent legal advice before entering into the arrangement. The court will also have to be satisfied that the parties to the surrogacy arrangement obtained counselling prior to entering into the arrangement about the social and psychological implications of the surrogacy. The intended parents must also establish to the court that there was either a medical or social need for the surrogacy.

In addition, intended parents must provide to the court a surrogacy guidance report prepared by an independent counsellor with the qualifications, experience, skills or knowledge appropriate to prepare the report. Once a parentage order is made, intended parents will be able to lodge the parentage order with the Registry of Births, Deaths and Marriages so that the birth certificate of the child will show the intended parents as the child's parents.

The birth mother who relinquishes the child can be reimbursed for and enforce payment of reasonable costs she has incurred as a result of participating in a surrogacy arrangement. A surrogacy arrangement is otherwise unenforceable. The current prohibitions against commercial surrogacy, advertising and brokerage fees are maintained. A new offence of knowingly providing technical, professional or medical services to facilitate a pregnancy under a commercial surrogacy arrangement is provided under the bill.

The bill includes related amendments to certain other acts, including the Adoptions Act 2009, the Births, Deaths and Marriages Registration Act and Regulation 2003, the Criminal Code, the Domicile Act 1981, the Evidence Act 1977, the Guardianship and Administration Act 2000 and the Powers of Attorney Act 1998. The bill also includes amendments to the Status of Children Act 1978 to recognise the female de facto partner of a child's birth mother as a legal parent of the child in certain circumstances. These circumstances are that the birth mother has undergone a fertilisation procedure to conceive the child with the consent of her female de facto partner. These amendments provide legal certainty for these children and gives them the same legal rights and status as all other children.

These particular amendments, consistent with provisions in the majority of other states, including most recently Tasmania, reflect the outcomes of my department's recent review of the parentage presumptions in the Status of Children Act 1978 as they apply to same-sex couples. This review was publicly released for comment on 18 August 2009. The overwhelming number of respondents to the review supported the proposed reforms. These reforms were also included in the exposure draft of the Surrogacy Bill 2009 released for public comment on 29 October 2009. Again, the majority of respondents who commented on this particular aspect of the exposure draft supported the reforms.

Finally, I would also like to take the opportunity to congratulate and thank the parliamentary committee on its hard work and diligence in the development of its comprehensive report on this very complex and important issue of surrogacy which has, in the end, led to this important legislative measure being introduced into the Legislative Assembly. I commend the bill to the House.

Debate, on motion of Mr Springborg, adjourned.

CRIMINAL CODE (ABUSIVE DOMESTIC RELATIONSHIP DEFENCE AND ANOTHER MATTER) AMENDMENT BILL

First Reading

Hon. CR DICK (Greenslopes—ALP) (Attorney-General and Minister for Industrial Relations) (11.38 am): I present a bill for an act to make particular amendments to the Criminal Code to provide for a manslaughter conviction in relation to killing in an abusive domestic relationship and to prohibit possession of equipment in relation to an offence of obtaining or dealing with identification information. 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: Criminal Code (Abusive Domestic Relationship Defence and Another Matter) Amendment Bill [1507].

Tabled paper: Criminal Code (Abusive Domestic Relationship Defence and Another Matter) Amendment Bill, explanatory notes [1508].

Second Reading

Hon. CR DICK (Greenslopes—ALP) (Attorney-General and Minister for Industrial Relations) (11.38 am): I move—

That the bill be now read a second time.

The bill amends the Criminal Code to insert a new partial defence to murder of 'killing in an abusive domestic relationship' and to insert a new offence for unlawfully possessing equipment used to obtain or make identification information. The new partial defence to murder will apply to victims of seriously abusive relationships who kill their abusers. The defence will be the first of its kind in the country and will operate to provide legal protection for victims in this category of offending. The development of a separate defence for these victims has evolved from detailed consideration and examination of the topic by my department, the Queensland Law Reform Commission and academics.

The Queensland Law Reform Commission recommended that consideration be given to the development of a separate defence of battered persons. In furtherance of this recommendation, the Department of Justice and Attorney-General retained Professors Geraldine Mackenzie and Eric Colvin from Bond University to consider this matter further. Professors Mackenzie and Colvin's examination involved consultation with key stakeholders including the judiciary, legal profession stakeholders, community stakeholders and other academics. Their examination also involved a thorough review of relevant case law, legislation and a body of research on the actions of victims of abuse who kill their abusers. The examinations undertaken by the Queensland Law Reform Commission and Bond University demonstrate that victims of seriously abusive relationships often offend in circumstances that fall outside the operation of existing defences like self-defence and provocation because of their experiences within the seriously abusive relationships.

While it is important to maintain the mandatory life imprisonment penalty for those who are convicted of murder, victims of seriously abusive relationships warrant special consideration within our criminal justice system. The new partial defence reflects this. Where no other existing defence or excuse operates to assist these victims, those who kill in the circumstances outlined in the defence will be convicted of manslaughter instead of murder and therefore allow a court to exercise a broader sentencing discretion.

The defence will only be available where the accused has killed a person; the person killed was in an abusive domestic relationship with the accused and had committed acts of serious domestic violence against the accused in the course of that relationship; at the time of the killing the accused believed his or her acts were necessary for the person's preservation from death or grievous bodily harm; there were reasonable grounds for this belief, having regard to the abusive relationship and all the circumstances of the case.

The use of the term 'serious' within the provision in relation to the level of domestic violence is used as a matter of emphasis to place the nature of the domestic violence in the Supreme Court murder trial in context. It is recognised that domestic violence of any description is a serious issue for our community and we should treat each incident accordingly. All domestic violence must be condemned not only by government but in all our communities and in all our homes. However, the use of the term 'serious' in this bill acts to create an appropriate threshold for the application of this partial defence to a charge of murder.

The operation of the defence will require the evidential burden to lie with the accused but with the ultimate onus of proof remaining with the prosecution—that is, it will be a matter for the accused to ensure there is sufficient evidence before a jury, whether introduced by the prosecution or defence, to raise the defence. Once the evidence in a case raises the defence, the onus will be on the prosecution to negative the defence beyond reasonable doubt. This burden mechanism is similar to that which operates in relation to existing defences of self-defence and honest and reasonable mistake of fact.

The defence is framed in a way that will ensure it is reserved for genuine victims and not abused by unmeritorious individuals—for example, the primary perpetrators of the violence in the relationship. The defence represents an effective balance between necessarily punishing those who would otherwise be guilty of murder and providing some legal protections for victims of serious abuse.

The bill also amends section 408D of the Criminal Code by inserting a new offence of possessing equipment for the purpose of obtaining or dealing with identification information. Currently, it is an offence to obtain or deal with identification information with intent to commit an indictable offence. For example, it is an offence to obtain or use another person's credit card details by skimming an ATM or EFTPOS machine.

However, the law does not provide adequate protection where a person possesses a skimming device but has not yet used it. Equipment that can be used to obtain identification information includes common use items, such as mobile phones with cameras or bluetooth technology and laptop computers. To prevent the mere possession of common items becoming unlawful, the offence requires proof of an unlawful purpose—that is, the prosecution must prove that the defendant possessed the items for the purposes of committing an identity theft offence. The introduction of this offence represents a further step to protect the community from identity theft, which is a highly intrusive and costly form of crime. I commend the bill to the House.

Debate, on motion of Mr Springborg, adjourned.

CRIMINAL ORGANISATION BILL

Second Reading

Resumed from 25 November (see p. 3638), on motion of Mr Dick—

That the bill be now read a second time.

Mr SHINE (Toowoomba North—ALP) (11.44 am): It is the first and foremost duty of the government of the day to protect its citizens from physical harm, and this legislation is being introduced in that context. The government seeks to make out a case purporting to show that there is a real and present danger to public safety from bikie gangs and that the current laws are inadequate to deal with the situation. Hence, the purpose of this bill is to disrupt and restrict the activities of organisations involved in serious criminal activity, principally by dismantling the membership of such organisations through a range of mechanisms, in particular, orders made by the Supreme Court of Queensland. The bill allows for criminal organisations to be declared by the Supreme Court upon application by the Police Commissioner. Members and associates of declared organisations will, on application of the Police Commissioner, be liable to have control orders imposed upon them.

The effect of the new law will be that members of the community will be limited to the contact they can have with members of declared organisations and persons subject to a control order. Control orders will also prevent controlled persons from working in areas where they might gain information beneficial to criminal organisations, for example, within the police department. Likewise, they will restrict employment of controlled persons in certain industries where a licence is required prior to employment, for example, as a bouncer in the security industry.

Having outlined what this bill intends to achieve, do I intend to support its passage? What do I say about the concerns raised? The answer to the first question is yes and to answer the second question I can say that in this place as a backbencher I have always expressed my concerns at any restricting of civil rights. Indeed, on this very topic the record will show that, even as Attorney-General, I opposed the opposition's bill in October 2007.

As a person privileged to be a lawyer and also possessing an attraction to the reading of history and conscious from my heritage of lessons learnt from 800 years of English tyranny in Ireland, I have a natural aversion to any laws which tend to abrogate civil rights. I have recently reread parts of the work by Baroness Helena Kennedy entitled *Just Law: The Changing Face of Justice—and Why It Matters to Us All*. I have borrowed liberally from that work in this speech. I recommend this book to all honourable members. It is available in the Parliamentary Library. Kennedy describes particularly what has happened in terms of the restriction of civil rights in the UK from the 1970s to the present—how, because of the threat of subversion and terrorism, civil rights have been restricted but how this restriction, once introduced to combat terrorism, has extended to apply to the criminal law generally.

It is acknowledged that there are great challenges to the rule of law as a result of terrorism, and in the face of terrific provocation the temptation to erode civil liberties is great. But the danger is that the measures we take will end up undermining the very freedoms we value. Kennedy argues that 'bad law' is counterproductive. It often keeps alive and, in some cases, exacerbates the antagonisms which underpin political violence. It is widely believed now that internment in Northern Ireland was the best recruiting sergeant that the IRA ever had. But is the experience of terrorism relevant to the criminal law?

The problem is the temptation to enter into the law and order auction, greasing, as it does, the slippery slope towards the erosion of civil rights as they apply to the general criminal law. So what starts off as an antiterrorist measure can quickly envelop into areas of the criminal law quite unconnected with terrorism. A trend to accept these antiterrorism laws is quite understandable. As a society, our own guard has been lowered over the years in response to our own observations of the experience of subversion, be that in Northern Ireland, New York or Bali.

We have come used to a person having fewer rights and we have accepted inroads into our own privacy. To quote Kennedy, 'Fear has lulled our vigilance.' Examples of erosion of rights range from coercive powers with respect to the right to remain silent to prolonged detention prior to charge, and we remember the Haneef case relatively recently in Australia. Society of course needs to protect itself—we can pass appropriate laws—however, any changes or response to terrorism or organised crime must conform to the rule of law. The concept of the rule of law has been with us since the Magna Carta in 1215—that is, basically no imprisonment except by lawful judgement of one's peers under the law of the land. Even in the 16th century it was further developed to ensure that the King or the executive was subject to the law as well. So it is of great importance that respect for the rule of law must always be had by any democratic government in the English common law tradition in framing laws, especially those dealing with difficult areas like terrorism and organised crime.

The courts cannot and should never be prevented from performing their historic role—that is, the protection of liberty and justice. Has that respect been observed here? On the weekend I read a very interesting article by Peter van Onselen in the *Australian* dated 21 November which had the by-line 'Proposed laws that give police unlimited powers to stop and search citizens will compromise civil rights in the name of protecting them', and I table that article.

Tabled paper: Article from the Weekend Australian, dated 21-22 November 2009, titled 'Freedom Going Once, Going Twice, Gone in a Trice: Proposed laws that give police unlimited powers to stop and search citizens will compromise civil rights in the name of protecting them' [1509].

This relates not to our legislation but to legislation currently being introduced by the Western Australian Liberal government enabling police to stop and search at will with no requirement at all for a reasonable suspicion of wrongdoing. It is the sort of law that provides a field day for those few police who may be vindictive, let alone corrupt. Bad apples do exist, even in the Queensland Police Service as evidenced by a recent CMC report referring to, I think, 25 officers. So it is very important in framing laws in these difficult areas that care be taken not to diminish the rule of law and the ability of a court to protect Queensland's basic civil liberties.

I mentioned the slippery slope. We already take as a given severe restrictions on the civil rights of Queenslanders. Some examples are the right to remain silent when we are dealing with the coercive powers of the CMC; detention prior to charge, and I referred to the Haneef matter; the reversal of the onus of proof increasingly becoming prevalent; telephone tapping, even though we have the presence now of the PIM; and criminal history exchange, even exchanging withdrawn charges and information about acquittal. The framers of our laws therefore, in my view, need to be vigilant not to contribute to any strangling of civil rights and the rule of law.

Peter van Onselen's article commenting on the Western Australian legislation to which I referred was headed 'Freedom going once, going twice, gone in a trice'. It is food for thought, and I am sure our Attorney-General is vitally aware of the risks involved. Evidence of his awareness is set out in the bill, because this bill is robust and balanced—probably the most balanced in the country other than in states like Victoria which have no bill of a similar nature. It does contain a range of safeguards and measures

that have been put in place to ensure it balances the need to protect the community with rights and freedoms of individual Queenslanders. The Supreme Court has been placed at the heart of the regime and the court is involved in making all orders as opposed to those orders being made administratively by a policeman or by a politician like an Attorney-General.

The new Criminal Organisation Public Interest Monitor will be appointed to monitor every single application made under the bill and will have the ability to test and make submissions to the court about the appropriateness and validity of all applications for orders under the bill. Further, the bill provides a range of ongoing review mechanisms—namely, an annual report by the COPIM on the performance of the COPIM's functions under the act; an annual review by a retired Supreme Court judge on whether the powers under the act have been appropriately exercised; a five-yearly review of the legislation as to whether it is operating effectively and meeting its objectives; and, finally, a standing review function vested in the Law, Justice and Safety Committee to monitor the role and review the performance of the COPIM under the act, report to the Legislative Assembly—us—on any matter about the COPIM and examine each of the annual reports tabled in the Assembly. So I unhesitatingly congratulate the Attorney on the inclusion of these provisions and particularly his extensive consultation, unprecedented in my time in parliament.

In line with the views I have outlined with respect to restriction of civil rights, of course I would prefer not to see in this bill some measures dealing with some of the matters raised by the bar, by the Queensland Law Society and the Queensland civil liberties organisation. The inclusion of such matters was a matter for discussion in the consultation phase and has been properly resolved, and I abide by the result. At the end of the day, this bill from the standpoint of a protection of civil liberties is head and shoulders above comparable legislation such as exists in South Australia and in New South Wales, particularly with the involvement of the court, the COPIM and the review provisions, and I compare it with the content of the Criminal Code (Organised Criminal Groups) Amendment Bill introduced by the opposition in 2007 which had no court determination of a similar nature, no PIM and no review. A reading of opposition MP speeches during that debate indicates truly what the LNP's attitude in the world is to this type of legislation. The lack of sincerity shown in speeches last night and, I suspect, later today becomes apparent. The opposition is exposed from the reading of the record of this place. The opposition's hypocrisy knows no bounds.

Mrs CUNNINGHAM (Gladstone—Ind) (11.57 am): I rise to oppose the Criminal Organisation Bill 2009. There have been a small number of pieces of legislation that have come to this chamber that have caused me a great deal of concern, and they are particularly those that are morals based. This particular piece of legislation gives me grave concern because it undermines some of the most basic tenets—I am not a lawyer, so I am just talking from a community point of view—of the law of this state and this country over a long period of time. As I went into the detail of what this legislation proposes with members of the community who had a concern, their concern turned to abhorrence at the introduction and potential passing of this legislation.

Whilst I respect greatly the member for Toowoomba North—I always have—I would have to say that comparing one piece of bad legislation to another piece of worse legislation does not make the bad legislation acceptable or good, but I do put on the record that I respect the member for Toowoomba North. Much has been said about the private member's bill rejected in 2007 introduced by the coalition—that is, the Criminal Code (Organised Criminal Groups) Amendment Bill 2007—and there has been discussion about the hypocrisy of the members who are now opposing this government bill. My recollection is that there was no diminution in that proposed piece of legislation of the criminal test of evidence in court. There was no intention to introduce secret legislation or a number of the other unacceptable elements that are contained in the Criminal Organisation Bill 2009.

The Scrutiny of Legislation Committee—not in its original report on the Criminal Organisation Bill but when it reported on the ministerial response—listed, as it did in its first report, the issues arising from an examination of the bill. These issues relate to the rights and liberties of individuals. It is an extensive list and I am going to paraphrase it. This is what the committee wanted to bring to the parliament's attention: clauses in the bill which may have insufficient regard to rights and liberties of individuals as they would require satisfaction of a lower standard of proof than the criminal standard; clauses requiring the court to have regard to any conviction for current or former members of the organisation; clauses allowing the court to consider evidence of past associations; clauses affecting the rights and liberties of individuals, including freedom of movement; clauses which would reverse the presumption in favour of bail; clauses providing for a criminal organisation declaration to last for five years unless revoked or renewed; clauses which may affect rights to access the courts; clauses which have the potential to affect the employment rights and liberties of individuals; clauses relating to criminal organisation orders regarding children and young people; parts of the bill which have the potential to affect property rights; clauses which would create new offences in the Criminal Organisation Act; clauses which would insert new offences and amend existing offences in the Criminal Code; clauses excluding decisions made under the Criminal Organisation Act from the operation of the Judicial Review Act 1991; parts of the bill conferring the Criminal Organisation Public Interest Monitor with significant administrative powers and wide discretion as to the exercise of the powers—and I want to comment on that later.

Further, there are clauses in the bill which may be inconsistent with principles of natural justice; clauses conferring police officers with powers to enter premises and post-entry powers; clauses which would override common law protections of the right to silence; clauses which would have retrospective operation; clauses which would confer officials with immunity from civil liability; clauses which would provide for compulsory acquisition of property; and clauses which may not be drafted in a sufficiently clear and precise way. That list, which was compiled by a bipartisan committee, in itself gives rise to grave concerns.

Other members have referred to the submission by the Queensland Council for Civil Liberties. I think some provisions in the bill may have been changed after I received this submission, which is dated 22 October. However, I want to quote the submission. It states—

As ought to be obvious, we are totally opposed to the Bill. It is a Bill of which the former Premier Sir Joh Bjelke-Petersen would have been proud introducing as it does concepts of terrorism law controls in the general criminal law.

I can remember—not really clearly, but I can remember—the distress and the strength of feeling of Labor in opposition when Joh Bjelke-Petersen was in power. That feeling grew the longer he was in power. I can see the same stress occurring with non-government members as this parliament progresses in that these sorts of bills are being introduced and passed based on the numbers in the House irrespective of the negative impact that they have on the community through the serious undermining of their rights and liberties. The submission from the Council for Civil Liberties also states—

The concept of 'serious criminal activity' underlies the major concepts of the Bill namely:

- The outlawing of declared criminal organisations;
- The making of Control Orders;
- The making of Public Safety Orders some of which can be done by a commissioned officer of police.

I believe that may have been changed in the bill. The bill lists the further concepts—

- Fortification removal orders;
- The concept of Criminal Intelligence and the use of Criminal Intelligence for substantive hearings;
- The Criminal Organisation Public Interest Monitor; and
- The Offence of Criminal Association.

...

As is increasingly the case, the definition of serious criminal activity in the Act is a prostitution of the popular meaning of the word 'serious'. Some of the offences described as a serious criminal offence including operating a place for unlawful gaming, possession of a thing used to play an unlawful game, stalking, obtaining goods or credit by false pretence, cheating and personation.

These excerpts from the Bill show that yet again in Queensland legislation the term 'serious criminal activity' is so defined downwards in terms of what the public would regard as serious as to result in a complete mangling of the concept.

In relation to control orders, the Council for Civil Liberties states—

Only a small number of years after the concept of Control Orders was introduced into Australian terrorism related criminal law we now see it lifted from terrorism law where we were promised it would be quarantined and it will be part of the Criminal Organisation Act.

I think that is a very sobering point. When the terrorism laws were introduced, both federally and in this state, the community of Australia was asked to accept some significant inroads into their rights and personal freedoms. We were told that those laws would be made only on the basis of suspected terrorism—that this was a national safety issue. Here we have those concepts being lifted and used in legislation not just against outlaw motorcycle gangs but also against any group that is declared a criminal organisation.

I received a submission from the United Motorcycle Council, which I know has been referred to. It states—

Instead of punishing people for the things they have done wrong, these laws will punish people for who their friends are and what the police claim they might do in the future. This is a serious reversal of the legal tradition that says people are innocent until proven guilty. Similar laws in other states have also stripped away the requirements of open and fair trials, proof beyond reasonable doubt, the right to know and respond to evidence against you, and the right of appeal.

I think those elements that are listed in that sentence are the things that will most concern members of the Queensland community once they know the detail of this Criminal Organisation Bill.

I do not support criminal activity in any way, shape or form. I believe that the CMC does a good job in its investigations of outlaw motorcycle gangs. I believe that the CMC has significant power in relation to interrogating members of the community in terms of what is colloquially known as the star chamber. I do not see that there has been any difficulty in the CMC exercising those fairly extensive powers.

This bill intends to give intrusive, and I believe unacceptable, powers to the general police force. The majority of police officers are as honest as the day is long. But, with the powers conferred in this bill, I believe that, for those small number of police officers who have ill intent, it not only gives them significant power but also gives them significant protection.

There are a number of elements to the bill, for example, the declaration of criminal organisations. It is ironic that all of the public declarations about this legislation have been about bikie gangs but, as other speakers have noted, bikie gangs do not get a mention in the bill.

A number of motorbike gangs around Queensland and around Australia have really great intent. The Ulysses motorcycle gang—a bunch of oldies who just do not want to grow up—have a ton of fun. They get together, they ride together and they fundraise together. Then there are other gangs that have malicious intent, but I believe that they are no different from any other organised crime group whose intent is to physically harm or steal from members of the community in pursuing their criminal activities. I believe that the police have sufficient powers and I also believe that the CMC has sufficient powers.

I wish to raise a number of issues. The declaration of a criminal organisation is set out in the bill. The bill also contains control orders, prohibitive orders and the declaration of criminal intelligence. I believe that they are the major tenets of this legislation and the issues that cause the greatest concern. The conditions in relation to a control order are set out. The ability for the respondent to respond to the intended control order are also set out. I have concerns with that but also with the declaration of criminal intelligence. It is my understanding that the Commissioner of Police takes an application for a declaration of criminal intelligence to the Supreme Court. I would be interested in the Attorney-General's response. As I said earlier, 99 per cent of police officers are honest, reputable and reliable. But if I am a police officer who has less than reputable intent and there is a group of people in the community whom I have had dealings with—they may be a motorcycle organisation—how easy would it be for me as a police officer to provide information to the Commissioner for Police that was perhaps not 100 per cent accurate? If that information is then deemed criminal intelligence there is no further examination of that information in terms of its accuracy or appropriateness. The COPIM does not get all of the information. The COPIM has been demonstrated to be the gatekeeper when in actual fact there is a significant amount of information that the COPIM will not be able to access and will not be exposed to. I would question how effectively the COPIM will be able to carry out his or her role. Given the qualifications of a COPIM, I do not accept that they could not have access to all and any information, whether it is declared criminal intelligence or not. That would give rise to some confidence in the community that there is an advocate for the person about whom the criminal intelligence relates. That is not in this bill. As I said, if the COPIM is well qualified and of such high value in the community there is no reason they should not have access to all that information.

The person about whom the intelligence has been collected will have no access to that information; neither will their legal representation. On one level I can understand why that information is being withheld, but it is a significant change in the process of law in this state for an accused person not to be able to answer the accusations. As I said, the CMC already carry out significant covert operations in relation to outlaw motorcycle gangs. It has powers that are very specific. This generalises those powers and I find it unacceptable.

I also question the fortification removal orders. As contained in the bill—

> fortification means any structure or device that, alone or as a system or part of a system, is designed to stop or hinder, or to provide any other form of step against, uninvited entry to premises.

That would be pretty much anything. Most security at your property is to stop uninvited entry. My concern is with people who may be drawn into this terrible piece of legislation inadvertently. Many old people fortify their homes simply because they have a real and perceived sense of insecurity. They only have to have a security firm give them a ring at a right time and an old person will sign up to all sorts of things to provide better safety and security, sometimes to their own detriment in terms of fire escape et cetera.

However, under the terms and definitions of this piece of legislation it would be fortification. Then there are the older ones whose grandchildren, cousins or nephews ring up and say, 'Gran, I've got a couple of things I need to keep in your garage. You haven't got a car any more. Is that okay?' They will say, 'Yep, that's fine.' They will say, 'I am just a bit worried about the locks on your garage because it is a stereo and stuff that is fairly valuable so I will put a bit of security up', and before grandma or aunty knows what they have up is a fortification. They are unaware of it. I believe that these older people will be drawn in. I am not being flippant, I am being realistic. That is the way these people could be drawn into this legislation inadvertently.

Mr Dick: No, they will not. That is not the bill. I will address that in reply, but we are not going to attack old people who put security doors on their houses.

Mrs CUNNINGHAM: I would be interested in the Attorney-General's response to that, because I can see that being a real risk for people under the definition of fortified premises. I will be listening to the minister's response. I maintain that this piece of legislation is bad legislation. It undermines fundamental legal rights in our community.

I have already talked about the special closed hearings for intelligence in relation to the oral evidence that will be given by police officers and cross-examination by the court or the COPIM. The cross-examination risks being insufficient or inefficient if the COPIM does not have all of the information.

As I said earlier, this legislation is of great concern to members of my community. They cannot be accused of not wanting good law and order measures, quite the opposite, but they also value their rights and freedoms. They do not want to see this fundamental intrusion on law that has been in existence, tested and proven for over 100 years. The other issue that I wanted to raise was the inability of accused persons to be able to properly respond to charges or to allegations made to them. This element of the bill is unprecedented. I think it is one of the fundamental changes to the Queensland law process that is unacceptable to the legal profession in particular but to all people. The change in the standard of proof from a criminal standard to a civil standard is also unacceptable.

As I said earlier, when I have spoken about this legislation to people in my electorate who are law-abiding citizens, who want to see police empowered in an appropriate manner, who want to live in a just and safe society, they have been appalled. They endorsed my intention to oppose the legislation and I do so quite vehemently.

Mr NICHOLLS (Clayfield—LNP) (12.17 pm): I have been listening to the debate for the last day or so since this bill came on and I was going to start with the quote from the Premier and then I heard others refer to the same quote so I considered whether to use it, but I think it is still worthwhile to hear what the Premier really thinks, or at least thought at the time when she came into this place—

... politicians must also bear the responsibility that we, as community leaders, have to conduct debates about law and order in a manner which is not calculated to maximise political point scoring. This approach is irresponsible and serves only to maximise community fears. During my time in this House, I will not be indulging in sensational and histrionic debates on law and order which ultimately serve only one purpose—to limit unnecessarily the freedom and opportunities of many vulnerable people in our community.

Thus began the career in 1995 of the new member for South Brisbane and the now Premier of Queensland, Anna Bligh. Let me turn to a more recent quote from 31 October 2007 in relation to a much less draconian piece of legislation introduced by the member for Burnett. What did the then Attorney-General, the member for Toowoomba North, say—

The government opposes this bill as it is ill conceived, unnecessary and aims to extend the basic principles of criminal liability to guilt by association. The fundamental right of freedom of association is potentially eroded by this bill because even innocent participation in an organised criminal group as defined may, in some way, contribute to the occurrence of criminal activity by the group.

Then he went on to say—

The bill will not assist in the investigation of organised criminals who operate in secret with a high degree of technological sophistication. In fact, there is a real risk that such a law would be counterproductive by driving gangs and similar organisations further underground.

I listened to the contribution from the member from Toowoomba North because I do have some considerable respect for his views, for his diligence and for his forthrightness in these areas. I think this is a bill that the member for Toowoomba North would have a great deal of difficulty introducing if he were the Attorney-General. We heard that earlier this morning.

The member for Toowoomba North referred to comments in relation to a book by Kennedy that he had recently read, but perhaps he might have been better off looking up the comments by someone from a little further back—that is, the comments by Blackstone, who found that the right of individual liberty was a fundamental human right that was not to be abrogated in any way, shape or form. The member also talked about the laws in Western Australia, and he is right: those laws are offensive. I find them offensive. I find it reprehensible that people can be stopped and searched without reasonable cause or reasonable belief. I find them reprehensible. He also referred to the laws of Victoria, where the Victorian government has actually so far resisted resorting to cheap populism, to knee-jerk reactions.

I feel some sympathy for the member for Toowoomba North and the quandary that he finds himself in. I did note the somewhat lacklustre way he concluded his speech, with the words 'hypocrisy knows no bounds', because, when it comes to hypocrisy, he knows he only has to look on the benches beside him to see himself inveigled in hypocrisy—the hypocrisy that has seen this bill introduced into this House. It is not necessary to revisit the speeches of members, but similar sentiments were expressed by another legal mind on that side whom I do have some respect for, the member for Southport. He expressed the same sentiments in the debate on the same night the then Attorney did in 2007.

If there is one thing that almost above all others distinguishes the history of parliamentary democracy and the ideas of Western liberalism, it is the concept of freedom of association. It dates back to the great charter of rights that we call the Magna Carta, which was again mentioned by the member for Toowoomba North. It is a charter of rights granted in the vale at Runnymede, between Windsor and Staines, in 1215—nearly 800 years ago. There King John signed and sealed a charter that granted and secured very important liberties and privileges to every order of men in the kingdom—to the clergy, to the barons and to the people.

The great charter stands as the great foundation and the bedrock of English civil liberties—civil liberties that have become the model of Western and liberal democracies the world over. In some respects, it has become fashionable to discount the rights and liberties granted by the Magna Carta, to

dismiss it as merely some accident of history. Sometimes those rights are considered to be just a hindrance and so much puffery to be ignored and overruled. That seems to be the attitude of this government.

Some say the charter merely extracted from King John the rights and privileges that entrenched and empowered the barons and lords of the time. Nothing could be further from the truth. While the charter did free the barons from the arbitrary and unfair demands of the King, the charter itself provided that the privileges which the barons secured for themselves also had to be secured for the benefit of the whole community. So it was that the privileges and immunities granted to the barons against the King were extended to the people at large.

What were some of those liberties that were secured? Merchants will be allowed to transact business without being exposed to arbitrary tolls; free men are allowed to go out of the kingdom and return to it at pleasure; the goods of every free man can be disposed of according to his will; no officer of the Crown can take the goods of a free man without the consent of the owner; the King's courts shall be stationary, they shall be open to every person and justice shall no longer be sold, refused or delayed by them; and no free man shall be taken or imprisoned or dispossessed of his free tenement and liberties or outlawed or banished or anywise hurt or injured unless by the legal judgement of his peers or by the law of the land. It is also vital to note the right that the courts should not put any person upon his trial from rumour or suspicion alone but only on the evidence of lawful witnesses.

It is from this great charter that the rights and liberties that we enjoy today—curtailed as they may be—are derived. No longer are star chambers permitted as of course. No longer is the Crown given an unfettered right to do as it likes with the goods, possessions and liberties of free people. No longer are people prohibited from coming together to advance their interests, to advance a cause or to enjoy social interaction for all of those things that they hold important.

From that time on, independent associations have been formed. Typically, the oldest of those associations were religious associations formed out of the Roman Catholic Church, which, despite the existence of civil governance, also formed its own structure of self-governance. The Middle Ages featured the development of commercial towns and cities that gained the status of autonomous corporations. Along came merchants associations, artisans guilds and other groupings. From those, trading associations with royal charters evolved to become instruments of the state and then finally the company structure as we know it developed. The Freemasons evolved during the 17th and 18th centuries, and the first lodge—

Mr Moorhead interjected.

Mr NICHOLLS: Sorry? Does the member for Waterford have something against the Freemasons? I did not quite hear that. There was a comment there.

Mr DEPUTY SPEAKER (Mr Wendt): Order! Member for Clayfield, do not carry on conversations across the chamber.

Mr NICHOLLS: The first lodge was the Grand Lodge of England formed in 1717. Freemasonry spread across much of the world but mostly to the countries of the British Empire, including what became the United States, and advanced the cause of many people in those countries.

The rise of more overtly political societies at the time of the French Revolution prompted then the passage of the Unlawful Societies Act in 1799, one of the first anti-association laws that attempted to combat what the then government of the time thought were unlawful associations that placed the public in danger and in harm. Then there were the Combination Acts of 1799 and 1800, which totally banned trade union activity. The formation of associations was particularly evident in the United States of America. The French politician de Tocqueville observed—

> Americans of all ages, all conditions, all minds constantly unite. Not only do they have commercial and industrial associations in which all take part, but they also have a thousand other kinds: religious, moral, grave, futile, very general and very particular, immense and small.

Association in democratic countries, de Tocqueville wrote, was the mother of science upon which all other progress depended.

Then there came the great labour struggles of the 18th and 19th centuries. Many early unions in Britain were formed in secret because of the threat posed by the Combination Acts that I have referred to and other anticonspiracy laws. It is interesting to note that, despite the risk of serious punishments, including deportation to penal colonies like Australia, numerous workers joined such groups and engaged in desperate acts to halt their declining standard of living. Some of the most famous were the Luddites, the textile workers who destroyed new industrial machinery that they blamed for lower wages and unemployment. It is interesting to note that the Combination Acts were eventually repealed because parliamentarians feared that the measure imposed actually drove the workers to violent extremes and underground. It made the detection of what they considered to be offences even harder.

The history of the formation of labour unions and trade guilds is extensive, not only throughout the United Kingdom and Commonwealth nations but also in the United States. Eventually, via the International Labour Organisation, this led to article 20 of the Universal Declaration of Human Rights being passed in 1948 which provides that 'everyone has the right to freedom of peaceful assembly and association'. The other equally important clause is, 'No one may be compelled to belong to an association.'

It is clear to see that, without freedom of association, other freedoms are illusory and lose their substance. It is impossible to defend individual rights if citizens are unable to organise around common needs and interests. It can be seen that attempts to curtail freedom of association, no matter how they may be charged in the language of the time or in response to perceived threats, are in fact a curtailment on individual liberties—liberties that have existed in one form or another for almost 800 years.

Here in Australia people well remember attempts by the then Menzies coalition government to outlaw the Communist Party, attempts that were at the time restrained by the decision of the High Court. As we know, communism finally died because it was unable to convince anyone of its merits and because the system finally fell over. It was not necessary to ban the organisation; it was merely necessary to expose its failings. Of course, we also remember the words of that great Republican President Ronald Reagan that hastened the demise of communism, when he said, 'Mr Gorbachev, tear down this wall.'

In Queensland, we have our own history of bans. Many opposite decry those bans of the late seventies and early eighties imposed by the then Bjelke-Petersen government. A former Premier of this state was whacked over the head as a student protester during the 1971 Springbok rugby tour when a state of emergency was declared. A former Lord Mayor of the city was also involved. I have here a picture of a group of demonstrators in a 'symbolic cell' in King George Square in October 1980. The photo includes such luminaries as the now retired priest Jim Soorley, Rosemary Kyburz, a law lecturer of mine, Mr Phil Tahmindjis, Mr Hugh Lunn and the then secretary of the railways union, Peter Beattie—all protesting against laws that restricted freedom of association. I table that paper.

Tabled paper: Courier-Mail Sunday Mail publication titled 'Our Queensland Book 3: Power and Passion—fiery leaders and public fury' [1510].

I table that paper so that people can have a quick look at it and remember the fights that have gone on in relation to freedom of association. We have a long, proud and passionate history that allows and fights for freedom of association in almost all its forms spanning over 800 years. It is true that at times there have been attempts to curtail that freedom, and those attempts have invariably been made by governments that have been fearful of social change, fearful of dissent and fearful of what they considered at the time to be criminal activities.

What do we have now with the Criminal Organisation Bill 2009? We have legislation that strikes directly at the heart of the fundamental principle of freedom of association, a law which has been described by the Queensland Council for Civil Liberties as the worst legislation they have seen. Mr Terry O'Gorman has pointed out that for the first time in Queensland's entire history under this bill a person can be convicted of a criminal offence and be sent to jail on the basis of secret evidence which neither the person nor that person's lawyer is able to see or to be told about, let alone be able to test through cross-examination.

Members will recall my comment that the Magna Carta provided that the courts should not put any person upon his trial from rumour or suspicion alone but on the evidence of lawful witnesses. What we see in this legislation is people being put on trial not on the basis of evidence proven and tested in a court of law but on the basis of rumour or suspicion, which in this bill is simply dressed up under the title of 'criminal information'. In fact, it is the abrogation of the rules about the testing of evidence that is particularly obnoxious, odious and offensive under this legislation.

When one looks at part 6 of the bill, one notes that information can be included in an affidavit based on information and belief—in other words, hearsay information. When looking at section 64 and, in particular, subsection 64(2), we see that the information cannot be tested when it is brought before a judge for determination. Subsection 64(2) provides that the informant cannot be called to give evidence. In other words, a Supreme Court judge who is being asked to make a declaration that information to be relied upon in decisions about how people can associate with each other, whether an organisation ought to be declared criminal and whether people can carry on what would otherwise be lawful activities, is unable to test for himself or herself the reliability of the information and the reliability of the informant.

It is a fundamental tenet of the practice of law in Australia that judges have the ability to test the capacity of the witness or person giving evidence. It is often the case that what looks good in writing has fallen apart when the source of the information has been tested under cross-examination in a court. A witness's demeanour, behaviour and capacity to answer questions are all taken into account by the court in the normal course to assess the veracity of the information provided. It is commonplace in judgements in all courts to read a statement by the judge or the presiding officer that the witness was unimpressive or unreliable and that the testimony of someone else was to be preferred over that of the witness.

That is one of the fundamental reasons we have judges and juries in Australia—to test the evidence that is put before the court, not to take someone on their word but to test them on their mettle. It seems to me that this bill has been worded carefully to give the impression that decisions about rumour and suspicion, so-called criminal information, are discretionary and reside in the hands of a Supreme Court judge. This is in order to avoid the Kable principle outlined in the High Court. That principle provides that legislation should not confuse the power of the executive with that of the judiciary.

We constantly hear about the separation of powers from those on the other side, but here we have a bill that attempts to combine those powers. It is clear that the bill has been drafted with such sophistry as to avoid the outcome of the South Australian case that found similar legislation was unlawful because it relied on a declaration of the executive—that is, the Attorney-General. But that impression that we will be able to get around the principle in Kable and around that principle in the South Australian Court of Appeal is illusory when one reads the detail of the act and finds out that the judge's capacity to make an independent decision is in fact curtailed. It is curtailed because the judge cannot go behind the information provided in the affidavit. The judge has no capacity to know the identity of the informant. We do not even trust the judge under this legislation.

Mr Dick: That's not true.

Ms Jones: Why do you support mandatory sentencing?

Mr NICHOLLS: What is she talking about? I did not even hear it.

Honourable members interjected.

Mr DEPUTY SPEAKER (Mr Wendt): Order! The member for Clayfield has the call. I would ask all members to cease interjecting across the floor.

Mr NICHOLLS: As I say, the impression is illusory when one reads the detail of the act and finds out that a judge's capacity to know the identity of the informant is curtailed and the opportunity to test the veracity of the so-called criminal information—that rumour and suspicion—is restricted because the informant, the direct source of the allegation, cannot be called to give evidence even by the court itself. No amount of legal sophistry, of which this government is expert, can get around this fact. Put simply, it is still trying to remove a court's discretion—in this case, the discretion to test the veracity and honesty of a witness who provides evidence that the court is meant to make a decision that severely curtails the rights and liberties of individuals.

Then we have a stream of sections designed to again curtail freedom and liberties. We see the establishment of the star chamber under proposed section 66, which provides that the criminal intelligence application is heard ex parte—that is, in the absence of any other party other than the applicant commissioner and the COPIM. The COPIM is no answer for vigorous and rigorous testing of evidence by someone who is accused of doing something wrong or against whom an order is made. Ex parte applications are extraordinarily dangerous to the rights and freedoms of individuals. They are rarely used in civil litigation and almost never used in criminal litigation. There is an adequate and perfectly satisfactory way of going about testing the evidence given by an informant. It is already used. It is called a voir dire. It is a trial within a trial. It is where evidence can be led in the absence of the public, but it can still be tested and it can still be challenged. Someone can still have an opportunity to take their rights and liberties to a court.

Then there is the curious provision of proposed section 72, which bizarrely provides that if the court is going to make a declaration it must, before making the formal order refusing the application, give the commissioner an opportunity to withdraw it, with no explanation given. There is no doubt that the government can pass this legislation on its numbers. That is not the question. The question we must ask ourselves is not whether we can pass the bill but whether we ought to. That was one of the lessons of Cannon Morris, the first headmaster of both my and the Attorney's old school. That is the question for the Attorney: ought he force the passage of this bill?

(Time expired)

Mr McLINDON (Beaudesert—LNP) (12.37 pm): I would like to make a contribution to the Criminal Organisation Bill 2009. I would like to welcome the speech and the words of wisdom from the member for Clayfield and the historical account. What people will see on this side of the House is a foundation of rationale and reason on why we have formed the democracy that we treasure today. It is important to put that in context, too, in terms of the government's ideology and philosophy and how that has transpired and evolved over time and somewhat drastically changed in very recent times.

We should look at the Premier's maiden speech, which has been well quoted throughout many speeches. I think it is important to include it in every speaker's notes, because this is the pivotal point in terms of the hypocrisy that we are seeing from what the government is saying on one hand and doing on the other. The Premier in her first speech to the parliament in 1995 said—

> ... politicians must also bear the responsibility that we, as community leaders, have to conduct debates about law and order in a manner which is not calculated to maximise political point scoring. This approach is irresponsible and serves only to maximise community fears. During my time in this House, I will not be indulging in sensational and histrionic debates on law and order which ultimately serve only one purpose—to limit unnecessarily the freedom and opportunities of many vulnerable people in our community.

That is the history of the Premier. No doubt she has been involved in many good causes. I see that she was the convenor of the Social Justice Policy Committee from 1991 to 1994. But that is what she said in her maiden speech in 1995. What is very interesting is that until yesterday, in reference to a question without notice about the actions of a ministerial staffer, the Premier said—

I will not have the actions of one member of a ministerial staff be a reflection on all of the people who serve this government and, in doing so, serve the people of Queensland. These are tough jobs. People put in extraordinary hours and they do it because they want to serve the people of Queensland. If there are lessons to learn then we will learn them, but I will not condemn good people on the actions of one.

This is what the Premier said yesterday in answer to a question without notice. She said that she 'will not condemn good people on the actions of one.' It is very interesting to see that as the decades evolve the Premier still holds her resolve for the basic ideology and philosophy that she came into the chamber with. How is it then that the bill has not been explained to the Premier in terms of its content contravening the very foundations of the footings for her being here?

It is important to look at the definition of 'association'. It is a group of individuals meeting or associated for fellowship or a common purpose. For an organisation it could be said to be the act of forming or establishing something by persons or committees or departments who make up a body for the purpose of administering something. Natural justice is defined as the court having a legal responsibility to make sure that all persons accused of a criminal offence are treated fairly. Everyone has a legal right to have their side of the story heard inside the court. Everyone has the legal right to an unbiased hearing.

The proposed law allows groups to be declared as criminal organisations if only two members participate in criminal activity, based on the actions or suspicions of former members or interstate or overseas members, even if the majority of people associate for lawful purposes, without any requirement of proof beyond a reasonable doubt, without the right to have the ruling revoked for at least three years, without the right to know or cross-examine the evidence against them and without an open and transparent court process.

This bill proposes and seeks to erode and strip away the fundamental rights and protections that have been provided to individuals under our legal system including: the right to natural justice, the right to an open trial, the right to know and respond to all allegations against you, the requirement of proof beyond reasonable doubt, the rules governing the admissibility of evidence, the right of appeal, the right of lawful association and the presumption of innocence. It was very concerning to hear the Minister for Police state last night—

Tonight a number of speakers have made hysterical claims about the impact of this legislation on innocent individuals, community organisations, churches and the like. That is absolute nonsense.

The reality is that the bill is not definitive about what is deemed a criminal organisation. That is the pressing point. It is open to negotiation, interpretation and potential corruption. Because it is not definitive and not conclusive it will depend on the government of the day or the jurisdictions of the time how they choose to implement the legislation and how they choose to interpret the legislation. The minister goes on to say—

... this legislation is targeted fairly and squarely at individuals and organisations, proven in a court or accepted by a court.

That is not true. It does not have to be proven. It is almost an oxymoron to say that it is fairly and squarely targeted at individuals and organisations because when we look at the organisations that would implicate the individuals in that group. Furthermore he stated—

This bill has a number of features that seek to balance the rights of individuals to freely associate, with the need for police to have sufficient powers to deal with the serious activities that they are involved in.

It is all well and good to say that the bill seeks to do something but it certainly does not resolve it. When we design legislation in this House and we put it in concrete it must be conclusive, definitive and resolve those questions. It cannot be left open. This bill is left open on several occasions.

We can take as an example the ridiculous sustainability declaration form that was recently passed by this parliament and will commence at the start of next year. The REIQ would be deemed an organisation. If an agent provided false information, intentional or otherwise, on the sustainability declaration and if that became the general practice of two or more agents, does that then make the REIQ a criminal organisation?

If we look at these two recent bills in parallel we see that the government is increasing the stagnation of progress, weaving a web of confusion, making legislation open for interpretation, increasing the bureaucracy in this state which is stifling good process and centralising and overregulating bureaucracy. That is what is stagnating this state. It is also undermining social justice and attacking the core freedoms which our democracy was built on.

We are all well aware from the many speeches over the last day and a half of the golden opportunity that this government had in 2007. A private member's bill was introduced into the Queensland parliament by the member for Burnett titled the Criminal Code (Organised Crime Groups) Amendment Bill 2007. The bill failed at the second reading stage due to—

The fundamental right of freedom of association is potentially eroded ... because even innocent participation in an organised criminal group as defined may, in some way, contribute to the occurrence of criminal activity by the group.

Furthermore the government stated—

The bill purports to target outlaw motorcycle gangs and organised criminals. However, if given the interpretation intended, the offence provision may in fact target persons who are not themselves engaging in any criminal activity ... Social groups and culturally relevant organisations could be targeted, resulting in prosecution of people based on race, ethnicity or membership of a social group.

These are the words of the government before us today. It goes on to say—

A one-size-fits-all response is therefore not the answer to this complex problem. In any event, such an approach is unlikely to be effective in targeting organised criminal groups which may operate under the cover of legitimate business enterprises ...

What we will see with the intent of this bill to catch those criminals is that they will go even further underground. The unintended consequences will be disastrous.

What is even more interesting to note when this government says it is getting tough on crime is that only nine members out of 51 elected members are speaking to this bill. Why are there only nine members from the government who are so proud about getting tough on crime? Why are those opposite not proud to put their comments in *Hansard* and stand up loud and proud and say that they are 100 per cent behind the bill and let their communities know exactly what is going on?

Why is it that more than double that number from this side of the parliament are speaking? More than 20 members on our side are speaking. We see the flawed process. We see that this open-ended bill before the House is going to have disastrous consequences in the future. No doubt it will end up back in the House. We see that. It is an absolute insult that out of 51 government members only nine of them will stand up and mumble. They know they are not proud of this bill. If those in the community found out they would be appalled. It is our job to let the community know—not just today, not just tomorrow, but in the lead-up and on the day of the next election. They will understand the implications that this bill will have on each and every organisation and individual in this great state. It is bluff, it is baseless, it is not definitive, it is not conclusive, there are loopholes, it is open for interpretation, it is flawed, it is open to corruption and it undermines natural justice and completely disregards the fact that innocent people will be guilty by association.

I would like to speak about bikies. The bikies have been brought into an unjustified and slanderous campaign by this government. That is the case right from the inception of this shambles of a bill. The Premier stated on 30 March 2009 that cabinet had approved the preparation of tough new laws to respond to the threat from bikie gangs saying that she had gone 'to the election with the commitment to look at the feasibility of introducing antibikie laws.' This paints a negative connotation on every bike rider in Queensland. It is no wonder those who ride bikes within associations are up in arms. The bluff and lack of substance in this bill has been sidelined by using the terminology of 'bikies' and 'bikie gangs' and 'antibikies' and painting these people as the cause of all the world's problems.

I have had quite an acquaintance—and I am sure the member for Waterford can attest to this—with the Vietnam Veterans Motorcycle Club at Meakin Road in Kingston. I would invite any member to go down to the Vietnam Veterans Motorcycle Club at 5.30 on a Friday afternoon and experience the mateship and comradeship. The wives come and deliver meals. They would see the people who are being tarnished by the way this government has dealt with this bill.

Furthermore, the government members have stooped so low as to suggest and accuse our side of politics of receiving money from the bikies. How desperate does the government want to get? No, they have not paid us but yes we do owe the Vietnam Veterans Motorcycle Club. Each and every one of us owes them. That is the case for every soldier who has put their life on the line to protect the very democracy that the government is attacking here today. We owe them. What do we do? Instead of appreciating democracy and why this parliament exists today, we drag these people into disrepute and put every bikie in Queensland in the same category.

That is what this government does. No wonder there are only nine government members who will stand up, cringing, to speak for five or six minutes of drivel—without any passion, without any motivation, without giving any reason for supporting the bill. They think, 'No, we will just follow the new Attorney-General like lemmings off a cliff. We have run out of ideas, but we will call it being tough on crime.' It is nothing more than bluff on crime. Members opposite should be appalled to bring good men and women into disrepute by sidelining them, making them a decoy to distract people from the real agenda.

The ALP certainly does have an identity crisis. As the member for Clayfield alluded to, a former Premier was once arrested for protesting against the very things we are talking about implementing here today. It is amazing how the ideology and philosophical basis of a party can change over the years to a point where it has gone full circle and it actually starts implementing the very things it had been against. That is the case right up to yesterday, when the Premier alluded to the fact that she would not want to bring into disrepute a collection of people through the actions of one.

What is an identity crisis? Are you unsure of your role in life? Do you feel like you do not know the real you? If you answered yes to the previous questions, you may be experiencing an identity crisis. Theorist Erik Erikson coined the term 'identity crisis' and believed it was one of the most important conflicts people face in development. According to Erikson, identity crisis is a time of intensive analysis

and exploration of different ways of looking at one's self. The member for Toowoomba North, the Premier and the Attorney-General are probably still struggling with their identities. We have seen a backflip, in not only a matter of days but years and months, by a government that is implementing the very things it had fought against.

Today is officially the beginning of the ALP's end. They have compromised who they are and what they believe in. They have taken the foundations and principles that attracted them to this political party back in the day, when they came with good intentions. We see now that they have no idea, no moral compass and no direction. They will make knee-jerk reactions and bring a lot of people into disrepute in the process.

In 2007 the government had an opportunity to pass a similar bill, introduced by our side of politics, but it failed to do so. The ALP has no direction. Under these proposed laws, the Attorney-General will have been a member of a criminal organisation since 1989. Unless this government is prepared to fund another 51 cells, it must seriously consider the amendments that we will bring to the House later this afternoon.

The best thing to prevent criminal activity in this state is the reintroduction of section 57. While it is all well and good for the government to talk tough on crime, it will certainly have another set of rules for itself. It will bring people from those motorcycle gangs into disrepute. On any given weekend in the Beaudesert electorate there are in excess of 1,000 bike riders, from Canungra to Beaudesert to Boonah—all law-abiding citizens who have been tarnished by the way this government has dealt with this bill.

I would urge all government members—all 42 of them—who refuse to speak on this bill to consider their foundations and not to follow blindly like lemmings off a cliff. They should consider why they are in this chamber. They should consider the generations that have gone before us—the soldiers and those men and women who created this chamber of democracy, which is intact today. This bill is a direct assault on those things. I urge members of the government to review why they are in this House. They would be very wise to listen to the rational debate on this side of the House. If they do, we will be able to implement what could have been implemented in 2007 by way of some drastic amendments.

Mr DOWLING (Redlands—LNP) (12.53 pm): Today I rise to contribute to the debate on the Criminal Organisation Bill 2009. I will not be supporting the bill. It is very interesting to sit back and listen to the speakers on both sides of the House, as the member for Beaudesert commented. There have been very few from the government side of the House and so many from this side of the House. There seems to be almost two debates—one with passion and one that is carefully thought out, and one with a round of indifference, which is all the government has put up. This bill is like so many other bills that are put forward: it lacks substance. It has been thought up but it has not been thought through. It is playing up to a banner headline. It is about a few media grabs.

I caution honourable members here. To paraphrase Benjamin Franklin, when you sacrifice liberty for security you achieve neither at your peril and you deserve neither. That is exactly what we will do here if this bill passes. We will sacrifice our liberties and the freedoms we have in this country that should never be taken for granted.

This legislation is very much like a rosebush: it is not too bad on the eye, it is popular and it plays to the crowd. But the minute you start working on it you find that it is full of thorns. Then when you start to dig around in the soil underneath it, you find that its foundation is in manure. That is what this bill delivers.

This bill sounds tough on crime but it is unworkable. We have heard that from so many speakers and so many people outside of the House who ought to know. This bill talks tough but that is where it ends. It is plain unworkable. It is unreasonable and it is cancerous. It is a secretive piece of legislation that removes accountability and scrutiny. We should be aiming for law and order and justice equally for everyone. That and nothing less should be acceptable in Queensland. This bill talks about tackling organised crime—

Mr Reeves: We will remember these words when it comes to the surrogacy debate.

Mr DOWLING: I hope they are remembered for many, many years. The bill talks about tackling organised crime, yet this government fails to adequately resource the Queensland Police Service, the CMC and other law enforcement agencies. We heard yesterday that the CMC came cap in glove looking for more resources. It took more than a decade to provide our police with phone interception powers so that it could actually conduct investigations using technology—modern tools in a modern world. That is how you combat organised crime.

This bill allows for people to be labelled as part of a criminal organisation with little or no proof, no criminal past or no criminal history. What kind of society allows people to be branded with no evidence whatsoever? That should make every man, woman and child in Queensland shudder to the bone. We have introduced 'the balance of probabilities' instead of 'beyond reasonable doubt'.

The LNP has always been and will continue to be tough on crime. We believe in people going to jail for committing crime—after they are found guilty, after they have had the evidence put to the courts, after the judge and jury have examined the evidence. We do not believe in railroading people. We cannot possibly have a system that takes away our liberties and freedoms. This Labor government talks about process and accountability, but that is where it ends. It talks about trust. I heard the honourable Attorney-General saying, 'Trust me, it's okay. We have it covered. It is within the bill.' Quite clearly, trust needs to be earned. There is no chance for openness and accountability. There was no mention upfront in the election campaign when it came to the electricity crisis, the water crisis, the sale of assets. None of that was mentioned during the election campaign. Their words are empty.

In the past the LNP has tried to introduce legislation to crack down on organised crime similar to that which is available in New Zealand. The honourable member for Beaudesert has already touched on that. The subtle difference here is that the evidence needed to be tested by a judge and jury. The process needed to be open, accountable and transparent. There needed to be that test. It is something that we insisted on. It is something that we deserve. It needs to be enshrined and it needs to be not behind closed doors.

The LNP and the community will not support this legislation. It could quite honestly be unconstitutional. I am sure the provisions will be tested quite rigorously after this bill is forced through on the numbers. Imagine imposing a control order on someone using secret information from an informant that does not need to be tested in open court.

One area that the LNP has supported and talked about is the fortification issue. Again, there may be double standards. 'Fortification' is an interesting term. When does fortification become fortification? Let us run some aspects of the test over it. Is it about padlocks? Is it wrought-iron gates and steel doors? Is it security bars and screens on windows? Is it electronic surveillance and alarms? I suggest that, on that test, we are currently in 'Fortress George Street'.

Have there ever been members of this House found guilty of criminal acts? Yes, quite a few. Is this organisation an unacceptable risk to the community's safety and welfare—selling off its assets, the mismanagement of the state, spiralling debt? Absolutely! This government misled the people of Queensland. It failed to disclose all of those things, and by those tests this government could qualify as a criminal organisation under this bill. By any measure it is entirely possible. That being said, when you see a clubhouse with barred windows, steel doors, gates, lights and movement sensors, should those things be removed?

Sitting suspended from 1.00 pm to 2.30 pm.

Debate, on motion of Mr Dowling, adjourned.

MOTION

Amendments to Standing Orders

Hon. JC SPENCE (Sunnybank—ALP) (Leader of the House) (2.30 pm), by leave, without notice: I move—

That the standing rules and orders and sessional orders of the Legislative Assembly be amended in accordance with the amendments circulated in my name.

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1. Schedule 2 Registers of Interest,—

11, 12, 13—

Omit, Insert—

'Tabling of Register of Members' Interests

11. (1) As soon as practicable after—

(a) the first sitting day of each Parliament; and

(b) the 30th day of June in each subsequent year during the life of that Parliament;

the Speaker must table in the Legislative Assembly a copy of the Register of Members' Interests ("The Annual Report of the Register of Members' Interests").

(2) The Annual Report of the Register of Members' Interests is a copy of the Register of Member's Interest as at a particular date specified in the report.

Publishing of Register of Members' Interests

12. (1) The Registrar is to ensure that a copy of the Annual Report of the Register of Members' Interests is published on the Parliament's internet website.

(2) The Registrar is to ensure that the Register of Members' Interest, as updated from time to time, is published on the Parliament's internet website as soon as practical after each update occurs and no later than one week after the latest update.

(3) The Registrar is to determine the form the publication on the Parliament's internet website will be in, taking into account factors such as accessibility, transparency and administrative efficiency.

(4) The publication of the Register of Members' Interest on the Parliament's internet website and the Annual Report of the Register of Members' Interests tabled in accordance with clause 11 above are deemed parliamentary records that the Legislative Assembly has authorised for publication.

Inspection of Registers

13. (1) The Registrar must, at the request of a person, permit the person to inspect the Register of Members' Interests during normal business hours of the office of the Clerk.

(2) The Registrar must, on request, make the Register of Related Persons' Interests available to—

(a) the Speaker;

(b) the Premier;

(c) any other Leader in the Legislative Assembly of a political party;

(d) the Chairperson and members of the Members' Ethics and Parliamentary Privileges Committee;

(e) the Crime and Misconduct Commission;

(f) the Auditor-General;

(g) the Integrity Commissioner.

(3) The Registrar must, on request, make details removed from the registers in accordance with 9.(4) or 9.(5) available to—

(a) the Speaker;

(b) the Premier;

(c) any other Leader in the Legislative Assembly of a political party;

(d) the Chairperson and members of the Members' Ethics and Parliamentary Privileges Committee;

(e) the Crime and Misconduct Commission;

(f) the Auditor-General.; and

(g) the Integrity Commissioner.

(4) The Registrar must advise the relevant member or former member, in writing, that details removed from the registers have been inspected in accordance with 13.(3)(a)-(d), (f) or (g).

Question put—That the motion be agreed to.

Motion agreed to.

CRIMINAL ORGANISATION BILL

Second Reading

Resumed from p. 3682, on motion of Mr Dick—

That the bill be now read a second time.

Mr DOWLING (Redlands—LNP) (2.31 pm), continuing: Before lunch I touched on the issue of fortification. Legislation must not discriminate, and it cannot discriminate. I know the examples used were extreme, but that really drives home the point: the law must apply equally to all, and later in this debate I will give evidence which basically outlines where those opportunities are lacking and where those discrepancies take place.

How can those opposite really support this legislation when so many people have come out against it? The Queensland Law Society has concerns, as does the Queensland Bar Association, the Queensland Council for Civil Liberties and criminologist Professor Paul Wilson from Bond University. Many people have raised concerns and questions about how this bill is going to be enacted, how it is actually going to work and how it is going to protect Queenslanders and democracy in this state. Even our own Scrutiny of Legislation Committee has raised serious concerns about it. To proceed with the bill in this form is extremely arrogant. It is fraught with danger. The Scrutiny of Legislation Committee's *Legislation Alert* states—

- clauses 10, 18, 33 and 110 which may have insufficient regard to rights and liberties of individuals as they would require satisfaction of a lower standard of proof than the criminal standard;

That is not addressed. It goes on—

- clauses 10, 18, 19, 24, 28 and 33 allowing the court to consider evidence of past associations;
- clauses 19(1), 29(2) and 33 which may affect rights and liberties of individuals, including freedom of movement;

These issues are significant and are not addressed. It continues—

- clauses 13, 15 and 22-3 which may affect rights to access the courts;

Again, that is clearly out of order in a free society. It goes on—

- clauses 119-20 which would override common law protections of the right to silence;

It continues—

- clauses 10, 18 and 151 which may not be drafted in a sufficiently clear and precise way.

This is our own evidence coming forward that says that clearly this bill should not proceed. It continues—

In relation to whether the bill has sufficient regard to the institution of Parliament, the committee draws the attention of the Parliament to clause 64 which may raise concerns regarding interference with the independence and impartiality of the Supreme Court exercising powers under the legislation.

We are being asked to support this legislation in a position of trust and faith. Quite frankly, Queenslanders do not have that faith and trust in this government following the election. The honourable member for Bundamba, the chair of the Scrutiny of Legislation Committee, in correspondence to the Attorney-General said—

The imposition of civil orders to prohibit certain conduct is not unprecedented and currently exists in Queensland in the Dangerous Prisoners (Sexual Offenders) Act ... Domestic and Family Violence Protection Act ...

It goes on to list a range of other acts, but all of those examples require the burden of proof up-front. It is a completely different scenario, and to use those as an example is just wrong. It is patently wrong, and I am really concerned that this bill will go through.

I remember all of the hoo-ha in Carbrook when a member of the community who had not been found guilty of anything was being chased from pillar to post. The overriding premise from this government back then was that he must be protected, that he must be given those liberties and those freedoms that the rest of us take for granted. Yet here in this legislation we are saying that it is okay to let people who are convicted of crimes of paedophilia or who are suspected of those sorts of crimes roam free but we cannot have that same rule for motorcycle club members. They are the reasons this bill cannot be supported and should not be supported.

I now turn to Rob Messenger MP, the member for—I am trying to think—

Mr Ryan: Burnett.

Mr DOWLING: The member for Burnett. Thank you very much, 'Mr Movember', and I congratulate you. I draw the attention of the House to the bill introduced into this House in 2007 by the member for Burnett. That bill, which is similar to this legislation, was rejected in this very House. The bill failed at its second reading on 31 October 2007 because the government considered that that bill potentially eroded the fundamental right of freedom of association. It is clear; it is concise. The government then was concerned that even innocent participation in an organised criminal group as defined may in some way contribute to the occurrence of a criminal activity by the group. It is clear that we should not be proceeding with this bill based on this government's own version of events and this government's own view of history.

On 30 March 2009 the Queensland Premier noted that since Task Force Hydra's inception police have made 332 arrests in relation to 931 charges including attempted murder, arson, extortion, robbery and drug trafficking. That to me says that the law enforcement agencies are doing their job. They are having an impact. They are winning the battle, and we have given them even more powers since then. We have given them telecommunications interception powers to use modern tools to track down criminals, as it should be.

With regard to the Commonwealth's legislative power to deal with organised criminal groups and organised crime, the Commonwealth Constitution does have limited powers. However, where it is able to tie up all the loose ends and where this really hurts organised crime is that it has the power to legislate in such matters as taxation, banking, national security, telecommunications and border control. That is where we are going to get to the heart of organised crime—through money laundering, through the confiscation of proceeds of crime. That is where we are going to start to get some positive results.

There is a national approach which goes back to April 2009 which is contained in the communique from the meeting of the Standing Committee of Attorneys-General, or SCAG. It shows that Attorneys-General agree that organised crime needs a nationally coordinated response by all jurisdictions. SCAG also noted that to combat organised crime the Commonwealth will consider the introduction of a package of legislative reforms to strengthen criminal asset confiscation—and that is where you start to nail down organised crime—including unexplained wealth provision. That is where you start to drive this legislation and where you start to strike at organised crime. The legislative reforms also included enhanced police powers to investigate organised crime, including model cross-border investigative powers for controlled operations and assumed identities and witness identity protection. That is where you start to drive this issue. Further legislative reforms included facilitating greater access to telecommunication interception for criminal organisation offences. That is where you start to drive this issue. That is where you start to champion the community's concerns about organised crime.

Even Labor's own literature—you would not think that they could have two diametrically opposed positions on this matter—the *Forward with Fairness* document, signed off by none other than the Prime Minister and Deputy Prime Minister, states on page 12 in relation to their industrial relations system, which also goes to the heart of the issue of liberty, that Labor will protect freedom of association and that they will continue to fight and to protect against unfair treatment and freedom from discrimination. These are all the very issues that we are speaking out about.

The legislation is clearly flawed. It has more holes in it than Swiss cheese. We cannot possibly allow it to pass in its current form. I hope that the members opposite are able to sit down and look at some of the amendments that will be moved when we get to the consideration in detail stage. This legislation can be worked into shape. It can be fixed. So many other entities, so many other people have an interest in this legislation. But when the bodies that we will be relying upon to administer the legislation are not happy with it—the Bar Association, the Queensland Law Society, the Queensland Council for Civil Liberties—we find that the government cannot possibly proceed with it.

I remind honourable members of what I said at the beginning of my speech. I again paraphrase the words of Benjamin Franklin that when you sacrifice liberty for security, you achieve neither at your peril. I do not think we can afford to take that risk. I do not believe we can proceed with the bill as it is now. I know that there have been a number of assurances given by the honourable the Attorney-General in various interjections saying that it is all covered, that it is transparent, that it has all of those fail-safes in it, but at this point no-one else can see them. If the Queensland Bar Association, the Queensland Law Society and the Queensland Council for Civil Liberties cannot see them, then there must be something wrong with the bill. The bill must be fundamentally flawed. It is not a case of throwing out the whole bill; it is a case of fixing it. It is a case of dotting all of those i's and crossings all of those t's.

We get one chance at legislation in a very public way. We do not need to be revisiting this legislation after it gets tested in the courts, after cases are jeopardised and after convictions are quashed or overturned. That is the wrong message to send. We need legislation that works the very first time, that is absolutely rock solid, that is above challenge and reproach, that is completely open, honest and transparent, where there are no grey areas and legislation that gets the convictions that we need, because we do not want these people out there. We do not want organised criminal gangs roaming the streets. We do not want that kind of activity on our streets.

I will close with the following comment from a member of the previous Labor government back in 2007—

> The fundamental right of freedom of association is potentially eroded by this bill because even innocent participation in an organised criminal group as defined may, in some way, contribute to the occurrence of criminal activity by the group.

We cannot proceed with this bill in its current form. It needs to be fixed. We need to remember the words of Ben Franklin—

Ms Croft interjected.

Mr DOWLING: The member does not want to hear them again?

A government member interjected.

Mr DOWLING: That is the third time I am getting pinged for repetition. I will not be supporting the bill.

Mr CRANDON (Coomera—LNP) (2.44 pm): I rise to contribute to the debate on the Criminal Organisation Bill 2009. I note that this is a bill for an act to provide for the making of declarations and orders for the purpose of disrupting and restricting the activities of organisations involved in serious criminal activity, and of their members and associates, and to make related amendments to other acts.

Let me put it on the record once again that the LNP is not supportive of criminal organisations. The inference made by the Attorney-General on Tuesday of this week that that is the case was immediately seen by people as an absolute nonsense, that that was simply the comment of someone who sees himself in the big seat—the Premier's chair. Some would say he was muscling up. I thought it looked more like he was prancing and preening—'Look at me. I am the best suitor for the job.' Even when making those comments, it was pretty obvious that the Attorney-General knew that they were not true because when confronted in the interview, when asked if he was saying that there was some deal done, he quickly backed away. Perhaps if the Attorney-General had bothered discussing these matters at length with representatives of these groups he may have a better understanding of their objections to his bill—objections that would be supported by every right-minded person in Queensland, except those members opposite.

The last time I met with a group of bikers was at a Remembrance Day event in my electorate. A few of them were fairly scary looking characters. But does that make them criminals? Of course not. The Attorney-General seems to take the view, 'Well, he looks guilty, anyway.' Why else would he have made such a noise just a few days ago?

Let me paint a picture of a strongarm activity that I have become aware of recently. It started some time ago and it was about a group. Let us call them the Bolshevik Bikers. They got wind of some action being taken by another group that did not make the first group very happy. It should be pointed out that many of the Bolsheviks were diligent types—indeed, very good citizens—but there was an element among them that were, to say the least, a strongarm mob. You know the type—twist your arm up your back, bullyboys, some were outright thugs, in fact. 'Just do it or else' is their catchcry. There was a lot of money involved, too—certainly enough money to make the Bolsheviks want the lion's share to go their way.

The second group was, broadly speaking, made up of law-abiding citizens as well. We will call them the Minions Mob. The Minions were under the Bolsheviks' thumb for a long time. When the Minions wanted to go down a particular path, if it was not to the Bolsheviks' liking, in came the bullyboys.

A government member interjected.

Mr CRANDON: Does the member like the story? Does he know where we are going with this story? It was, 'You'll do as I say, because that is what the boss wants and look out if you don't, you'll pay for it. It will cost you plenty.' The members know where the story is going, do they not? Clearly, this is not a good situation for the Minions, but they do not really have a choice in the matter because the Bolsheviks have the upper hand. They have the firepower—they have the bullies and the thugs.

Given the elements of this bill, respite may be in sight for the Minions. Clearly, the Bolsheviks fit the bill. Illegal activities have been proven. Indeed, some of their number are in jail. Others are under investigation. Therefore, let us paint all of them with the same brush. That is the outcome of this bill. Let us make it illegal for them to consort with each other. The government of the day says, 'Yes, let's pass this bill and get after them, the sooner the better.'

There is a problem, of course. The Bolsheviks are the ministerial advisers who, under the boss's instructions, are to make things happen and fast. The Minions are the bureaucrats who are bullied and pushed out of fear of retribution. Of course, in this case there is sufficient evidence to make them the subject of a CMC inquiry, which is going on as we speak. The irony is that we have heard the other side crying out, 'Don't paint them all with the same brush.' We have heard them cry all week—'Don't paint them all with the same brush. This is a different story. This mob is different. These Bolsheviks, they are a different mob. The Bolsheviks are not all bad. It is wrong to paint them that way. They are innocent until proven guilty.'

Just because one or two appear to have been bullying and arm-twisting, it does not mean that there are others in their ranks. We hear the jeering from them when we say, 'Let's have a closer look. Where there is smoke there is some fire.' We are not suggesting that they all be punished without evidence, simply that we should conduct an investigation to see if there is anything there. There is no suggestion of undermining their civil rights. Contrast that with this legislation and the idea of guilt by association: 'If one person is guilty another probably is, too. A person looks like them so they are probably guilty. We will take away their civil rights.' That is what is just plain wrong with this bill.

I call on all those on that side of the House to see that the comparisons I have made here are valid ones. I call on them to look through to the result of this unacceptable aspect of the legislation. The loss of citizens' fundamental rights is what we are talking about here today. Those opposite do not want civil rights to be taken away from the Bolsheviks but are happy to take them away from these other organisations. I say to government members: do the right thing, cross the floor and vote this bill down.

Mr FOLEY (Maryborough—Ind) (2.50 pm): I rise to participate in the debate on the Criminal Organisation Bill. I must say at the outset that I have rarely been challenged in terms of the ethics of a debate like I have been challenged in relation to this bill. I also want to acknowledge the Attorney-General and the generous time that he gave me last night as we had a very thorough one-on-one discussion about the philosophy of the bill.

Others today have elucidated the technical aspects of the bill, and I do not propose to do that. I particularly enjoyed the member for Clayfield's contribution, which was a tremendously educational summary of the history of civil rights and gathering together as groups. I must also say at the outset that I am a member of the Ulysses bike group, the old blokes who like riding bikes. I ride a Harley V-rod, which I absolutely love, that is being customised right now.

Ms Darling interjected.

Mr FOLEY: I take the interjection from the member for Sandgate. I did ride it down. There is nothing better than a beautiful ride on a Harley on a fine night. The research team in the library has prepared an excellent research brief on this topic. The executive summary states—

> Since what has become known as the 'Milperra Massacre' ... there have been newsworthy spates of violence and fatalities involving bikie gang members ...

People are often very confused about the terminology. Someone rides a Harley and suddenly everyone pronounces them a bikie. There has been all sorts of terminology—'bikie', 'biker', 'two-percenter' and so forth—and people are very confused about these particular things.

There was a fatal brawl at Sydney Airport in March 2009 involving members of rival motorcycle gangs—in this case the Hells Angels and Comancheros—during which a man was bashed to death. Of course, when something like that happens it tends to get top-of-mind attention in terms of media coverage.

Let me also say at the outset that I have many, many friends, some of whom are involved in what people would call outlaw motorcycle gangs. They are people I have known for a long time through various connections. They are not people that I am close friends with but people I have certainly associated with discussing motorcycles and all sorts of other things over a long period of time.

I think one of the things that we need to be very clear about is that there would not be a member of this parliament who does not fully endorse the sentiments of the Attorney-General and what he is trying to do in bringing in this legislation. I have absolutely no time whatsoever for criminal activities, for people who just use motorcycles as an excuse to indulge in criminal activity. There are people who are hardened criminals who happen to ride motorcycles. I think of a particular bikie group in Sydney that has become very, very famous for a strong Middle Eastern connection. A lot of those people do not even ride motorcycles at all. How that becomes a bikie group is beyond my intellectual capacity to understand.

What we are talking about here is serious and very, very organised crime. We must take that out of the equation. It was interesting that when the Attorney-General first mentioned this bill about bikies and organised crime I think there was unilateral support. But I note that the bill has become much bigger than just a 'bikie bill', and that leads to some of the concerns the opposition has.

On the face of it, and in fact as it is drafted, this bill appears to have very little to do with the alleged bikie crime wave and the threats posed by it. I do not always agree with everything Terry O'Gorman says, but on this one I do have some sympathy with his criticisms. In fact, I think he has actually let the Labor side of politics off fairly lightly by restricting his criticism.

There are two main concerns that I have with the legislation as drafted and presented. As I discussed with the Attorney-General last night, I am concerned that it is too broad in what it leaves open to interpretation in terms of enforcement and its proposed protection of informants by not allowing secret informants' details and/or information to be accessed, scrutinised and questioned in court. It is potentially a very dangerous precedent. On the face of it—and other people have set this out much more clearly than I will—it is a very denial of the basic civil rights of anybody charged with anything.

The process of declaring a criminal organisation I think is reasonably simple in that if it is a known criminal organisation and it can be demonstrated that there is ongoing criminal activity an application can be made for that to be determined as a declared criminal organisation. Then control orders, which are an individual thing, can be placed on people individually in that organisation.

I acknowledge that the Attorney-General is trying to be very proactive. Let me say that I agree with his proactivity in terms of crime. As I said, I agree with the intention of the bill. I am just not sure of the delivery of some of the particular things here. There is a public interest monitor who can look at the information, but a person cannot see the information if they are deemed to be a person who should have a control order. To me that seems to be a denial of those basic principles of justice. For instance, receiving stolen goods carries a maximum potential jail sentence of seven years, as do many other crimes on the statute books of Queensland. A kid could go down and steal five yo-yos from a toy shop and give one to a friend of his. That friend could be deemed to be receiving stolen goods.

Ms Grace: I don't think the Supreme Court is going to say that.

Mr FOLEY: I take the interjection from the member for Brisbane Central. The Supreme Court obviously will not lock up someone for distributing yo-yos. What we are saying is that once one starts to fiddle with the basic precepts of the rule of law when it comes to dealing with people I think one finds oneself on a slippery slope. Legal detriment can be established without the opportunity of an individual to refute evidence against them. That could clearly be construed as a denial of natural justice. If someone is deemed to be a person who is worthy of a control order then basically it is open slather and they have no way of actually defending themselves. That is probably the major concern that I have with this legislation.

The government and other proponents of the legislation will claim that these measures are aimed at so-called outlaw bikie gangs involved in illegal or criminal activities. That may well be the case, and with the best of intentions that may well be how the act is administered. That goes back to what the member for Brisbane Central was saying. We have faith in the justice system to act with scrutiny and common sense. However, that may well be how the act is administered by the incumbent generation of politicians and bureaucrats who have drafted the bill, but what about what the bill actually says and how it could be used in the future by other regimes. As it stands, the bill could in fact lead to active and very

pointed discrimination against groups or interests or individuals seen to be opponents of the government of the day. And my how we have shifted. I have long said in this House that there has been a melding of politics. I see the Labor Party as having moved extremely to the right and I think the conservative parties have moved to the left. So there is very much a centrist position.

Mr Kilburn: Not in reality.

Mr FOLEY: I refer the member to other mustachioed gentlemen such as Peter Beattie, Jim Soorley and co who would have rolled in their political graves at some of the principles that are being espoused here. The Labor Party traditionally has fought very, very hard for the recognition of civil rights and the right to a fair trial. I see this as being a distinct philosophical move away from that position. Having said that, again I applaud the Attorney-General—and I said this to him last night—and I could not agree with him more on the fact that we need to absolutely crack down on violent crime. I think most members would agree with that. What we are saying is that maybe the wording of this could be tightened up.

As I said, the bill once enacted could be interpreted or acted on in an extremely wide manner. If, as the bill's preamble and explanatory notes indicate, the measures are designed to curb, control or prohibit criminal activity by bikie gangs and/or other perceived subversive groups perceived to be acting against the public interest—whether for security or other reasons—then why does the bill as drafted not specifically say so and target those particular groups? In fact, it does not. As the explanatory notes indicate, informants will not be called to give evidence at a proceeding. But that is not the end of it. The explanatory notes go on to state—

The respondent to an application will be denied access to criminal intelligence information. Also, the court and—

the Criminal Organisation Public Interest Monitor—

can not call an informant or operative for the purpose of testing the veracity of the informant's evidence.

Imagine how that could work out in the hands of unscrupulous police or criminals seeking to square up with their ex-mates and/or enemies in the shady world of criminal activity. On any understanding of the premise of justice and equity for all before the law, I believe this to be an unacceptable proposition. There should surely at the very least be the opportunity for any party to the action to apply to an independent authority—perhaps a panel of Supreme Court judges—for access to specific information forming the basis of charges against them to enable examination, scrutiny and questioning as to the veracity and the motive of those charges that are being levelled against them.

In summary, while I believe that the government is proposing this legislation with the very best and most admirable of intentions—and I could not say that too clearly—I believe that the drafting is too loose and very much overreactive in providing the instruments for future regimes to misuse and potentially abuse these powers in the bill as drafted to restrict the legitimate civil rights of all sorts of groups that the government of the day, even if it were a different government from this one, at any time could quite improperly discriminate against for a whole range of motives.

I believe that it poses a number of dangerous precedents because of its broadbrush approach and must be made more specific to target the specific groups and/or subversive elements. Some would claim that the police already have the powers to target crime. If this bill, general in its nature, comes on top of that, it could be seen as double handling or a double standard. Whilst I absolutely applaud the Attorney-General and I think that the intent of this legislation is absolutely sound and that as a community we need to have the guts to stand up and say, 'We will not accept being intimidated, threatened and having our security curtailed by criminal elements, be they bikies or otherwise,' I stand by my comments and ask the Attorney-General in his summing-up to address some of those concerns that I have raised about civil liberties.

Hon. DM WELLS (Murrumba—ALP) (3.04 pm): I rise to support the government. It has been widely published, but not by me, that I have expressed reservations about this bill. I will state those reservations here, but I do not imagine that my own judgement outweighs the collective wisdom of my colleagues. Therefore, despite their kind invitation, I could not in conscience accept the challenge of opposition members to cross the floor on this issue. To do so would be to betray everyone who voted for me on the understanding that I was a Labor man and I will live and die a Labor man.

Before I indicate my reservations, let me make it clear that my views are not based on a civil libertarian philosophy or even on a spurious civil libertarian philosophy such as that articulated by honourable members on the other side of the House. The indefinite sentencing provisions of the Penalties and Sentences Act were my personal initiative when I was Attorney-General. They provided the model for all other dangerous offender provisions that we have enacted since. I believe that the general good is the chief criterion for the making of laws and the protection of society is the basis for the criminal law. I am prepared to accept even major limitations on individual liberty provided, in all the circumstances of the case, the protection of society requires it. My record shows clearly that I have no problems with tough criminal laws so long as they are justified in the circumstances.

The reservations I have are three. First, this bill allows a citizen to become a controlled person on the basis of criminal intelligence, which means whatever information, correct or otherwise, the police happen to have on file. It needs to be understood that criminal intelligence can include every report the police have received, whether true or false, whether well meaning or malicious. If you have enemies—and many people including high-profile people like people in this House do—then it is likely that false and malicious claims about you are on police files and constitute criminal intelligence. Moreover, the intelligence that will be presented to the court will not be made known to the person who is to be made a controlled person. They will not hear the evidence against them. They will not be able to contest it. Such extraordinary measures can of course be justified if there is a real and present danger such that no other course of action could avert. On this point, while I have no evidence that such a real and present danger exists, I can only accept the assurance of my senior colleagues who know whether there is.

My second reservation relates to the fact that liability under this legislation is established in part by association. Nobody gets to be a controlled person just because of who they know. They also have to have a criminal record or to be judged, on the basis of intelligence, to be engaging in serious criminal activity. They also have to be associating, for purposes judged, on the basis of intelligence, for criminal purposes. Nevertheless, guilt is established under the bill in part by association. Guilt by association, as a basis for law, does not have a completely unblemished history in this world. We should not be doing this unless there is a real and present danger that makes it necessary and there is no other way of doing it. Again, I would not directly be party to information that would establish that, and I can only accept the assurance of my colleagues who are that such a real and present danger exists.

My third reservation relates to strategy. Organisations that are declared criminal organisations often continue their existence underground. It becomes harder to monitor them, harder to get information about them, harder for law enforcement authorities to infiltrate them. The CMC at the moment has telephone tapping powers, the capacity to hold coercive hearings where persons of interest are compelled to provide information and a witness protection program. All of these things tend to work better in many cases if the organisation is not underground.

I hope when this legislation is passed that great care is taken before a decision to declare an organisation is made and deep consideration is given to what law enforcement advantages are lost as well as what are gained by a declaration.

Having expressed these reservations, I will not in these circumstances refer to them again either inside or outside the House. I thank the Attorney-General and the police minister for their unfailing courtesy and patience during the consultation on this bill. I thank them for their open-mindedness in the course of that consultation and for the generous changes they made—for example, the removal of certain of the association offences. They have shown great integrity in this process. I hope when that process is complete the objectives they seek with this bill will be achieved.

Mrs ATTWOOD (Mount Ommaney—ALP) (3.10 pm): I rise in support of the Criminal Organisation Bill 2009 and commend the Attorney-General and the Minister for Police for their work in putting this bill together. Personal safety and adequate policing is always rated as highly important by people in the Mount Ommaney electorate. I would like to pay tribute to all of the wonderful officers in the Queensland police force, particularly my local police at the Mount Ommaney and Sherwood police stations who I contact on a regular basis to sort out some of the issues that arise in the local community. They also work very well with the local Neighbourhood Watch groups.

This bill is about ensuring our laws strike the right balance between protecting the community and protecting the rights of individuals. It is particularly disturbing that a recent investigation by the Australian Crime Commission revealed that organised crime groups and some outlaw motorcycle gangs infiltrated private security firms that control hotels and nightclubs in order to take over the distribution of drugs, such as ecstasy and amphetamines. The structure and methods of organised crime pose a challenge to the traditional processes of the criminal justice system which are designed to prosecute and punish proven criminal activity committed by individuals.

Governments acknowledge that police need more than traditional powers when dealing with organised crime. Successful prosecutions of members of organised criminal groups have previously been hindered by intimidation and violence towards witnesses and investigators, and this bill provides an additional method of combating organised criminal activity. Members of some outlaw motorcycle gangs and other criminal organisations pose a serious threat in Queensland. Members of these gangs have been involved in activities such as attempted murder, extortion, drug production and trafficking. This is the extent of the problem this government has to deal with, and the opposition believes that we should sit on our hands.

Of course, just because one or two people are guilty of corruption does not mean that this applies to the whole group. There are many examples of this in our society, including in the Police Service and even in the parliament. One bad apple does not mean that the whole group is just as bad, and we cannot lump them all together. I know that there are many very good motorcycle groups, particularly in

my electorate, and some very, very good people within those groups who do some great things for charities and young people in Queensland and who are outstanding and law-abiding members of the community.

This is a bill that is tough on the offenders but contains safeguards and protections to ensure that it is not used against good citizens who have not participated in illegal activities. This legislation is targeting serious criminal activity and not law-abiding people involved in motorcycle groups. The purpose of this bill is to disrupt and restrict the activities of organisations involved in serious criminal activity, principally by dismantling the membership of such organisations through a range of mechanisms, in particular orders made by the Supreme Court of Queensland.

This bill allows for criminal organisations to be declared by the Supreme Court upon application by the Police Commissioner and to be liable to have control orders imposed upon them. Members of the community will be limited in the contact they can have with members of declared organisations and persons subject to a control order. Control orders will also prevent controlled persons from working in areas where they might gain information beneficial to criminal organisations—for example, within the police department. Likewise, they will restrict employment of controlled persons in certain industries where a licence is required prior to employment—for example, as a bouncer in the security industry.

Legislation similar to that proposed in this bill has been introduced in all of Queensland's neighbouring states and territories—South Australia, New South Wales and the Northern Territory—and the Commonwealth has undertaken to implement a range of reforms aimed at addressing organised criminal activity, such as unexplained wealth provisions similar to those Queensland already possesses. This bill will act to deter the displacement of organised crime in other states into Queensland. This government will not stand by and allow organised criminal gangs to get a serious foothold in this state.

Opposition members have had four positions on the legislation this week and they have failed to demonstrate that they are able to tackle the difficult issues concerning criminals in Queensland. They choose to ignore serious criminal activity. They fail to protect the broader community. Our government has ensured that there are sufficient safeguards—such as a special Public Interest Monitor—to protect civil liberties and the public interest. I commend the bill to the House.

Mrs PRATT (Nanango—Ind) (3.16 pm): I rise to speak to the Criminal Organisation Bill. I would like to say right from the start that I would love to support this bill—I really would—because I think, of all the people in this House, I am one who believes the law is often too lenient. I believe people get a smack on the wrist but, as far as I am concerned, those people who commit murder or any of the crimes that this bill is addressing can rot in hell. I often feel the judiciary lets us down, and I have never been shy about saying that. I know the police are often very frustrated about the way things turn out for them. Sometimes people get arrested but then they only get a smack on the wrist et cetera, so the police feel let down.

The first paragraph of the Attorney-General's second reading speech stated—

Members of outlaw motorcycle gangs and other criminal organisations have been involved in activities such as attempted murder, extortion, drug manufacturing and distribution and pose a threat to Queensland.

A lot of people are involved in all of those things, not just outlaw motorcycle gangs. If this particular bill pertained just to outlaw bikie gangs, I would be happy to support it, but, as many people have said, bikies are not mentioned in the whole document. The bill does not actually mention them. So that is the first reason I will not be supporting the bill.

I am not a legal person and I am the first to admit that. All of us in this place should be taking guidance from people who are well versed in all forms of the law, so I have taken guidance from lawyers, QCs and others and I have not received one legal opinion that supports this legislation—I will repeat that: not one. There has been support for parts of it, yes, but support for the entire legislation, no.

I have received, however, numerous concerns about people's rights and liberties. Why don't any of these legal eagles—the barristers, lawyers and any others who study the law—agree with this government? Why aren't they convinced by the Labor government that this is the way to go? Why haven't they been able to see what the government says is very easy to see, something that it says is so blatantly obvious? It is because what the government believes this bill does and what the bill actually does are two different things. I think that is a shame.

As I said, any individual is capable of engaging in the actions of murder, extortion, drug manufacturing and distribution, and they all pose a threat to our society. Many people driving on the roads pose a threat to society and Queenslanders, but we do not suggest that they be removed from the roads until after they are found guilty and after there is some proof that they have done something wrong. It is not done on a whim; it is not done because you thought it might happen.

I would like to quote Brisbane barrister David Cormack. When the bill was first introduced, he stated—

> There has been much media attention in respect of 'anti-bikie' styled legislation ... There is general concern that its application is far reaching and not limited to bikies.

We all agree on that. I note his phrase 'general concern', so this is not just his opinion. Obviously, this has been discussed far and wide within his own circle, so therefore there is a general concern throughout legal circles. That raises a lot of concerns with me as well.

Each and every one of us has probably received correspondence from the Council for Civil Liberties. While some of the issues may have been addressed, there is still a lot of scope for concern within that document that was forwarded to each and every one of us. The biggest concern that I can see in this bill, as described by QCs and many of the other legal eagles I have spoken to, is 'a trampling of due process by the government which is continuous'.

Let us have a look at this government's performance on due process. Each and every member of this House is entitled to speak on every single bill for 20 minutes. Whether we choose to speak for two, five or 15 minutes is of no account, but we are entitled to speak on every bill. I have asked the library to do research for me and get data on how many times debate on bills has been guillotined in this House. It is a trampling of people's rights which comes into question. Just so the House is aware, Premier Beattie's record was well above Goss and Borbidge—quite considerably above. In this Premier's reign, the record is almost double that of Beattie's, and if things continue at the current rate it will match pre Goss—and we all know how bad that was. That is something I think the Premier needs to know, because this is treading on due process.

Madam DEPUTY SPEAKER (Ms Farmer): Order! I ask the member to return to the purpose of the bill.

Mrs PRATT: I certainly will. I am just setting the groundwork to show how this government has trodden on and continues to tread on due process.

In this bill we see terms such as 'tend to prove', 'hints at' and 'suggests a link with'. I am putting on weight, and that could suggest that I am pregnant. Or the fact that I was talking to somebody could suggest that I had a link with that person. Well, I do have a link with them because I was talking to them. And, no, I am not pregnant, thank you very much. Miracles do not occur in this place, I have found, but in saying that it could suggest that I am. That is what is wrong with this bill: it 'hints at', 'tends to prove'. There is nothing concrete. We do not condemn people on that sort of information. We do not condemn people for anything unless we know, and that is what we should be doing. We should be making laws that say, 'You get the information and you can go and do what you have to do,' but we do not hide that information from the people concerned. We lower the standards every single day when we do that, and we are to be condemned for that ourselves.

I think that is the most grave thing we could be doing. Why do we not go back to inquisition times, when I could say that you are a witch, Madam Deputy Speaker. Can you prove that you are not? That is what the government is asking people to do: to prove that they are not guilty in many other ways. Nobody is infallible. We should not be judging anybody on 'perhaps' and 'might', and they are the words that are in this bill. It is downright disgraceful, and I am appalled that anyone would think it is the right and proper way to go.

Our police do need powers, and they have them. The Attorney-General in his second reading speech stated—

> It should be noted that the Queensland Police Service already possesses extensive powers to attack crime, including those powers set out in the Police Powers and Responsibilities Act 2000.

I agree with him totally. They have a lot more powers than they have ever had before. There are means of doing things the right way. This bill is not doing it the right way. It does trample on people's civil liberties and, yes, some people will slip through the net. They always have and probably many more will in the future, but that does not mean that we have to reduce our laws and bring them down to a level that matches the criminals. They are the ones who need to realise that we will do everything the right way. We do not have to stoop to lower levels to ensure we get justice. Bad things happen often, but it is better to err and be right. That is the way we and this House should be looking at doing it.

I believe that outlaw bikie gangs will change their name, they will go underground, they will find ways and means around legislation and we will be continually changing the law. By all means, attack individuals, get the evidence, crucify them if you have to, but get them the right way. You do not have to penalise the majority for the few. I believe that in the long run this bill will be utilised in a way that is perhaps not intended today. I am not saying that the Attorney-General is planning to do anything wrong. All I am saying is that in due course it could be used in a manner that is not appropriate, and this is definitely not a bill that is appropriate for this House.

Freedom of association is our right, and this bill tramples on that right. I know a lot of bikies. I want to refer to a recent incident in our area where a bikie group—a known bikie group, I might add—went to a fundraising activity for a football club. It was called a 'bike and tatt show'. I do not like tattoos, but I do not condemn people who have them. I love being on a bike, but I do not think that makes me a criminal. I go riding with motorbike groups on charity rides as a way of supporting fundraising activities in my community. I know, and I have received many reports, that because it had something to do with a bikie gang the police allegedly said they were going to target that function. Whether that was the word the police themselves used I do not know, but that was the word that the people running the fundraiser used—that they targeted their function. They did not target the Lions function the next weekend. The fact that they had tatts, rode motorbikes and made a lot of noise—that is the intent of the fundraising activity at the showground to attract people—does not make them bad on that particular day. It does not make them bad, full stop, because there are a lot of people who do enjoy bike rides and go for miles. It is a stereotype that all bikies grow a beard and are scruffy—as a lot of them are, perhaps in our viewpoint—and they have to be up to something. It is not necessarily true.

I do not believe that this legislation is well written. I do not believe it is doing exactly what the Attorney-General has in mind. I do agree that criminal bikie gangs and their members must be targeted in a more specific way, but this legislation is too broad at this point in time. I think in time it will be abused. In fact, I am positive it will be abused. In time I think it will be a regrettable move by this government. I have not yet heard anyone in the opposition say that they are going to amend it in the future or totally get rid of it. I do not know if anyone from this side of the House is going to say that. I would like to hear at least one person stand up and say that when they are in government they will tighten it, that they will amend certain parts which are detrimental. In saying that, I would have loved to support this piece of legislation but, as I said, it is far too broad and it does infringe on people's rights and liberties.

Mr McARDLE (Caloundra—LNP) (3.29 pm): I rise to make a contribution in the debate on the bill before the House, the Criminal Organisation Bill. In August of this year Andreas Schloenhardt published a work under the auspices of the United Nations Office on Drugs and Crime titled *Palermo on the Pacific Rim: Organised crime offences in the Asia-Pacific region*. The publication runs to some 300 pages and deals with organised crime offences in the Asia-Pacific region, including Canada, New Zealand, Australia, China, Hong Kong, Macau, Taiwan and a number of others.

It also discusses the Racketeer Influenced and Corrupt Organisations Act, or RICO legislation, in the United States. Schloenhardt's publication is an indepth analysis principally of the legislation that exists in various countries dealing with organised crime. At page 15 the author states as follows—

Four main types of organised crime offences are identified in this study. These include:

1. The conspiracy model, found in the Convention against Transnational Crime and in jurisdictions such as Australia, Singapore, Malaysia, Brunei Darussalam, and several Pacific Island nations;

2. The participation model stipulated by the Convention against Transnational Organised Crime, and also adopted in Canada, New Zealand, New South Wales, PR China, Macau, Taiwan, the Pacific Islands, and California;

3. The enterprise model based on the US RICO Act, which is also used in many US States, and the Philippines;

4. The labelling/registration model of Hong Kong, Singapore, Malaysia, Japan, New South Wales, and South Australia.

The author then proceeds to discuss at length the relevant legislation covered in each of the jurisdictions. Under the heading of 'Specific recommendations' at pages 297 and 298 he states as follows—

... a number of key recommendations emerge from the analysis.

First, insofar as the specific offences relating to organised crime are concerned, it is advisable to create a set of provisions that differentiate between different types and levels of involvement in a criminal group. Separate offences should be designed to distinguish the various roles and duties a person may have within a criminal organisation. The offences should also recognise any intention or special knowledge an accused may have. Specifically, countries that have not already done so should consider introducing a special offence for organisers, leaders, and directors of criminal organisation who have the intention to exercise this function and have a general knowledge of the nature and purpose of the organisation. Furthermore, legislatures should criminalise persons who deliberately finance criminal organisations, especially if they seek to gain material or other benefit in return.

Second, legislatures should explore the creation of offences (or aggravations to offences) targeting the involvement of criminal organisations in already existing substantive offences. This may include crimes such as 'selling firearms to a criminal organisation', 'trafficking drugs on behalf of a criminal organisation', or 'recruiting victims of human trafficking for a criminal organisation'. Here, the organised crime element operates as an aggravating factor to offences commonly associated with organised crime, justifying the imposition of higher penalties.

Third, any definition of 'criminal organisation' or of similar terms should be designed to reflect the unique characteristics of organised crime. Such a definition must also ensure that this legislation is not used against legitimate groups, political parties, or organisations pursuing religious or ideological causes, no matter how criminal their pursuits may be. The prevention and suppression of organised crime offences must not be used as a pretext to eliminate political rivals, outlaw social groups, or to combat terrorism. Any definition of 'criminal organisation' must therefore reflect the structural features and the specific purposes of organised crime. It is desirable to limit this definition to organisations with a proven functional connection between the persons constituting the group, a continuing existence, and with the purpose to gain illicit profits or other material benefits.

Within the three stated principles there is much room for debate, particularly in relation to some elements contained within point 3. That debate can and may be had at another time, but there are certainly matters contained within those three points that, in my opinion, need further investigation and there would be some that we would support in a comprehensive bill to attack organised crime. There may also be other provisions, not referred to in the publication, that would also be incorporated in such legislation.

However, running through those three proposals is a structured arrangement that deals, firstly, with the hierarchy of an organisation, secondly, with the offences they commit and, thirdly, with the organisation as a whole in what could become comprehensive legislation. The publication is a well researched document which provides an excellent overview of various pieces of legislation in our region.

One question is, of course: does the bill before the House resemble that structure so as to make it an effective tool against organised crime? Certainly there are elements of the third point raised in the publication that do appear in the bill. But is that sufficient to warrant this House passing the bill?

In this House on 31 October 2007 the then Attorney-General, the Hon. Kerry Shine, in opposing a bill of a similar type—but certainly not identical—introduced by the honourable member for Burnett, stated as follows—

> The government opposes this bill as it is ill conceived, unnecessary and aims to extend the basic principles of criminal liability to guilt by association. The fundamental right of freedom of association is potentially eroded by this bill because even innocent participation in an organised criminal group as defined may, in some way, contribute to the occurrence of criminal activity by the group. No specific act or omission by the accused is necessary and no specific criminal act or activity need be contemplated by the accused for the offence to be committed.

At a later date the then Attorney went on to say—

> A one-size-fits-all response is therefore not the answer to this complex problem. In any event, such an approach is unlikely to be effective in targeting organised criminal groups which may operate under the cover of legitimate business enterprises and with a high degree of sophistication. For those reasons, the government will oppose this bill.

The then Attorney-General was making it quite clear that guilt by association could not and would not be supported by the government as the basis for deeming an organisation or indeed an individual subject to criminal sanctions. The questions for this House are: does this bill provide that guilt by association is a sufficient nexus to deem an organisation or a member subject to an order under the bill; and, equally importantly, does the bill as it stands provide sufficient safeguards to ensure the rights of the respondent are protected and does the bill have sufficient provisions to ensure rigorous examination of the material presented to a court by that court or is the court made to be an extension of the executive?

In relation to the former, a court, under the terms of this bill, may make a declaration that the respondent is a criminal organisation if it is satisfied that the respondent is an organisation which is defined to be three or more people who associate for the purpose of engaging in or conspiring to engage in serious criminal activity and if the organisation is an unacceptable risk to the safety, welfare or order of the community. The words that appear in the bill fall squarely into the opening statement by then Attorney-General and Minister for Justice, Kerry Shine. That is that association is the main principle under which the bill deems an organisation a criminal organisation. I do not intend to traverse the same ground. It has been covered many times in the debate today. I will leave that issue for the debate on the clauses.

Of real and additional concern when one reads the terms of the bill is how the Supreme Court is required to come to its decision before issuing the appropriate declaration. I believe the Minister for Police, Corrective Services and Emergency Services correctly stated the conundrum of the degree of rigour required or imposed by the court when applying the facts to the law in determining whether a declaration should be made. The minister when he addressed the bill made this comment—

> As the Attorney-General spelt out in his second reading speech and as a number of speakers from this side have said, this legislation is targeted fairly and squarely at individuals and organisations, proven in a court or accepted by a court to be involved ...

The important phrase there 'is proven in a court or accepted by a court'. In essence, the minister has raised a very serious point which goes to the very crux of the LNP's opposition to this particular bill. Under this legislation guilt is not required to be proven. The court merely is required to accept that the requirements of the terms contained within the bill have been met allowing them to make a declaration.

There is a significant difference between the two terms, and it is the wording of the legislation which highlights one of the dangers raised by the Bar Association, the Queensland Law Society and the Council for Civil Liberties. It must never be forgotten that this is a penal bill from which strong consequences flow if a declaration is made. Naturally the court will look very closely at the wording of any legislation to establish its obligations under its terms. We know that in South Australia the full court struck down section 14(1) of the South Australian act as invalid. Of course that section is not replicated in this bill. However, there will more likely than not be a challenge to the terms of the bill before the

House after it passes. It is impossible to gauge what the result of a challenge will be, but one imagines the court is going to closely scrutinise the language that requires an exercise of its criminal jurisdiction and it will be further cautious when the impact of a declaration it makes under the terms of this bill will be so severe.

The required standard of proof in the legislation is one of the real concerns for the opposition. Again, here the court is being asked to make a declaration in what is, in essence, an exercise of its criminal jurisdiction. That issue, together with other provisions, causes real concern for the opposition. The question comes down to whether the bill sufficiently protects the independence of the Supreme Court and/or fails to protect the rights of a respondent. The opposition believes that the answer to both questions is that the bill fails to provide either protection. Certainly we will be raising those and other concerns with the Attorney-General during the consideration in detail stage.

The Attorney-General and members of this House are also aware that under current Queensland, and indeed Commonwealth, legislation there are powers that exist to assist fighting organised crime in this state, including powers of the crime division of the CMC to use compulsory interrogations under oath; the interception of communications by the use of listening devices and now telephone intercepts; the use of warrantless searches, covert search warrants and electronic tracking devices authorised under the Police Powers and Responsibilities Act 2000; the use of undercover operations, or controlled operations, authorised and protected under chapter 11 of the Police Powers and Responsibilities Act 2000; the seizure and confiscation of assets used to commit crime and the forfeiture of the proceeds of that crime under the Criminal Proceeds Confiscation Act 2000; and the tracing of the money trail using the facilities of the Australian Transaction Reports and Analysis Centre acting under the Anti-Money Laundering and Counter-Terrorism Financing Act 2006, which is a Commonwealth act. An article by Tim Meehan in *Lawyers Weekly* states—

> The erosion of the public's rights, once started, can quickly accelerate because police will argue they need more powers to pursue criminal organisations, because, inevitably, laws such as these will drive criminal organisations deeper underground and have a reverse effect on policing and law enforcement.

I look forward to debate on the clauses.

Mr ELMES (Noosa—LNP) (3.42 pm): I rise to make a contribution to the debate on the Criminal Organisation Bill 2009. When I was 17 years of age I took a decision to join the political party of my choice, which at that time was the Queensland division of the Liberal Party and of course is now the Liberal National Party. At the centre of the beliefs of my chosen political party lie the rights of the individual. The individual is paramount. We on this side of the House believe that the individual is to be nurtured and encouraged, supported and assisted, and able to remain autonomous, trusted and capable of making his or her own decisions. The Labor Party, on the other hand, has always stood for the power of the state and central control. In many instances this results in stifling the individuals in our community from striving to achieve and attain the best they possibly can.

Whatever else might emerge in policy areas, the public will always be able to distinguish between the policy positions of the two major parties. The core belief in the rights of the individual as against the rights of the state puts the LNP and Labor at opposite extremes of the spectrum, and so it is with this legislation. The bill before us today in my opinion dumbs down the prosecution of crime in this state. It seeks to put another layer of laws over the top of all of the other rules and regulations that Queensland already has and which our police force and other agencies struggle to administer due to being underresourced.

What we have seen introduced in Western countries since the cowardly murder of thousands of innocent civilians going about their daily work in the twin towers of the World Trade Centre in New York on 11 September 2001 has been the erosion of civil liberties. The erosion has extended like a creeping paralysis. It has occurred consistently and relentlessly. This continuing erosion is to be deplored. We have seen introduced a suite of antiterrorist legislation including the reintroduction of sedition laws and constraints on access to information which should be available to the public. We even have the media striving to access what should be public information, and overwhelmingly the public does have the right to know.

I have watched the new Attorney-General very carefully over the past couple of sitting weeks, and there is no doubt in my mind that he is a very shrewd, cunning and intelligent politician. He is also a very ambitious one. Every word he utters in this place is for effect. He has used the time in the lead-up to debate on this bill to stake out credentials on law and order for consumption both within this parliament and in the wider community. The fact is that, when it comes to law and order and the enforcement of law and order and the call for greater penalties and sentencing for law and order, the Labor Party is always found badly wanting.

In my opinion, there are sufficient laws and sufficient powers already existing in Queensland to target criminal organisations and make them pay dearly for the damage and destruction, both in human life and in property, that they inflict upon us all. This so-called challenge that we keep on hearing about from the Attorney-General really is a smokescreen. Like so much of the legislation that we see from the Labor government it is spin, not substance; it is headline for Labor and no jail time for criminals.

Let us be very clear. Every person in this House knows how consistent I have been on law and order, and my contributions to debate calling for tougher penalties for criminals are on the record and are beyond dispute, and so a reasonable expectation at first glance is that I would support the Criminal Organisation Bill 2009. And I would, if I believed for just a minute or so that this piece of legislation could actually have some effect. We all know what South Australia tried to achieve with the so-called antibikie legislation known as the Serious and Organised Crime (Control) Act 2008. The Northern Territory introduced the Serious Crime Control Bill 2009 in June this year. Western Australia seeks to take what it considers to be the best from South Australia and New South Wales for its legislation. However, in Victoria the Deputy Premier and Attorney-General, the Hon. Robert Hulls MP, said—

... that focusing on membership of bikie gangs rather than criminal behaviour was not enough to address serious and organised crime in the complex and changing environment the country faces.

He went on to say—

... there was no evidence to suggest that legislation to criminalise outlaw motorcycle gangs, including the laws introduced in South Australia, has been effective in addressing organised criminal activities of these groups.

I agree with the Victorian approach. There is a raft of laws available to the police and other law enforcement agencies to hunt down and prosecute individual members of organised criminal groups, be they illegal motorcycle gangs or some other organisation. What is needed in Queensland is the will to properly resource our law enforcement agencies and to put in place a suite of penalties so that the punishments fit the crime. We already have telephone interception powers. We need to see the proceeds of crime confiscated—hunt down the individuals concerned, remove the proceeds of crime from them, make them aware that every telephone conversation they have could be monitored and, when they are caught, jail them and jail them for a long period of time.

If the Attorney-General wants to make a real contribution to putting criminals behind bars, he should be encouraging the judiciary to enforce the penalties within our current laws that reflect public expectations. Life should mean life; 10 years should mean 10 years. What we have instead is in many cases a group of leftie judges and magistrates who administer justice in Queensland with the ferocity of being whipped with a lettuce leaf. All of us, without exception, abhor the criminal element in our society. All of us loathe the influence of organised crime in our society.

All of us despise that element in our society that regards fear, violence and intimidation as its tools of trade. All of us despise those who will never do an honest day's work for an honest day's pay but instead rely on the illegal drug industry, the illegal prostitution industry, protection rackets or grand-scale theft for their livelihoods. But for all of those parasites, the way in which we as a tolerant, law-abiding society choose to deal with them is to deal with them as individuals. It is to prosecute them on the basis of a fair and just law, through a fair trial and through sentencing to be punished on the basis of that law as I have just outlined. The key point is that criminals be dealt with as individuals. They must be punished for their individual criminality on the basis of their contribution to the crime and sentenced to a time behind bars that is acceptable to law-abiding Queenslanders.

If this legislation passes in its current form, I challenge the Attorney-General to declare DERM a criminal organisation on the basis of its anti-democratic practices. It has used the state to humiliate, intimidate and punish by removal of property the effects of a lone woman, Jennifer Parkhurst, whose only crime was to stand up for the protection of Fraser Island and its wildlife. No doubt, the Attorney-General is thinking, 'That's a stupid suggestion.' But the point is that any organisation or group, be it DERM, an organised motorcycle gang, the local Rotary club or the CWA branch, could have the full force of this legislation brought to bear upon them. The opportunity for this government or any future government to utilise these powers not in the best interests of the state is immense. It is on that basis that this legislation should be defeated.

So how does the declaration of a criminal organisation occur? The Police Commissioner applies to the Supreme Court. The evidence presented can be withheld from the accused. The informant evidence can be withheld. The credibility of the evidence cannot be tested. Informants do not need to appear. The credibility of their evidence cannot be tested. So what flows from the declaration? Then we get to the control orders. The Attorney-General's second reading speech again takes us beyond simply bikie legislation, expanding on the intent of the bill and its control orders to—

... orders against the organisation itself, members of the criminal organisation and associates of the criminal organisation.

The tentacles extend far and wide, as is intended. The one really good thing that is included in this bill is the sunset clause of seven years, which is a long time but it is at least a welcome step. I sincerely hope that that sunset clause will be applied as a genuine time for critical review of the effectiveness of this legislation prior to any continuation of the legislation as law.

But it is not just me who has concerns; the bipartisan Scrutiny of Legislation Committee in its report listed 22 separate concerns that it has with the bill. Rather than go through each and every one of those concerns and take up the valuable time of the House, I will table them for the information of interested members.

Tabled paper: Criminal Organisation Bill 2009—Scrutiny of Legislation Committee's 22 separate concerns with the bill [1512].

While I note that it is not the parliament's intention that powers under this legislation be exercised in a way that diminishes the freedom of persons in the state to participate in protest, dissent or industrial action, I recall an event in the UK where an elderly man was removed from a public venue and detained by police until the speech by then Prime Minister Tony Blair had concluded. That is an example of an appalling misuse of anti-terrorism laws. I ask: what will the Attorney-General say when some appalling misuse occurs under this law? Will he say, 'Sorry'? But sorry does not cut it. This bill extends the erosion of our civil liberties. It is a bill that we would be better off without.

Dr ROBINSON (Cleveland—LNP) (3.53 pm): I rise to contribute to this debate on the Criminal Organisation Bill 2009. I intend to make a brief contribution that covers just a few selected aspects of the bill. I will keep my comments brief so as not to be needlessly repetitive, noting that other LNP speakers have more than adequately exposed the bill to be the sham that it is. I am deeply concerned about the impact of this bill on Queensland society and I will not be supporting it.

These laws, if not amended, will serve to undermine the heart of this state's basic liberal democratic principles—that of freedom of association, the presumption of innocence, the right to due process and the doctrine of natural justice. Freedom is an axiomatic right that the citizens of this state are granted universally. This bill is bad law, as it reduces every citizen's basic rights and the freedom that they currently enjoy to associate with whatever group, club or society they wish without fear of being discriminated against because of the actions of other individuals within that group.

I wish to express my concern about the aspect of the bill that presumes that an individual will necessarily become party to criminal activity because he or she is a member of an organisation that has been involved in serious criminal activity in the past or he or she associates with people who have been party to criminal activity now or in the past. This guilt by association undermines our longstanding practice of common law.

I am also concerned that good citizens have become bycatch in the very broad net of the government's bill. There is disquiet among good biker groups, for example, Christian biker groups, that they are being unfairly targeted and caught up in this bill.

The proposed benefit being offered by this bill is supposedly tougher legislative instruments with which to fight organised crime. The reality is that similar laws in South Australia and New South Wales have not resulted in any significant impact on organised crime. In New South Wales, they remain untried, with police reticent to use the powers granted to them. In South Australia, where similar laws were enacted and used, they were quashed in the courts. It is most interesting to note that Victoria Police Chief Commissioner Simon Overland recently rejected the need to introduce anti-association legislation similar to this Labor government's bill. The reason he gave is that the police already have sufficient powers to deal with organised crime. This is also the case in Queensland. We do not need such draconian measures. Yet again this power-hungry, autocratic Labor government has crossed the line and has introduced legislation that clashes with the desires of everyday Queenslanders.

It is also of significant concern to me that in the formation of this bill the government failed to sufficiently, in my view, consult the community or to heed the advice of professional legal organisations such as the Queensland Bar Association or the Queensland Council for Civil Liberties. This bill demonstrates that the government has stopped listening to the community and is instead more interested in headlines and appearances. In reality, this government is soft on crime and the purpose of this bill is to create the false perception in the community that it is doing something when it is not.

In conclusion, this bill does little to assist in tackling organised crime in Queensland. Instead, it catches every Queenslander in its net, undermining the freedom of the individual to an unacceptable degree. I oppose the bill.

Mr WENDT (Ipswich West—ALP) (3.57 pm): I rise to speak in support of the Criminal Organisation Bill 2009. It is well accepted that organised criminal activity poses a significant threat to all members of our community, with acts of violence, the extortion of businesses and the scourge of illegal drugs all being indicators of the activities that organised criminal networks engage in. These are not one-off, stick-up gangs or individuals committing criminal acts in the heat of passion or idiocy. Rather, we are talking about organised or deliberate criminal enterprises established for the purposes of breaking the law for monetary gain.

Further, as members would appreciate, these gangs are often sophisticated and complex organisations protected by highly regimented command and control structures and, as such, are notoriously difficult to infiltrate. Because of that, they present a range of challenges for traditional law enforcement methods. That is why the bill before the House offers a further tool, a further methodology for police to utilise in attacking organised criminal activity at its very root.

It is because of that approach that we need to understand that the powers and processes set out in this bill are not intended to be used in isolation but rather as part of a suite of powers that the police can access to ensure that Queensland individuals and the Queensland community are safe and protected as far as possible from the insidious creep of organised criminal enterprise.

The model adopted by the government differs from that introduced in other jurisdictions in a number of significant ways. For instance, this bill utilises the independent and fair tribunal of fact, the Supreme Court of Queensland, which will hear and determine applications brought under the legislation. That is because, as members know, aspects of the South Australian legislation have already been the subject of a challenge in the Court of Appeal and special leave has been sought to appeal to the High Court. That challenge has been well documented today.

It is for this reason that our legislation has removed this risk by allowing the court a discretion to make an order and thereby reduce the risk of a successful constitutional challenge.

It is my belief that it is important that Queensland introduce legislation to combat organised crime. The Australian government's Attorney-General and the Minister for Home Affairs recently noted in a joint media release that a nationally consistent response is essential to ensure there can be no safe havens for organised crime groups. As such, we on this side of the House are not prepared to allow Queensland to become a safe haven for organised crime groups. This bill will send a firm message to interstate organised criminal groups that they are not welcome here.

This is a bill that is tough on organised crime but still contains safeguards and protections to ensure it is not used in an oppressive way against citizens. This is why I believe it strikes the right balance between providing adequate protection and safeguarding the rights and liberties of Queenslanders in general.

I think it is useful to state the objects of the act, which are clearly set out in clause 3 and which the Attorney-General has mentioned several times. The main aim of the act is to disrupt and restrict the activities of organisations involved in serious criminal activity and the members and associates of the organisations themselves. That is far from what a number of members in this House have contested. It then goes on to state that it is not the parliament's intention that powers under this act be exercised in a way that diminishes the freedom of persons in the state to participate in advocacy, protest, dissent or industrial action. I believe that it must give a great deal of comfort to Queenslanders to know that the government is intent on using these powers only for combating serious organised criminal activity.

The Australian Crime Commission recently released its report after a two-year investigation into organised crime groups. That report found that organised crime groups have infiltrated private security firms controlling hotels and nightclubs around Australia in a bid to take over the distribution of drugs such as ecstasy and amphetamines. This two-year special intelligence operation by the ACC revealed that a significant organised crime presence has been identified among the private security operators controlling the entertainment venues in Melbourne, Sydney, Perth and our very own Gold Coast.

I think it is fair to say that the majority of private security companies in Australia are legitimate operators that comply fully with state and federal laws. However, the ACC investigation did identify extensive organised criminal infiltration of the security industry and a range of criminal offences including tax evasion, welfare fraud, noncompliance with awards and workplace rules, visa and labour violations, extortion and, of course, intimidation. That is why I am surprised that some members in this House prefer to turn a blind eye and rely on the traditional policing methods to combat these new and insidious activities of organised criminal groups.

I believe that we need to take a modern and progressive approach to law and justice issues and the protection of the Queensland community. If criminal groups are using extortion and intimidation to get around our laws, we need to look at new ways of combating their conduct. That is why this bill allows a court to declare an organisation to be a criminal organisation and from this declaration police can then apply for control orders.

Touching quickly on the issue of excessive fortification, I need to say that there is evidence to suggest that this has been effected on premises used in connection with serious criminal activity or premises occupied by a declared criminal organisation, or members or associates of such an organisation, and as a result this legislation can request that the court order that fortification to be removed. In addition, if persons are likely to be engaging in conduct which poses a risk to the safety of the community, the courts can make a public safety order against that group or those individuals to prevent them from attending certain premises or certain areas.

I believe that these are all practical measures that will disrupt the activities of organised criminal groups and can be used by law enforcement authorities, together with the laws already in place in Queensland, to combat serious organised criminal activity within our communities. As such I commend the bill to the House.

Ms NELSON-CARR (Mundingburra—ALP) (4.03 pm): I rise to speak on the Criminal Organisation Bill 2009, which focuses on the capacity of police and law enforcement authorities to dismantle and disrupt organised criminal groups. I am pleased that the Attorney-General took into account the concerns that were raised by the members of his committee. Some of my concerns remain; however, I believe that as the act is enforced so, too, will the opportunity for further refinement be made available with the processes of evaluation.

We are all aware of the activities of organised criminal groups within our community. They are responsible for serious and entrenched criminal activity. Police have been successful to some degree in using traditional policing methods to attack these groups and arrest them for the crimes they commit. In September 2006 the government provided funding for Task Force Hydra to combat outlaw motorcycle gangs including targeted operations focusing on criminal activity, as well as dangerous driving, disqualified unlicensed driving and overt traffic offences committed during gatherings and runs.

Between February 2007 and November 2009 the task force has been responsible for the arrest of 549 persons on 1,413 charges for varying offences including attempted murder, arson, extortion, robbery with violence and drug trafficking. It has also been responsible for the location and seizure of large caches of firearms, property and money. So far this month police have arrested eight persons on 55 charges.

It is believed that there are limitations on what police can do using traditional policing methods. These organisations use intimidation tactics, threats and actual violence to coerce people into changing their evidence or not giving evidence at all. In finding a modern, innovative approach to policing that will dismantle and disrupt the activity of these groups to reduce the harm that they can inflict on our communities, I am sure that caution and common sense will prevail.

The Leader of the Opposition has said that this bill is a significant step in the right direction towards quelling organised crime in Queensland. Two years ago the Leader of the Opposition rose in this House to bemoan the types of crimes perpetrated by bikie gangs. Two short years ago as well the member for Surfers Paradise had this to say—

A Senate committee inquiry into organised crime in Australia shows that organised crime is rampant in Queensland and Australia...

The Australian Crime Commission has identified 18 criminal gangs in Queensland which include outlaw motorcycle gangs and ethnic mobs. It is a staggering number, particularly when we consider that Brisbane has more crime gangs than Chicago according to a veteran crime investigator ...

I can only wonder what has changed over the intervening two years to make the opposition leader so much less decisive in his opposition to organised crime groups.

This bill creates a regime whereby the Supreme Court can declare an organisation to be a criminal organisation. This will only be done where the court is satisfied that the members of the organisation associate for the purpose of engaging in or conspiring to engage in serious criminal activity and that the organisation is an unacceptable risk to the safety, welfare or order of the community. I hope this safeguard will prevent any resuscitation of the old consorting laws giving police the power to criminalise people not because of what they do but because of the nature of the people with whom they associate. The declaration then forms the basis for the making of control orders. The Police Commissioner can make application, again to the Supreme Court, for members and associates of declared criminal organisations to be subject to control orders.

Finally, the legislation has a sunset clause after which parliament must repass the legislation. I am pleased that the review of the exercise of powers will be done once a year to determine whether the powers under the act have been exercised. Section 130 says the act must be reviewed as soon as reasonably practicable five years after the commencement of this section. A measure of success could be by the tabling of annual verifiable statistics that actually show a decrease in crime attributed to outlawing motorcycle gangs. If there is no attributable drop then I guess we have a problem. Evidence based research can only strengthen this legislation.

Mr WELLINGTON (Nicklin—Ind) (4.07 pm): It gives me a great deal of pleasure to rise to participate in the debate on the Criminal Organisation Bill 2009. I have received many submissions, read much material and certainly listened with a great deal of interest to almost all submissions made to date by members from the government, the opposition and the cross-benches on the bill.

Every day parliament sits we are required to make laws that may affect the rights and freedoms of people living in Queensland. One of the issues we have to consider when considering bills like the one we are debating at the moment is how to balance the competing interests of people's freedoms and the greater good of our community and all of Queensland, not just for the present but also for the future.

This bill is aimed very specifically—I refer members to section 3, the objects of the act—at disrupting and restricting the activities of organisations involved in serious criminal activities and members and associates of the organisations. It is not aimed at the Country Women's Association. It is not aimed at the local sporting group. It is not aimed at the local bike group. It is aimed clearly and specifically at disrupting and restricting the activities of organisations involved in serious criminal activity and the members and associates of the organisations.

Many members have spoken about the rights and freedoms of association. But we have to balance those rights against the needs of the safety of our community. Sometimes unfortunately we are not fully informed of the information that our police and our law enforcement agencies have. We have to

rely on our method of government and our method of democracy. And what do we have? We have a parliament that brings in laws, we have the separation of powers and we have courts that are required to interpret the laws as best they can.

One of the advantages of having such a lengthy and detailed debate on this bill is that when the first application comes before the Supreme Court of Queensland for consideration—

Ms Grace: Not a dud organisation.

Mr WELLINGTON: Certainly it is not a dud organisation. When the first application comes before the Queensland Supreme Court for consideration, if there are concerns or uncertainties or questions, because of the detailed debate that we have had in this House I have no doubt that there will be ample opportunity for those questions to be clarified. I am certainly looking forward to the minister responding, as best he can, to the range of issues that have been discussed during this debate.

I touched on some of the examples given by members of organisations that they believed will be affected by this legislation such as the Country Women's Association and local bikie groups. Some members have even said that this legislation could touch on our local churches and sporting groups. I say very clearly that if members and associates of organisations are using churches or sporting groups or any other association as a front for their criminal activities then, quite frankly, the book should be thrown at them. They should not be able to get away with using a church association or a sporting group as a front for criminal activities.

Ms Grace: And the Supreme Court determines that.

Mr WELLINGTON: That is right. We have a very clear and respected separation of powers in Queensland. I take members to clause 8. Clause 8 commences with the words—

(1) The commissioner may apply to the court for a declaration that a particular organisation ... is a criminal organisation.

The definition of 'commissioner' in the bill does not refer to 'commissioner or his delegate'. It names a specific person—the Commissioner of Police in Queensland. I say here and now that I have total confidence in our Commissioner of Police in Queensland. Clause 8(2) goes on to state that when the commissioner chooses to apply for a declaration—

(2) The application must—

it is not optional—

state the following—

(a) details sufficiently identifying the organisation;

(b) a description of the nature of the organisation and any of its distinguishing characteristics;

(c) the grounds on which the declaration is sought;

(d) the information supporting the grounds;

(e) details of any previous application for a declaration for the organisation and the outcome of the application;

(f) that a response to the application may be filed under section 9.

I will come to that later. There is a further very important requirement: the commissioner is required to serve on the respondent a copy of that application. I take members to subclause (5)(c) where it states—

(i) by personal service within 7 business days after the filing; or

(ii) if personal service is not practicable, or if the respondent is an unincorporated association, by public notice within 10 days after filing.

Subclause (6) states—

(6) The commissioner must give copies of the application and any supporting material to the COPIM under arrangements decided by the COPIM.

Clause 9 states that the respondent may—it is discretionary—respond to the application. They have the opportunity to respond to the matters that the commissioner has relied upon. I take members to clause 10 where it talks about the court—and we are talking about the Supreme Court of Queensland. Clause 10(1) states—

The court may make a declaration that the respondent is a criminal organisation—

we are not talking about the local Country Women's Association; we are talking about a possible criminal organisation—

if the court is satisfied that—

(a) the respondent is an organisation; and

(b) members of the organisation associate for the purpose of engaging in, or conspiring to engage in, serious criminal activity; and

(c) the organisation is an unacceptable risk to the safety, welfare or order of the community.

We have the Supreme Court of Queensland. We have the separation of powers. The minister cannot pick up the phone and tell the Supreme Court what he wants to happen. The Police Commissioner cannot pick up the phone and tell the Supreme Court what he wants to happen. We have a very clear separation of powers and, more importantly, the Supreme Court has a very good record of time and time again demonstrating its very strong and clear independence. How many times have we seen applications by the chief law officer of Queensland to the courts in Queensland for reconsideration of various penalties that have been imposed by our courts? Our courts have not always supported our chief law officer's application for extension or reconsideration of previous decisions. I believe that history shows clearly that we do have a credible separation of powers. We have a Supreme Court which has time and time again said that it will consider the matters according to the law and that it will not be influenced.

I say again that this bill is about whether we have confidence in our Police Commissioner, whether we have confidence in our Supreme Court and whether we see that there is a need to provide greater protection for our community in relation to serious criminal activities. We as members of parliament have to weigh that up against the possible losses and challenges to our individual freedoms.

Since I have been a member of parliament there have been many occasions on which the onus of proof has been reversed. I have heard members stand in this House and say that we can never change the law. We have seen the law being changed. We have seen the onus of proof being changed on many, many occasions when the government has made a decision that that is necessary.

I will be supporting this bill because I believe that the greater good of our community of Queensland outweighs the possible loss of freedom of association. It is absurd to think that we could have recognised criminals sitting down having a coffee at the local coffee shop knowing that there is no way in the world that our best law enforcement agencies or investigative agencies, knowing full well that they are planning criminal activities, are not able to eavesdrop or to find out what they are doing. We cannot touch them. I think that is absurd. It is ridiculous. I am pleased that we are out there trying to take the lead against criminal activities.

I stress that we are not talking about the local bikers such as the Vietnam Veterans Motorcycle Club or the Christian Motorcyclists Association. I am not a member of those clubs, but I have a Honda 750, which I am proud of. It is not a Harley, as other members have spoken about, but, by crikey, I dragged it out and gave it a polish the other day and I will keep it until the day I—

Mr Kilburn: Can't ride it for quids.

Mr WELLINGTON: Well, I have still got my licence, and it can still shine like it was when I bought it 36-odd years ago. I am proud of my bike.

I only make those comments to try to say that, as an Independent, I have tried to genuinely weigh up all the issues, and I know other members have too. I have formed an opinion that I believe we have a good legal system in Queensland, we have a credible Police Commissioner and we have a time-proven credible Supreme Court and judiciary system which have demonstrated time and time again that they will be independent. I believe we have goodwill to try to make sure we are not simply the state in Australia that criminals know they can come to and ply their wares and do their activities knowing that we are not able to touch them. I must say that I have always supported the phone tapping initiatives, and I am disappointed that it has taken so long for that to happen.

I also note the bill provides the opportunity for the commissioner and not his delegate to make applications for the orders to be revoked. This refers to how a court may revoke a declaration about a criminal organisation. Clause 13 states that an application may be made by the commissioner, the criminal organisation or a member of the criminal organisation subject to clause 15. I take members to clause 15, and I hope the minister will clarify this clause in his reply if he has sufficient time. Clause 15 states—

A criminal organisation or a member of a criminal organisation may not apply for the revocation of a declaration under section 13 until at least 3 years after the declaration is made.

I note it says 'may not apply'. I would hope that is intended to be read that way and not 'shall not apply'. If it is the case that there are extenuating circumstances, an application could be made for that order to be revoked earlier than the three years. Hopefully, the minister will be able to clarify that—that there is the opportunity for an earlier application if a sufficiently strong case is made for that revocation order to be brought forward.

A number of members have commented on the issue of criminal intelligence, and I take members to clauses 59, 30 and 36, not in detail but in a general context. While members believe that everyone has the right to hear all the evidence that can be presented against them, I am not naive enough to think that, if there is an opportunity to nobble an informant or get to that person, his relation, his wife, his partner or his children to stop this damning evidence coming forward, that attempt will not be made by serious criminal organisations.

I do have confidence in our Police Commissioner and the steps that he is required to undertake under this bill to make the investigations. We are not talking about the local thug down at the corner shop. We are talking about serious criminal activities, and I believe we need to be fair dinkum and send a strong message to these serious criminals and these organisations that they are not welcome in Queensland.

I would like to reiterate an earlier comment I made that I believe the Supreme Court will consider this legislation and, when an application is made, it will not be influenced by any ulterior motive. I believe it will consider what is required under this legislation according to the requirements. I am certainly looking forward to the minister responding to all of the matters that have been raised in the time that he has provided. I look forward to proceeding to the clauses stage for further consideration of the amendments which the opposition has flagged and for further debate. I commend the bill to the House.

Ms DAVIS (Aspley—LNP) (4.24 pm): I rise to speak on the Criminal Organisation Bill 2009 that was introduced by the Attorney-General on 29 October 2009. Crime prevention is everybody's business and needs to be coordinated and supported at all levels of government with a strong emphasis on community involvement to reduce crime across Queensland. A whole-of-community approach is needed so that locals can contribute to the reduction in crime in their local areas. It is also appropriate that we monitor and review our law and justice systems, but any changes must be driven dynamically by all stakeholders so that we can respond both to the real needs and to changing circumstances. In my opinion, this legislation does not achieve these aims. These laws are more about looking to be tough on crime after 11 years of inaction, rather than actually achieving real change.

The LNP has previously introduced tough, anti-organised crime legislation based on New Zealand law, but it was to be tested before a judge and jury, not behind closed doors as is proposed by Labor under this legislation with evidence that cannot be tested in court. We on this side of the House believe that our police and the CMC need to be properly resourced in order to combat organised crime. Improved funding and staffing is needed for Task Force Hydra as well as for the crimes confiscation unit within the CMC.

Tackling organised crime is an important part of the beliefs of the LNP and we will be introducing measures to introduce unexplained wealth orders in the near future, but while we need to crack down we should not do so at the expense of freedoms and liberties of individuals, as the legislation before the House will do. The LNP has supported the introduction of fortification removal orders as they are a tool that can assist in our aim to curtail organised crime. The police union has supported them too, but even the union has articulated less interest for the control orders as it realises that observation of such individuals is going to be very difficult without the injection of considerable resources.

It is interesting to note the comments of other stakeholders regarding the flawed legislation. The Queensland Law Society and the Bar Association are both opposed to the introduction of these laws, and the Queensland Council for Civil Liberties stated in its response to the consultation draft—

To lift a concept such as a control order from the terrorist legislation and insert the concept into the general criminal law of Queensland is obnoxious and objectionable.

Objectionable parts of this legislation can be easily summed up by referring to the explanatory notes which state that the legislation—

... allows for organisations to be declared 'criminal organisations' by the Supreme Court. The declaration will provide the basis for control orders.

And that—

Members and associates of declared criminal organisations will, on application of the Commissioner, be liable to have control orders imposed on them.

The notes go on to state—

The effect of such orders is to significantly curtail the rights and liberties of the controlled person.

Additionally, the satisfaction of a lower standard of proof in many clauses affects the rights and liberties of individuals by lowering the burden that is usually applicable in proceedings with criminal and penal consequences. Furthermore, many of the clauses would allow the court to consider evidence of past associations. Clause 10, in particular, would allow the court to be satisfied that members of an organisation associate for the purpose of engaging in, or conspiring to engage in, serious criminal activity irrespective of whether all members associate for that purpose or only some of the members; members associate for that purpose for the same serious criminal activities or different ones; or members also associate for other purposes.

I note the following in the report of the Scrutiny of Legislation Committee—

The provisions would reverse the presumption of innocence that would ordinarily attend associating with another individual. That presumption would be replaced with a presumption of guilt by association.

Punishing people who fraternise with those whom we deem socially undesirable does, in my opinion, affect the freedoms of the individual. This bill impinges on one of the most basic rights of our democratic society—that is, the right to freedom of association. In this instance, I would agree with the sentiments put forward by Paul Syvret as outlined in a *Courier-Mail* article on 24 August this year, when he said that this legislation—

> ... is the logical equivalent of the "20 per cent of men involved in armed robberies have beards, therefore we should persecute men with facial hair" argument.

It just does not wash.

The bill has its origin in legislation passed in other jurisdictions and because of an incident at Sydney Airport, so I think it is important that we look at the experience elsewhere. Criminologist Professor Paul Wilson was quoted in the *Sydney Morning Herald* on 5 August as saying that this style of legislation would cause 'a major escalation in gang related violence' and that 'similar moves in Canada gave rise to greater violence and have sparked a bikie war'. Professor Wilson went on to state that similar laws in Canada had led to institutions of the state coming under attack and had spawned a new wave of violence and that there was not one iota of evidence to suggest that antibikie laws introduced in Canada have diminished gang activity, reduced organised crime or led to the demise of bikie gangs.

Of most concern, Professor Wilson relates that the Canadian experience has meant that gang activity has changed, becoming displaced and more submerged and less able to be accessed by law enforcement. This is my fear, too—that our police men and women on the front line are not adequately resourced to deal with crime in our suburbs at the moment, let alone with any increase in organised crime as could quite possibly occur as a result of this legislation. Having adequate policing in our local suburbs is a big issue. People are concerned about their personal safety, the safety of their loved ones and the safety of their property.

While there are certain members of our society who are members of all sorts of organisations that do engage in all manner of reprehensible behaviour, we must be vigilant in finding the right balance between tackling crime and upholding the freedoms and liberties of the individual that are also fundamental parts of the law. There is little evidence to support the contention that these laws will work—quite the contrary. On the other hand, there is clear evidence that the right to association is at risk. I would support legislation that is tough on crime while protective of the innocent, but as it stands this legislation achieves neither of these aims, and therefore I cannot support the bill.

Mr MESSENGER (Burnett—LNP) (4.31 pm): Labor has failed for 11 years to be tough on crime. Queensland has become the organised crime capital of Australia because of mismanagement by the Labor Party on law and order issues. Instead of being an attack on organised crime, this Labor legislation is an attack on the fundamental rights, freedoms and liberties that individuals expect in a free, democratic country.

I draw the attention of members to the Scrutiny of Legislation Committee alert—a rather comprehensive alert. In relation to whether the bill has sufficient regard to the rights and liberties of individuals, the committee draws the attention of the parliament to clauses 10, 18, 33 and 110, which may have insufficient regard to rights and liberties of individuals as they would require satisfaction of a lower standard of proof than the criminal standard. Many members have canvassed those issues.

As the shadow Attorney-General stated in his speech—a very well thought out speech, as were all speeches by members on this side of the House—it is an antifreedom bill, and that is why members of the LNP will be opposing this bill. I do not doubt the seriousness of the threat posed by organised crime in Queensland, but this legislation is a disproportionate legislative response to that threat. Two years ago, as the shadow police and corrective services minister, I had the pleasure of introducing legislation which would arm police with laws that would help them fight organised crime. That legislation was well thought out, measured and planned to attack organised crime while, at the same time, protecting the civil liberties and rights of individuals.

Like so many pieces of legislation, this legislation has not been properly thought through and is the product of a Premier and a political party, the Labor Party, who are desperate to retain their hold on power and all the political perks that come with that: jobs for the boys, jobs for the husband, the plum jobs, 'a job for the guy who gave me the job'—the former Premier, who is in America on half a million dollars a year—the success fees, the grants without due process—

Mr DEPUTY SPEAKER: Order! Member for Burnett, I direct your attention to the purposes of the bill and I ask you to come back to those purposes.

Mr MESSENGER: In designing this legislation the Premier has her eye firmly fixed on the sinking opinion polls. The focus is not on the problem of organised crime; the focus is on the latest Newspoll. The focus is on the 24-hour media cycle. This Labor legislation proves that the Premier is prepared to throw away a lifetime of personal morals and political values—as have many of those opposite—as well as her credibility and that of those who agree with her and who will vote with her. Her credibility with her factional colleagues of the Left—indeed, the Right and Centre as well—has completely vanished.

Human rights, civil liberties, natural justice and procedural fairness are the first casualties of this legislation, and those casualties will be bleeding on the floor of this parliament as soon as the government uses its numbers to pass this bill.

Members of the Labor Party know this. That is why there is such a small speaking list. Members on this side of the chamber have commented on that, and I would like to note that, too. They are scared about getting up and putting on the record what they think of this legislation. There is absolute cowardice in this chamber. There are a number of notable Labor members of parliament who, I have to give them their due, have at least got on their feet and said what they think, such as the member for Toowoomba North and the member for Murrumba. However, it has been shown by their speeches that they have placed the membership of the Labor Party before their lifelong principles, their constituents, their families and their electorate—and they are proud of that. I absolutely cannot believe that they are proud of that. It has shown that the Labor Party is a totalitarian organisation with no capacity for dissent.

In summarising the bill, persons who have never been convicted of a criminal offence can now be labelled as part of a criminal organisation with the use—and this is a very important proviso—of criminal intelligence in civil proceedings which involve the withholding of admitted evidence from another party that raises serious issues about natural justice. Under the provisions of this bill, an informant will not be called to give evidence at a hearing. The respondent in each matter will also be denied access to all criminal intelligence. The major issue with this part is that the court or the COPIM cannot call for an informant or operative for the purposes of testing the veracity of the informant's evidence. We all know that this is a very serious breach of natural justice and procedural fairness.

The Labor Party has admitted that it has tried to play catch-up but it has got it wrong. This side of the House understands the dangers of allowing organised crime to flourish, which it has done under Labor. We addressed this issue through the private member's bill which I presented to this House which was a considered and balanced piece of legislation long before the Labor Party introduced this disproportionate legislative response.

The legislation that I introduced was fundamentally different from the Labor legislation. The private member's bill I presented did not have provisions which allowed secret, untested evidence to be used against individuals. It struck the right balance between strengthening laws relating to organised crime and maintaining civil liberties. It recognised that organised crime gangs have been identified as having a major influence in the trade of illicit drugs and related property crime while there had been an explosion of gang related violence, particularly in South-East Queensland.

These were things that we were stating two years ago, but those opposite chose to ignore what was happening. It is only now that the opinion polls are reading so badly for them that they are finally motivated to try to do something, but they have mucked that up as well. The Beattie Labor government's softly, softly approach to organised crime was a major contributor to this, and the Premier was a senior member of that Beattie Labor government.

I would like to remind you, Mr Deputy Speaker, of exactly what happened. Under the Beattie government—with senior members, the Premier included—outlaw bikie gangs were granted liquor licences and police were paid to work at outlaw bikie gang charity days. That is the sort of rot that goes on under these people.

The bill I introduced two years ago would have provided a fresh, proactive and groundbreaking approach in the war against organised crime and gang violence. Those laws struck the right balance between a tough response to organised crime and a respect for the basic human right and freedom to face in a court of law an accuser and have that accuser's evidence tested every time. Our laws did not allow for a blanket ban on any declared criminal organisation as under this law. Under our laws the police would have had to prove, on a case-by-case basis, that a group was an organised criminal group in an open and transparent manner in a court of law without secret, uncontested evidence. There are clear differences between the private member's bill I presented two years ago and the absolute drivel that is presented here today.

I am actually flattered that the Attorney-General and members opposite have quoted what I said two years ago. They think they have uncovered some great debating point. All they have done is prove that they have done nothing for two years. One minute they are saying we have never had a policy and the next moment they are quoting it. Now they are trying to play catch-up and in unseeming haste have mucked it up. Instead of having a proportional legislative response those opposite have produced something that the worst despot in the world would be proud of.

Declared criminal organisations, blanket bans, secret accusers in closed court is the opposite of what we would expect from a modern Western liberal democracy. We take for granted the rights, freedoms and liberties which we have been gifted by past generations. Democracy is a very delicate flower. Wherever it grows its perfume rids countries and societies of the stench of totalitarian regimes and the smelly odour of absolutism. It flourished in Ancient Greece some 2,500 years ago. It disappeared and did not really take root and flourish again until the French Revolution in the late 1700s.

It might be worthwhile to reflect on the fact that in World War I Australia was part of only a handful of free democratic countries in the world that made a stand and fought against the forces of totalitarianism and absolutism which dominated the majority of the world. The same could be said of World War II, except in World War I Italy was free and democratic and in World War II it was an ally of the fascists.

After the world saw millions of lives sacrificed we finally have a world today where a majority of the countries call themselves free and democratic. People have come to expect and take for granted the personal rights, freedoms and liberties of a Western liberal democracy. With the passing of this bill we will see a gem of the precious inheritance of civil rights, personal liberties and freedom won against the forces of totalitarianism slip from our grasp.

I take inspiration for a comment from noted academic AC Grayling in his book *Towards the Light*. AC Grayling writes—

When in 1940 Britain faced the imminence of invasion (and the actuality of daily aerial attack) by the might of the German armed forces massing just twenty miles across the English Channel, its government enacted some temporary security measures—*temporary*, note—such as identity cards and restrictions on the freedom of speech and the press. Now, in face of a far lesser threat, the greatest among the Western liberal democracies are enacting *permanent* legislation of even more draconian kinds.

The disproportion is explainable by a number of factors. The most dismaying is that the leaders of the Western liberal democracies do not much resemble those in office when many of the rights and freedoms that were threatened by Nazi aggression were younger and fresher, and understood to be precious in a way that they seem not to be to today's leaders. Today's leaders have grown up taking those freedoms and rights for granted, and are demonstrably not much interested in them any more; they find them an inconvenience because protecting them requires lengthier and costlier measures than they care to sanction. Alas, most of the general population either seem to share that indifference, or are merely ignorant of what is in process of being lost. The cliche—no less true for being one—has it that we only properly value things when they have gone: perhaps the day will come when both leaders and led wake to the carelessness with which they allowed a precious inheritance to slip from their grasp.

The interests of the politicians introducing this bill are not in the high ideals of the fight against organised crime. They are not in a just and noble cause as they would have us make out. The interests of the politicians introducing this bill are in the fight for political survival. Their pride prevents them from admitting that the bill of two years ago would have been a much better option. Unfortunately, this legislation shows that we are led by politicians who have no respect for the sacrifice made by past generations and the principles that they fought for.

I like motorcycles. I like law-abiding motorcycle groups. I have met people from the God Squad, Ulysses and Vietnam vets clubs to name a few. I do not like outlaw motorcycle clubs. They rely on threats and intimidation to have their unlawful ways. They are some of the major manufacturers and distributors of illicit drugs. They manufacture 21st century drugs where one pill can kill or one—

Mr Springborg interjected.

Mr Dick interjected.

Mr DEPUTY SPEAKER (Mr Ryan): Order! Attorney-General and Deputy Leader of the Opposition, the member for Burnett has the call.

Mr MESSENGER: You will get your chance soon enough, Sunshine. They manufacture 21st century drugs where one pill can kill or one hit can hook. Then comes all the associated family heartache and pain that comes from drug addiction and the battle to pay for that drug addiction. It is a never ending spiral that many Queensland families go into. We can trace the root causes back to the outlaw motorcycle gangs, their associates and organised criminals. I acknowledge that the organised criminal element is not just with outlaw motorcycle gangs. There are the Russians, the Triads and a plethora of organised criminals.

One small example of the way outlaw motorcycle groups can intimidate was seen in this very chamber. I was sorry to be here. I remember sitting here and seeing all the outlaw motorcycle gang members, the patch members, sitting in the gallery. I am sure members opposite would have seen that as well. They were leaning over the railings. This is a place of rules and symbolism. We have the mace and the flags. We have rules. People are not supposed to lean on the railings. There were 15 bikie gang members leaning on the railings and they were allowed to do that. Little old pensioners who lean on the railings are told to get off them.

Government members interjected.

Mr MESSENGER: Those opposite complaining fail to understand that this place is a place of symbolism. If we cannot uphold the laws in this place—

Mr Reeves interjected.

Mr DEPUTY SPEAKER: Order! The Minister for Child Safety. The member for Burnett has the call. I remind members in the chamber to limit their interjections. If they wish to have a conversation they can have it outside the chamber. The member for Burnett has the call.

Mr MESSENGER: I take offence at what the minister is saying. Of course I am not attacking the parliamentary attendants.

Government members interjected.

Mr MESSENGER: They are trying to distract attention. What they do not like is that there is one rule in this chamber and a completely different rule outside this chamber.

Those opposite do not want to understand that the intimidation that happened in this chamber is symbolic of the intimidation that happens outside this chamber. If we cannot ensure that the rules of this chamber are obeyed in here, what chance do we have outside this chamber? This government has lost control of the public finances and driven us to a massive debt. The federal government's ETS will increase the financial pressure on Queensland families' budgets and this state budget, and therefore we have less money to properly resource our police.

Mr DEPUTY SPEAKER (Mr Ryan): Order! Member for Burnett, direct your attention to the purposes of the bill. I ask you to come back to the purposes of the bill.

Mr MESSENGER: The point I was making in closing is that this bill is oh-so easy to do instead of properly resourcing our police. We could have a win-win situation. The government could have strengthened the laws regarding organised crime while protecting our fundamental civil liberties and personal freedoms. It has failed again.

Mr HORAN (Toowoomba South—LNP) (4.50 pm): This has been a long debate about some very important principles. This debate has been notable for the outstanding contribution by the LNP's shadow minister in a one-hour speech yesterday and also the outstanding contribution today, as well as a number of other speeches yesterday and today, by the member for Clayfield, who is legally trained and who understands in a clinical way and who can explain in a clinical way our objections to this bill.

It has been said by noted historian Donald Horne that Australia is a great country and that the English gave us our democracy and our system of justice and the Irish gave us our system of mateship, and that has been the foundation of our nation. People come to Australia from all over the world because of our democracy. It might have some ups and downs, but it is a wonderful democracy. They come to Australia because of our justice system, and it is the cornerstone of a happy and safe country.

Other members who have legal training have explained the details and some of the issues of this bill, but I want to speak on behalf of the average person. The average person in Australia likes to know that our police are given a fair go and that when the police catch someone, arrest them and take them to court and they are found guilty the punishment fits the crime. One of the important things that everybody in Australia understands is that the cornerstone of our justice system is that you have your day in court, that you are judged by your peers through a jury system for major or serious crime and that everybody is entitled to have a defence. That is the basis of our justice system and one of the cornerstones that makes our country a strong country and a country that many people from other nations who do not have these opportunities and who do not have this wonderful system of justice and democracy come here for in order to seek a better life.

Our side of politics is always calling for tougher laws, tougher penalties and better systems to assist our police. For years we have called for telephone interception powers. During the time of the Borbidge government Russell Cooper, the then police minister, introduced move-on powers under the police powers and responsibilities legislation. That legislation was in force throughout the time of the Borbidge government and continued throughout the time of subsequent Labor ministers who amended the police powers and responsibilities legislation. The amazing thing about the police powers and responsibilities process undertaken by Russell Cooper is that he spoke to civil liberties groups and other groups to ensure that this system, which enabled the police to have move-on powers, involved the Public Interest Monitor. They are the sorts of tests that are part of our justice system.

What we are looking at here today in this bill is a system whereby people can be found guilty by association, a system in which the standard by which people are judged to be guilty is lowered to the point of simply hearsay. Judgements can be made about a very low standard of association. At present a person and their defence lawyer are told what is against the person and the lawyer can test not only the veracity of those who are providing that evidence but also stand up in defence of their client so that we have a true and fair justice system.

I come from a police family. My grandfather and father gave a lifetime of service to the police. I have always felt very strongly that the police should have every opportunity to make an arrest, to investigate and to have a successful conclusion to that arrest. However, I have also come to understand over the years the importance of that being done properly, and I think we have all seen what can happen once that slips away. You can slip into verballing; you can slip into all sorts of connotations being put forward. Today's modern detectives can no longer interrogate a suspect in a room with a light bulb for hours and hours and hours, day and night. Today our Police Service has a system of tape recording, of videoing, of proper statements before and after interviews. There are systems whereby people are allowed to have their representation present. They do not even have to answer particular questions. We have a system in place that jealously guards the justice system that provides for our day in court. It provides for proper testing. It provides for a fair trial. It provides for fair investigation.

I have always felt that the merging of the Queensland Crime Commission and the CJC to form the CMC was a mistake. I felt that the Queensland Crime Commission was a specialist organisation that specialised in major crime. It provided some of those additional systems of interrogation and investigation over and above the standard ones that apply to the police. I thought that putting that organisation together with an organisation that dealt specifically in official misconduct and corruption watered down the speciality and the strength of the Queensland Crime Commission. I say that because I believe that we do have ways of dealing with major crime and organised crime. Those systems do provide for the fundamental principles of people being interrogated and investigated in a proper justice system and having their day in court to be judged by their peers in a fair trial.

Some examples have been given during this debate about association that could draw people into trouble under these control orders and declarations of organisations as criminal elements, and we do have to be careful. We can stand in this parliament and talk about criminal gangs and criminal bikie gangs, but this legislation is broad enough that there could well be circumstances where innocent people who, unbeknown to them, are in an organisation in which some other people are undertaking fraudulent activities, and they could well be drawn into the net and put under a control order and subject to all of the other arrangements that exist in this legislation.

The legislation might apply to a particular religious organisation or cult where people at the top—and we have seen examples of this before—have been committing fraud and so forth. That is the sort of thing that we want stamped out, but we want it done in the normal way that we operate in Queensland and in Australia, where there is an an investigation and where people are provided with the evidence against them so that there can be a proper and a fair trial. With this bill, we are moving down a path that is away from those fundamental principles.

The purpose of this bill is to tackle organised crime by declaring an organisation as criminal and allowing the court to make a control order on certain members of that organisation. It also allows for the making of public safety orders banning certain members of a criminal organisation from public events as well as making anti-fortification orders. We have made it quite clear that we have no objection to anti-fortification orders. Previously, members on this side have introduced private members' bills that allow specific crimes committed by organised criminal gangs to be investigated and people charged for committing those particular offences. But we wanted that process to take place with an honouring of the system of justice that means so much to the people of Australia—and that is the testing of evidence, the testing of those giving the evidence or those people who have made the claims, and the ability to have a defence.

All of us in Australia see people who are charged with the most heinous of crimes—be it murder, rape, causing major mayhem, or assaults—and we all understand that we have a process that means that people receive a fair trial, that the right person gets caught and convicted and that people do not have to be frightened of a system being so broad that they lose those fundamental principles that underpin our justice system.

This bill contains some very contentious elements. The cornerstone of the bill is the ability of the Supreme Court to make a declaration that an organisation is a criminal organisation. The bill also contains provisions relating to a control order, which is almost guilt by association. That order remains in force until it is revoked. The bill also contains public safety orders. A public safety order can be made by the Supreme Court when it is satisfied that the presence of the respondent at a particular place poses a serious risk.

I am concerned that this bill has been brought into the House for a reason similar to the reason for the Integrity Bill that we debated earlier this week being introduced into this House. Good government is about getting things right, not making a quick response or doing something to make people think that the government is tough on crime or it is doing something that is right. The most glaring example of that was the Traveston Dam stunt by Mr Beattie, because he was seen in the polls as not building dams. He wanted the conflict, he wanted the protests, and we have had a mistake that has cost the people of Queensland $700 million. That is not good government. Traveston was ninth on the list of possible dam sites. That area should never have been considered. Similarly, yesterday we debated the Integrity Bill. During that debate many opposition members pointed out that that bill was an exercise in spin and would achieve very little. The dissent by very genuine and learned people within the Labor Party to this legislation that we are debating today makes me believe that this legislation has been brought in for similar reasons.

This bill introduces into our state provisions that probably go against the fundamental principles that all of those who understand and uphold the law in a professional and academic way stand for. Further, all of us who are simply out there in the community know that everybody, regardless of what they are suspected of or charged with, is entitled to a fair trial, is entitled to a defence and is entitled to be judged by their peers, via a jury. This is bill introduces secretive measures where people do not even know about the evidence against them or cannot even test the evidence.

Later on tonight we will have an amnesty debate. We have them every year when parliament breaks for Christmas. In that debate we talk with great emotion and belief about people overseas who have been locked up because of their religious or their political beliefs, or people who have not had a fair trial, or who have not had a chance to appeal their convictions. All of those sorts of fundamentals can slowly be eroded through legislation such as this bill. I am not saying that this bill is alarmist, Zimbabwe sort of stuff, but it introduces a real chink in the fundamentals of the justice system that we cherish in Australia and that we cherish in Queensland.

People on the other side of this House should take note of the deep concern that has been expressed. The public of Queensland must be well aware that we in the LNP want criminals caught. We want them to go through a fair trial and when they are found guilty, we want them charged and given a penalty that fits the crime, that acts as a deterrent and also assuages the grief and the damage that has been done to people. We stand strong and resolute on that matter. We do not want to see any organised crime gangs able to flourish. We do not want to see particular groups able to thumb their nose at the law. But we can have, and we do have, a system of investigation.

Where do we start to classify a gang? Many robberies are committed after three or four people get together and work out how to do it. They do not perhaps have the sophisticated structure that an organised crime gang may have, but we have the ability to investigate those crimes. We have the CMC, with its major crime and organised crime component powers that were transferred to the CMC from the Queensland Crime Commission. Through the insistence of the LNP, we now have telephone interception powers. We have covert surveillance. We have the Public Interest Monitor, which we have always fought for and insisted that we should have. We have all of those sorts of powers and the police can do the job provided we give them the numbers, we give them the resources and we give them the opportunity to be able to investigate matters.

The freedoms of our nation are precious. Many people would like to see an almost unilateral power to arrest some people who have been charged with particular crimes. But we have to go through this process because, if you lose that ability, then you lose the cornerstone of the wonderful justice system that we have.

Mr WETTENHALL (Barron River—ALP) (5.08 pm): I rise to speak to the Criminal Organisation Bill 2009. I want to begin by talking about the purposes of the bill and reflecting on some of the observations and comments that have been made, particularly by members opposite.

The objects of the bill that appear in clause 3 are—

... to disrupt and restrict the activities of—

(a) organisations involved in serious criminal activity; and

(b) the members and associates of the organisations.

It goes on to say—

(2) It is not the Parliament's intention that powers under this Act be exercised in a way that diminishes the freedom of persons in the State to participate in advocacy, protest, dissent or industrial action.

After listening to some of the contributions made by members opposite during the course of this debate, one could be forgiven for thinking that the object of the bill was to target the Country Women's Association and the vast range of organisations and associations of people in Queensland who go about lawful and legitimate activities. Of course, the bill is not about that. The bill specifically targets organisations that are engaged in serious criminal activity and the associations surrounding that activity which have proven particularly difficult for our law enforcement agencies to crack and restrict because of the codes, rules and the secret way in which those organisations operate, their tools of trade being threats, extortion, intimidation and violence.

It is important to remember the objects of the bill in the course of this debate. This bill, unlike other legislation that has been debated in this parliament and which has come into law in the past sponsored by previous National Party governments, is not targeted at legitimate activity. Is it not strange that we have amongst the members opposite this new-found sense of being the champions of civil liberties in this state. What short memories they must have! Perhaps more accurately, how grossly hypocritical it is for members to wax lyrical about the Magna Carta and civil liberties in this state when those opposite have the reputation and form for using this parliament to pass laws restricting and criminalising the legitimate activities of trade unionists and legitimate environmental protest groups causing people to be charged and imprisoned as they go about their legitimate, lawful activities. That could be no more different than the objects of this particular bill which are targeted at illegitimate, serious criminal activity.

We are advised by all of the people who are involved in law enforcement in this state and elsewhere that they need extra tools in order to crack those organised criminal gangs. That is what this legislation is about. It is not about restricting the legitimate activities of people who are going about their

lawful business. People who are involved in associations and organisations whose objects are not serious criminal activity and who do not engage in serious criminal activity have, of course, nothing to fear from this legislation whatsoever.

I find it extraordinary that members opposite, with the history of their political philosophy as exercised in this state passing draconian legislation, have chosen not to support this bill today. We have heard during the course of this debate, as we have heard so often this week in debate about the Integrity Bill and in the motion that was debated in the House last night, yet more attacks on the judiciary in this state. The member for Noosa referred to members of our judiciary as a bunch of lefties, or something like that. That is denigrating the members of our judiciary in an appalling way, designed and calculated to undermine public confidence in our system of justice in this state. Those are appalling and cowardly attacks, especially when one considers that this legislation, unlike other legislation in other jurisdictions, puts our judiciary at the heart of the matters that will be considered. It puts the judiciary in control of whether or not orders are made with respect to associations or individuals. It puts the judiciary at the heart of this act. Attacks on our judiciary, that we have come to expect from members opposite, are calculated to undermine public confidence in our system of law and justice in this state and have nothing whatsoever to do with a proper and considered debate about the features of this bill. But we have come to expect it. We have heard it all week.

The structure and methods of organised crime pose challenges to the traditional process of criminal justice which has in the past been designed to punish proven criminal activity committed by individuals. The long-term disruption of ongoing criminal enterprises may require more than isolated prosecutions of individual members. What we know is that successful prosecutions of members of organised criminal groups have previously been hindered by intimidation and violence towards witnesses and investigators. In my practice as a solicitor prior to coming to this place I saw witnesses who were terrified of giving evidence in court. I met people who had connections, whether voluntary or not, with people involved in organised criminal gangs. It is those people that this bill seeks to add protection to and to make safe.

We know that all sorts of people are attracted to becoming members of associations and organisations whose main purpose, if not their only purpose, is to pursue serious criminal activity. People get drawn into that net, many of them because they are vulnerable. It is precisely for that reason that one aspect of this bill seeks to make it an offence to recruit people into organisations and associations whose main purpose is to pursue serious criminal activity through their tools of trade which are threats, extortion and violence.

The bill will provide a mechanism for Queensland law enforcement authorities to dismantle organised criminal groups that are responsible for some of the worst serious criminal activity in Queensland. It is important that Queensland does have legislation of this type. New South Wales and the Northern Territory have already introduced their own legislation. We have heard a lot about the South Australian legislation, which is very different in character to this bill before the House. What we do know is that, with those jurisdictions introducing those laws, without similar laws in Queensland this state would become a haven for those groups wishing to escape the regimes in other jurisdictions. This government wants none of that. Those people are not welcome in Queensland.

The basis of our scheme is the ability of the Police Commissioner to apply to the Supreme Court for a group to be declared a criminal organisation. Such a declaration will only be made where it is established that the members of the organisation associate for the purpose of engaging in, or conspiring to engage in, serious criminal activity and that the organisation is an unacceptable risk to the safety, welfare or order of the community. That is a very, very high test.

Much has been said in debate and in the media about this legislation. But it contains a number of protections and safeguards that will prevent misuse of the powers contained in the bill to combat organised crime in Queensland. They are considerable powers. Of course we would expect and have welcomed the considerable debate that is centred around the development of this legislation.

One of the features of the bill is the use of criminal intelligence in the applications. The Police Commissioner can apply for certain evidence to be declared criminal intelligence with the result that this evidence will not be available to the defendant in the application. However, the Criminal Organisation Public Interest Monitor will attend all hearings where criminal intelligence is to be considered and used and will make representations in the public interest on the nature of this evidence. That is a very, very important safeguard, and it is a proven model in Queensland—having a Public Interest Monitor to safeguard those public interest considerations.

An informant or operative cannot be called to give evidence in an application. This is to protect the identity of the person and to ensure that they continue to provide the necessary criminal intelligence and information. However, it does restrict the ability of the respondent to test them as a witness. But there is no other way to protect the safety of those persons than by applying that provision, because we know that people who provide that type of information to our law enforcement authorities become

targets of the thugs and the gangs who will stop at nothing to stop them giving information to our law enforcement authorities in order that the criminals, the thugs and the gangs can meet justice. They will stop at nothing, including taking life by the most vile and deplorable and violent means.

Before the commissioner may rely on an informant's evidence, however, an affidavit must be provided that contains details of the full criminal history, including any charges pending of the informant or the operative; details of any allegations of professional misconduct made against the informant or the operative; details of any inducement or reward that has been offered or provided to the informant or the operative in return for their assistance; and the grounds for the police officer's honest and reasonable belief that the information provided by the informant or the operative is reliable. The Queensland Police Service has developed a classification system for criminal intelligence which classifies the evidence in accordance with the reliability of the informant and the reliability of the information and whether or not it is corroborated. The commissioner must provide the court with the classification assigned to any criminal intelligence sought to be relied upon.

The police officer who swears the affidavit must be available to the court to give evidence or be cross-examined, if required. The declaration of a group as a criminal organisation is made by the Supreme Court with the assistance of the Criminal Organisation Public Interest Monitor. The declared criminal organisation has a right of appeal to the Court of Appeal. In addition, if the organisation changes the nature of its activity and is no longer engaged in serious criminal activity, it can apply to have the order revoked. A control order can be made against a member of a declared organisation or a person who associates with a member of a declared organisation who engages in, or has engaged in, serious criminal activity and who is associating with another person for the purpose of engaging in, or conspiring to engage in, serious criminal activity. Innocent associations cannot become the subject of action under this bill. Innocent, legitimate lawful activity will never be caught by this bill.

The presence of the COPIM—the Criminal Organisation Public Interest Monitor—in these applications provides assistance to the court as an independent tribunal. Applications for public safety orders are similarly assisted by the COPIM, and anyone against whom such an order is made has a right of appeal to the Court of Appeal.

One of the effects of a control order is that a controlled person is prohibited from possessing certain objects including weapons or other items. The bill requires a person to deliver to the commissioner's custody any item that they are prohibited from possessing within 24 hours of the order being made. There is power in the bill for police officers to enter without a warrant premises occupied by such a person to search for and seize items prohibited by the order. That power itself is subject to scrutiny by the Supreme Court and can only be used once to enter premises of a controlled person. Police cannot keep returning to the premises to search it without a warrant.

This is a very important and significant piece of legislation. It provides police and law enforcement authorities with additional tools to combat organised criminal activity. It prevents members of declared organisations from associating with each other for the purposes and only for the purposes of serious criminal activity. It prohibits members of organised criminal organisations from recruiting new members to the organisation. However, in doing so, it also affords a number of safeguards and protections to ensure that what are necessary and strong powers cannot be used inappropriately against Queenslanders. This legislation seeks to balance the needs of law enforcement agencies with the rights of citizens and, in my view, strikes a proper balance.

Hon. CR DICK (Greenslopes—ALP) (Attorney-General and Minister for Industrial Relations) (5.26 pm), in reply: At the outset I want to thank all honourable members for their contributions to the debate on the Criminal Organisation Bill 2009. In particular, I want to thank my colleagues on the government side of the House for their reasoned, sensible and very thoughtful contributions to this debate, as typified by the contributions of the member for Barron River and also the member for Chatsworth and the very courageous speech by the member for Toowoomba North.

The bill seeks to disrupt and restrict the activities of criminal organisations and their members and associates. The structure and methods of organised crime pose a challenge to the traditional processes of the criminal justice system which are designed to prosecute and punish proven criminal activity committed by individuals. The long-term disruption of ongoing criminal enterprises may require more than isolated prosecutions of individual members. As I made clear in my second reading speech, the powers set out in this bill will augment but not replace those existing powers to combat serious organised criminal activity in Queensland.

Further, it must be acknowledged that the landscape in Queensland has significantly altered, given the fact that our neighbouring states and territory have all passed similar legislation. The bill will send a clear message that Queensland will not be seen to be or become a safe haven for criminal organisations who may be tempted to move their operations from other states and territories. I reiterate that one of the major reasons that we need these laws passed in Queensland is to prevent this state from becoming a safe haven for outlaw motorcycle gangs from interstate.

Members opposite might think this is fanciful and speculative, but today's *Herald Sun* in Melbourne contains the news that the Finks and the Comancheros have decided to set up chapters in Victoria where they have never had a presence in that state before. What does the newspaper give credit to for this decision? The Victorian government's decision not to enact laws targeting organised criminal groups. I table a copy of that article.

Tabled paper: Copy of an article from The Herald Sun, dated 26 November 2009, titled 'Union calls for state to adopt anti bikie gang laws as documents reveal arrival of two notorious outlaw groups in Victoria' [1513].

It says—

Victoria's police union wants dedicated laws to control motorcycle gangs after a confidential police report revealed two notorious outfits are looking to set up new chapters in the state.

As exclusively revealed by the *Herald Sun* ... the Finks and the Comancheros—are scouring appropriate areas of Victoria to set up their first chapters in the state.

It goes on—

Victoria Police Chief Commissioner Simon Overland told reporters this morning there was nothing to stop outlaw gangs setting up clubhouses in Victoria.

I am very confused by the opposition's position on this bill. We have the deputy opposition leader opposing it because it is too wide ranging in its application. But we have the member for Gregory opposing it because, in his view, the powers in the bill are not wide ranging enough. What their opposition to the bill clearly shows, however, is that they are soft on organised crime. They talk tough but, when given the chance to back up their rhetoric, they walk away. They are policy chameleons who take on the colours of the person they last spoke to.

Three other jurisdictions have introduced legislation targeting the activities of criminal organisations. In every other jurisdiction—in New South Wales, in the Northern Territory and in South Australia—legislation passed both houses with bipartisan support from all political parties. I note that the member for Moggill has entered the chamber. At least he had the self-respect and the discipline to not speak on the bill, after his strident support for the legislative measures put forward by the opposition in 2007. All other jurisdictions have had the bipartisan support of the coalition members—the conservative politicians in the rest of the nation—but not here in Queensland. In Queensland the policy void of the LNP has chosen political expediency and cheap point-scoring over sound policy development and strong action against organised crime in this state.

They say politics makes for strange bedfellows, and what we have seen here in this House over the past two days goes to show how true that is. The member for Southern Downs has suddenly developed a civil libertarian bent. This has never been evidenced in this House over the past 20 years, but for the sake of political expediency he has hitched his wagon to the Queensland Council for Civil Liberties. If we go back through the media releases put out by the council over the past 10 years we see an astonishing trend: 'Opposition leader Springborg's youth curfew proposals rejected'; 'Opposition leader Springborg breached National Party candidate's domestic violence order'; 'Opposition justice spokesman Springborg "acting like a cowboy"'; and 'Springborg's mandatory jail vow "mindless law and order posturing"'.

The member for Burnett is also now a civil libertarian. This is despite his description of Queensland's civil libertarians, as seen in *Hansard* of 21 May this year, as—

... a contemptuous breed of human who was and are prepared to sacrifice our children's future and lives ...

When they speak in this parliament they speak the truth, except for the debate tonight and yesterday, when they have hidden themselves behind the highest wall of hypocrisy I would suggest to honourable members has ever been demonstrated in this House.

In mentioning our neighbouring states, it is relevant to address the comments by the members for Southern Downs, Mudgeeraba and Gregory that the South Australian control order provisions have been found to be unconstitutional. Let it not be forgotten when the vote is taken. Let us see what those members from the Gold Coast—the members for Mudgeeraba, Gaven, Mermaid Beach, Coomera and Surfers Paradise, the Leader of the Opposition—say about organised criminal gangs on the Gold Coast, where bikie gangs are beginning to flourish.

There is an allegation from the Deputy Leader of the Opposition that the bill is unconstitutional. The bill is so distinguishable from the South Australian legislation as to make the decision of the full court in Totani, I submit, inapplicable to the Queensland bill. The Queensland bill is distinguishable in three fundamental respects: any substantive orders are made by the Supreme Court in the exercise of its full and unfettered discretion; the criteria which must be applied by the court in relation to all orders are broad and it is a matter for the court as to the weight to apply to each and every criterion and the evidence and information before the court; and the respondent has notice of an application seeking a declaration that an organisation is a 'criminal organisation'.

The opposition seeks to oppose the bill on the basis it abrogates the freedom of association and the principle of natural justice. In my view, in my respectful submission, the bill represents an appropriate balance between ensuring the bill is effective in meeting its objectives and providing adequate safeguards of the rights of respondents. What are these safeguards that were not commented on at all by the opposition? They include: the Supreme Court determines whether certain information should be treated as criminal intelligence and is afforded full and unfettered discretion in making such a determination; in the event the court declares information to be criminal intelligence and the evidence is admitted, it is a matter for the court as to the weight placed upon any such evidence and information; and the Criminal Organisation Public Interest Monitor will be present at all hearings under the bill and has access to all the information before the court, except to the extent that the material discloses an informant's name, current location, place where the informant resides or position held within an organisation. The COPIM's role is in the nature of amicus curiae and will assist the court in making a decision as an independent and impartial tribunal.

The bill includes significant review provisions, which were not commented on at all by the opposition. These are annual reviews by the COPIM and retired judge; an overview of that COPIM report by the Law, Justice and Safety Committee; a further review after five years to decide whether the act is operating effectively and meeting its objectives; and a seven-year sunset clause.

I will now return to addressing some of the disgraceful issues raised by the members opposite. The member for Southern Downs commented that the bill does not allow for a person to repudiate their membership with a criminal organisation in order to avoid becoming the subject of an application. This is simply incorrect. An ex-member of a criminal organisation can apply for a revocation of a control order, but it is not simply as easy as saying, 'I'm not a member anymore.' These are sophisticated criminal organisations, recognised and acknowledged by members of the opposition in this debate and in this House in 2007, and, as such, a more rigorous process has been utilised in the bill. An organisation may not apply for a revocation of a criminal organisation declaration until at least three years after a declaration has been made. An individual may not apply for the revocation of a control order until they can satisfy the court that they have not been a member of a criminal organisation for at least two years.

Why do we have these restrictions? These restrictions are aimed at preventing well-financed criminal organisations from bringing continuous, unmeritorious court applications for revocation and ensuring that the organisations and individuals have genuinely changed their circumstances at the date of any revocation application. Criminal organisations involved in serious criminal activity have a proven record of employing tactics of intimidation and violence against individuals who give evidence against them and individuals who choose to leave their organisations. To require an individual to support their application for revocation with evidence provided under oath could jeopardise the safety of individuals who have dissociated themselves from criminal organisations and dissuade them from bringing genuine applications for revocation. If individuals were dissuaded from bringing genuine applications for revocation, this would be counterproductive to the bill's stated purpose of disrupting and restricting the activities of criminal organisations.

The member for Southern Downs took issue with the use of criminal intelligence and the fact that the informant cannot be called for cross-examination. The use of criminal intelligence is necessary on the basis that the disclosure of such information could reasonably be expected to prejudice a criminal investigation, lead to the identity of confidential informants or covert police officers, or endanger a person's life or physical safety, and those matters must be proved before the court. How blithely the opposition deals with matters where people's lives might be put at risk.

However, any potential unfairness to the respondent is countered by a number of measures. Similar legislation in other Australian states and territories allows criminal intelligence to be assessed by the Attorney-General or a single Supreme Court judge acting persona designata—that is, in an administrative capacity. This bill requires that criminal intelligence is always assessed by the Supreme Court acting independently and exercising its judicial function.

The bill provides the Supreme Court with an absolute discretion as to whether it should declare any information to be criminal intelligence and allow it to be used in an application. The bill expressly provides that when deciding whether to declare information to be criminal intelligence the court can consider whether unfairness to a respondent organisation or individual outweighs the justifications for protecting the information. The commissioner must include in his application to the court an explanation of the system used by the Queensland Police Service to classify intelligence and what classification has been assigned to the information the commissioner is seeking to have protected with regard to its reliability or credibility.

If the information that the commissioner wants declared as criminal intelligence contains information provided to the commissioner by an informant, an affidavit must be sworn and filed by the police officer responsible for handling that informant. The police officer's affidavit must contain the informant's full criminal history, including any pending charges made against the informant; any

allegation of professional misconduct that has been made against the informant; any inducements or rewards offered or provided to the informant in return for the informant's assistance; and the reasons why the police officer holds an honest and reasonable belief that the intelligence is reliable.

The Criminal Organisation Public Interest Monitor, or COPIM, must be present at all hearings that concern criminal intelligence. The COPIM is able to test the Police Commissioner's application, examine and cross-examine witnesses and make submissions to the court about the appropriateness and validity of the application. The bill allows the court to provide a person who is performing functions under the Crime and Misconduct Act 2001 with access to the criminal intelligence documents. This will ensure that the Crime and Misconduct Commission can properly investigate any allegations of misconduct made with respect to criminal intelligence applications.

Why do we have a process for certifying criminal intelligence? Because, as the member for Barron River put before the parliament, these are secretive, closed organisations. There are police men and women in Queensland who put their lives at risk daily for the rest of us. They need our protection and our support, and that is why we have these measures.

The member for Southern Downs referred to the government's opposition to the 2007 organised criminal groups bill. This was the highest point of hypocrisy that I have seen in my time in this parliament. What an extraordinary debate we have just had in that none of those speeches made by those members opposite in 2007 were even commented upon, even distinguished, even clarified by any members opposite. What a joke. They are utterly shameless in their hypocrisy. They are intent on whitewashing the realities of the bill they proposed—a bill that most importantly included no checks and balances against misuse and a bill that solely focused upon criminalising an individual's involvement in a group. It was a criminal association bill, and I quote the member for Moggill—

> We want to make it an offence for people to associate with and support organised crime.

That is what they brought into this parliament. The bill proposed by the opposition—their guiding light when it comes to civil liberties and attacking organised crime—was drafted so as to create an offence where the prosecution would only have to prove that the defendant knew that his or her participation contributed to any criminal activity of an organised criminal group, not actual involvement in the commission of a particular criminal offence.

The practical effect of the failed bill, therefore, was a situation where, if an individual is identified as a member of a group and other members of the group commit a criminal offence in which the individual may have had no involvement, that person will be made criminally responsible for the conduct of the other members of the group. What did we have in this debate? So craven is the opposition that it now seeks to misrepresent its own bill before the parliament. It seeks to misrepresent and distort the bill that it brought into this House. It should be ashamed.

That bill should be carefully compared to the balanced and staged scheme proposed under the current bill. The Criminal Organisation Bill before the House, had the opposition taken the time to read it, provides that civil control orders can only be made against individuals if they personally 'engage in or have engaged in serious criminal activity'; and individuals can only be found guilty of a criminal offence based upon their own behaviour. I find it astonishing that members opposite can oppose this bill today when they supported that bill a mere two years ago. This shows the depths of hypocrisy to which members opposite will plumb for their own base political purposes. For all their bleating about anti-association laws, that bill was, in its entirety, a bill that imposed criminal sanctions for mere membership of a group. Membership could be proven by the wearing of colours. As I understand it, that bill in the end was supported by the member for Gladstone and the member for Nanango, who today say that they no longer support this bill. I am impressed by the intellectual gymnastics at least of those opposite tying themselves in hypocritical knots, but it does not make for good policy. They have disgraced themselves again.

How is the member for Surfers Paradise going to justify to his constituents, near the heartland of organised criminal activity in Queensland, his opposition to this bill? I note he has not spoken on it. I reaffirm the quote that the member for Mundingburra cited in her speech—and a great speech it was, too. The member for Surfers Paradise said something they see a lot on the Gold Coast is—

> ... chapters of all of the major national bikie gangs located on the coast. Organised crime gangs on the Gold Coast instil fear in residents and give the area a bad name ... Police do not have the legislative support that they need to crack down on thugs who terrorise our streets. This bill is designed to give police this backup.

But they have had a change, haven't they? They had a meeting with a group purporting to represent outlaw motorcycle gangs and they changed their view. We have not heard about that meeting. We have not heard what occurred. We have not heard what was said. We have not heard who facilitated that meeting. We have not heard if it was a lobbyist, if it was a former staffer to Senator Santo Santoro, now working in the private sector, who has fronted media conferences on behalf of the outlaw motorcycle gangs. They run away from that.

The member for Southern Downs made comment that the better way to tackle organised crime is by unexplained wealth legislation. The member for Southern Downs has failed once again to understand the current laws that exist in Queensland—very strong laws. But, of course, in his consultation draft he gives no discretion to the Supreme Court. The Supreme Court must make an order. So much for the rule of law. So much for judicial discretion. But that follows the path they have always taken—the man who seeks mandatory sentencing for juveniles. That is their policy.

I heard the member for Hinchinbrook in the House in an adjournment debate talking about mandatory sentencing. We know what their colleagues have done in Western Australia. We know their colleagues have introduced mandatory sentencing for assault against a police officer. What about the first two individuals charged for assaulting police in Western Australia? They received a mandatory jail term of nine months. What do we know about them? They both had a psychiatric illness. That is the sort of policy and the sort of criminal justice system that those opposite seek to implement in Queensland.

I have respect for the integrity of the member for Gregory. At least he had some self-respect to come in here and support the bill and say that it was not strong enough and that more needed to be done. He is the only person opposite who made reference implicitly to what occurred in 2007, but it shows you how split and divided the opposition is. It cannot come in here with a consistent position. I look forward to the member for Gregory—a man of integrity—coming to this side of the House and supporting what I am certain he knows is an important law enforcement method.

I turn to the member for Kawana, a purported lawyer. He criticised the bill as introducing anti-association laws and allowing for guilt by association. Obviously the shadow Attorney-General did not discuss with him the bill that went through the House in 2007. Whilst a person may be prohibited from associating with another person, this is only where the first person is subject to a control order. A control order cannot be imposed by the Supreme Court solely on the basis of their membership of a criminal organisation. In order to make a control order, those matters set out in clause 18 of the bill must be satisfied, but we had no reference to that by the members opposite.

The member for Indooroopilly and a number of other members appear to labour under the misunderstanding that a person can be jailed on the basis of criminal intelligence. What a gross distortion. Their whole argument was fantasy, based on misrepresentation, based on distortion, based on half-truths of what they say the bill might do. There was no examination of the clauses which they are now going to oppose. This is not the case.

Criminal intelligence may be relied upon in determining whether to impose a civil order. Criminal sanctions only apply in relation to a breach of such civil orders. That is the process—a civil order first. If you comply with the order, you will not be subject to criminal sanction. If you breach the order—just as you are subject to criminal sanction if you breach a domestic violence order—you will then go to a court and you will be tried. You will be dealt with according to the criminal standard of proof beyond reasonable doubt, but we heard nothing from members opposite on that—again, another distortion. All the criminal offences under this bill must proceed in the traditional criminal justice system and be proved beyond a reasonable doubt before the appropriate court.

I must say that I was extremely disappointed in, and in fact distressed by, the comments made by the member for Gladstone, who has sought to cause alarm and distress in the community, particularly among elderly and frail Queenslanders. It was most disturbing. I may only be relatively new to this House, but I have watched the career of the member for Gladstone. I know that she is a smart, intelligent woman who is perfectly capable of understanding clause 43 of the bill. The bill does not allow removal of fortifications, as I submit the member for Gladstone would know if she had read the bill. It must be excessive fortification, and the court looks at whether the fortification is excessive for any lawful use of that type of premises. The premises must also be used in connection with serious criminal activity or be occupied by a member of a declared organisation or an associate of such an organisation. It is disappointing to see someone in this House frightening the elderly, for what purpose I am not sure.

The member for Gladstone raised a number of other issues in relation to the bill. She asked how easy it would be for a police officer to provide information to the commissioner that is not 100 per cent accurate. There is no way that we can prevent someone who is dishonest from being dishonest. However, the Supreme Court is not required to accept whatever evidence is put before it. The court retains a full and completely unfettered discretion as to the evidence and information that it accepts, and also the weight that is placed on that evidence. If any evidence is presented to a court and is not corroborated in any way, the court will place very little weight, I submit, on that evidence.

Similarly, a Supreme Court judge hearing the matter does not have to accept the evidence if it considers that unfairness to a respondent organisation or individual outweighs the justifications for protecting the information. The member for Gladstone also raised concerns about the fortification removal orders. She gave an example of a grandmother allowing someone to place items in her garage and then wanting to provide security for the garage. The member for Gladstone also quoted the Scrutiny of Legislation Committee. The committee noted that clauses 10, 18, 33 and 110 may have insufficient

regard to rights and liberties of individuals, as it would require satisfaction of a lower standard of proof than the criminal standard. I have previously addressed those issues about the grandmother locking things in her garage.

The Criminal Organisation Bill creates a civil regime which allows the Supreme Court, upon application by the Police Commissioner, to make orders aimed at disrupting and restricting the activities of criminal organisations and preventing the expansion of such organisations. Whilst control orders and public safety orders may significantly curtail the rights and liberties of the person who is the subject of the order, such curtailment is not imposed to punish the individual but to ensure community safety by reducing the capacity of individuals to carry out activities that may facilitate serious criminal activity and by prohibiting an individual from attending a premises, event or area where the individual poses a serious risk to public safety or security. The orders are about protecting the community and not about the punishment of individuals and therefore the test does not require proof to the criminal standard.

The imposition of civil orders to prohibit certain conduct is not unprecedented and currently exists in Queensland in the Dangerous Prisoners (Sexual Offenders) Act 2003, the Domestic and Family Violence Protection Act 1989 and the Child Protection (Offender Prohibition Order) Act 2008. Further, the Dangerous Prisoners (Sexual Offenders) Act and the Terrorism (Preventative Detention) Act 2005 allow for the detention of a person within regimes based on the civil standard of proof.

The committee raises the issue of double punishment. As referred to above, the orders able to be imposed under the bill are aimed at community protection, not the punishment of individuals. The issue of double punishment does not arise.

The member for Clayfield commented that the bill provides the judge no capacity to know the identity of an informant. That is simply wrong. The judge will know the identity of the informant. That is another distortion and another misrepresentation of the bill. The restriction on identity applies to the Criminal Organisation Public Interest Monitor via clause 88(2). There is no clause which allows the commissioner to withhold the informant's identity from the judge.

The member for Clayfield also queried the fact that the court and COPIM cannot insist on the calling of an informant. Such an approach is necessary to protect the identity of the informant and the viability of the informant as a continuing source of criminal intelligence information. However, the commissioner must file an affidavit sworn by the police officer responsible for handling that informant. The police officer's affidavit must contain the informant's full criminal history, including any pending charges made against the informant, and any allegation of professional misconduct. I have recited these requirements earlier in my summing-up.

The court is able to call the police officer to give evidence and be cross-examined by the COPIM. It is entirely a matter for the court what weight it attaches to the informant's evidence. If the court finds the evidence inherently incredible or not worthy of weight, I suggest that the court will reject the evidence—the court in its free and unfettered discretion.

The member for Clayfield queried why the bill allows the Police Commissioner to withdraw an application for a criminal intelligence declaration. Such an approach is necessary to ensure the commissioner can confidently bring applications under the bill without risking disclosure of sensitive information—that is, information which is disclosed which would endanger the life of a person or prejudice a criminal investigation.

The member for Beaudesert made comment that the bill is open to interpretation in that it will allow the government of the day to define an organisation. What another distortion. Whilst it is the case that for the purposes of the bill an organisation is a group of three or more persons, whether such an group is a criminal organisation is a matter for determination by the Supreme Court. Whether an application for declaration should be brought is a matter for the Police Commissioner. The doctrine of the separation of powers—a difficult concept for those opposite, I know—provides that the government cannot dictate to the commissioner what applications he or she should, can or should not make.

The member for Glass House, I know, is new to this House. But that does not excuse the sheer laziness of coming into this House to debate a bill that he clearly has not read. He said last night in the debate—

> The bill states anyone under anti-association orders could face criminal sanctions for associating with other gang members more than three times in a 12 month period. This is despite assurances that law-abiding members of the public have nothing to fear. These laws take us closer to a state in which you could be regarded as a criminal merely for having contact with so-called outlaw bikers, rather than actually committing any criminal act.

That was the opposition's bill in 2007. I do not know what bill he was reading from because that provision is not contained in the bill before the parliament. I do not believe the member for Glass House has done it deliberately. If he has he will need to return to the parliament and excuse himself. However, he has embarrassed himself and that side of parliament.

It is representative of the laziness of those opposite. It is the most well-resourced opposition in 150 years of self-government and those opposite read from a purported clause that does not exist in the bill before the parliament. That encapsulates the entire case put by those members opposite. It is a shame. It is an error. It is wrong.

The member for Caloundra addressed the parliament. He did not refer in any way, shape or form to the arguments that were put before the House in 2007. It is worth reiterating some of those. We had the member for Moggill saying in terms of the argument—

We want to make it an offence for people to associate with and support organised crime.

…

The reality is that we should pass legislation in this state that protects the rights of ordinary Queenslanders and makes it an offence to be a member of a criminal gang ...

There is no criminal association offence in this government's bill. What did we have from Mr Langbroek in respect of the opposition's bill—

What constitutes an organised criminal group is defined in subsection (2) of that new clause as well as what it means to be a member of such group. The inclusion of these definitions limits the possibility of ambiguity when it comes to prosecuting a person for that new offence.

Those opposite wanted a tightly focused offence that criminalised association offences. The Leader of the Opposition quotes from the 2004 Crime and Misconduct Commission report—

Since 1999 despite relatively insignificant growth in overall crime rates.

That is a credit to this government, I might say—

Members of groups such as outlaw motorcycle gangs were identified as significant players in illicit drug markets in Queensland as well as being implicated in fraud, identity crime, property crime, theft ...

I could go on and on. I conclude with a quote from remarks made by the Hon. Robert McClelland MP at the first international Quintet meeting of Attorneys-General from the United Kingdom, the United States of America, Canada, New Zealand and Australia on 9 November 2009. He stated—

Experts in each of our countries all point out that modern organised crime is "diverse and flexible". It pervades all parts of society and the economy, easily adapting to changing threats and new opportunities. Persons engaged in organised crime are most likely to be individuals who network and collaborate to exploit a perceived opportunity. They will frequently have the very best professional advice in developing and implementing their activities. They have all but evolved beyond the reach of traditional policing. A point made by Justice Moffitt, the former President of the NSW Court of Appeal, who stated:

"Most Australians have come to realise that, despite the many inquiries, convictions, particularly of leading criminals, are few and that organised crime and corruption still flourish. The path to conviction is slow, tortuous and expensive. The criminal justice system is not adequate to secure the conviction of many organised crime figures ... Those participating in organised crime or white-collar crime, often part of organised crime, are usually highly intelligent and often more intelligent than the police who deal with them. They have the best advice. They exploit every weakness and technicality of the law. When they plan their crimes they do so in a way that will prevent their guilt being proved in a court of law. They exploit the freedoms of the law, which most often are not known and availed of by poorer and less intelligent members of the community. Crimes are planned so there will be no evidence against those who plan and, if by accident there is, it is often suppressed by murder or intimidation."

They are not my words but those of Mr Justice Moffitt, former president of the New South Wales Court of Appeal, one of the highest courts of appeal in this country. Our duty is to protect the Queensland community and to be courageous in our efforts, not cravenly hypocritical like those members opposite. I enjoin the Independent members and all members of this House to support this very important legislative measure.

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

AYES, 44—Attwood, Bligh, Boyle, Choi, Croft, Darling, Dick, Farmer, Finn, Fraser, Grace, Hinchliffe, Hoolihan, Johnstone, Jones, Kilburn, Male, Miller, Moorhead, Mulherin, Nelson-Carr, Nolan, O'Neill, Palaszczuk, Pitt, Reeves, Robertson, Ryan, Schwarten, Scott, Shine, Smith, Stone, Struthers, Sullivan, van Litsenburg, Wallace, Wellington, Wells, Wendt, Wettenhall, Wilson. Tellers: Keech, Kiernan

NOES, 33—Bates, Bleijie, Crandon, Cripps, Cunningham, Davis, Dempsey, Dickson, Douglas, Dowling, Elmes, Emerson, Flegg, Foley, Gibson, Hobbs, Johnson, Knuth, Langbroek, McArdle, McLindon, Malone, Menkens, Nicholls, Powell, Pratt, Robinson, Seeney, Springborg, Stevens, Stuckey. Tellers: Horan, Messenger

Resolved in the affirmative.

Bill read a second time.

Interruption.

ORDER OF BUSINESS

Hon. RE SCHWARTEN (Rockhampton—ALP) (Acting Leader of the House) (6.03 pm): I advise honourable members that the House can continue to meet past 6.30 pm this day. The House can break for dinner at 6.30 pm and resume its sitting at 7.30 pm. The order of business shall then be government business followed by a special adjournment debate.

CRIMINAL ORGANISATION BILL

Consideration in Detail

Clauses 1 and 2, as read, agreed to.

Clause 3—

Mr SPRINGBORG (6.04 pm): Clause 3 specifically deals with the objects of the bill. It states—

(1) The objects of this Act are to disrupt and restrict the activities of—

(a organisations involved in serious criminal activity; and

(b) the members and associates of the organisations.

(2) It is not the Parliament's intention that powers under this Act be exercised in a way that diminishes the freedom of persons in the State to participate in advocacy, protest, dissent or industrial action.

What we have here is an extremely serious conflict between what the bill sets out to achieve with regard to the disruption of serious criminal activity and the methodology with which the government intends to disrupt that serious criminal activity. As we on this side of the House have indicated throughout our contributions during the course of the last 24 hours or so, this clause seriously does compromise the basic rights and liberties of individuals when it comes to the standard of proof and the evidentiary base which is used against them in a court of law in Queensland. From the summation of the debate by the Attorney-General earlier and also from the protestations of his colleagues as they have argued in favour of it and against what has been put forward by the LNP over the last 24 hours, there has been nothing which has diminished the concerns which I have with regard to this.

The members for Toowoomba North and Murrumba have similarly raised particular concerns but have indicated, in deference to their colleagues, that their colleagues have a far greater intellectual basis to their argument and far more argumentative power than they have with regard to the protections which are necessary to ensure that the rights and liberties of individuals are protected when a particular application is made before a court, whether it be for a control order, whether it be for the designation of a group as a declared criminal organisation, or whether it be for the application of an anti-association order, or indeed, when it comes to the application and consideration of what is criminal intelligence.

That is my fundamental concern—that the objects of the bill are in no way actually supported insofar as the diminution of the freedom of persons in the state to participate in advocacy, protest, dissent or industrial action. That can be seen when one considers the clauses which establish the mechanism which seeks to limit the association of people who allegedly are gathering together to potentially commit a criminal offence or people who may be classified as capable of being involved in that particular criminal activity.

With regard to the first object of this clause, we have heard a lot from honourable members opposite—and we heard from the Attorney-General in his summary—about the supposed effectiveness of these particular laws, which seek to declare a particular organisation as a criminal organisation, categorise that organisation as such and place particular limitations on that organisation and the people who may associate with it. But at no stage was the Attorney-General or any member who spoke in favour of this legislation—whether it be a government member or the honourable member for Nicklin—able to indicate one substantive piece of evidence, one substantive case study or one statistical fact which actually backs up the imposition of the provisions relating to declared criminal organisations, the subsequent control orders, the subsequent anti-association orders and all of the other things that go with them.

We have heard many members on the other side tonight say, 'Look, if we do this then it's going to break up these so-called organised crime gangs in Queensland. It's going to break up the bikie organisations in Queensland that are allegedly involved in this sort of criminal activity,' even though Project KRYSTAL nine years ago—a joint operation; a joint report between the Queensland Crime Commission as it existed then and the Queensland Police Service—indicated clearly that there was no demonstrable evidence at that particular stage, and there may be something that the Attorney has that we do not have, but I have my doubts based on the way this government operates, that indicated there was this great criminal organisational arm of these particular so-called outlaw motorcycle gangs but instead individuals who operated in a particular criminal way.

Sometimes there was a fortuitous advantage that would come to those particular organisations from the operation of those particular members. I have no doubt that there are people who are involved in certain motorcycle gangs who are involved in drug running, as we will find in the community in general. But the issue is how we go about dealing with them. One would have thought that if we were going to have any form or proposition that was going to depart from fundamental principles and established conventions of natural justice dating back some 800 years to the signing of the Magna Carta, the government would have been able to produce at least one shred, one iota, of evidence. In the

debate the members of the government were not able to talk about any case study. They were not able to give an indication of what was happening in other states. Granted, those laws in those states are fairly new, but the members opposite were not able to indicate to us one example of where those laws have been effective in Australia or around the world.

Conversely, there is plenty of information and plenty of well-researched documented evidence that proves that these anti-association criminal organisation declaration laws have the opposite effect. I have talked about what has been referred to by Professor Paul Wilson about what happened in Canada following the introduction of such laws there in 1997. According to Quebec's minister for public works and government services, since 1992, following the introduction of those laws in that country and laws that have been brought in since then, there have been 85 murders and 92 attempted murders relating to Quebec's biker wars, with 129 arson attacks and 82 bombings. Those figures indicate the ineffectiveness of legislative measures to control outlaw motorcycle gang related crime which, by the admission of the Royal Canadian Mounted Police, indicate no change in crime rates post the implementation of related legislation. The Hell's Angels in Quebec and similar groups in other provinces were later jailed in 1998. Yet they remained organised crime enemy No. 1 throughout Canada through to March 2009. Additional legislation was passed in 2006 yet still, in Canada, there has been no diminution whatsoever in the amount of organised criminal violence that has been perpetrated by these crime gangs.

So my challenge to the Attorney-General tonight is for him to stand up in this place and give us one iota of evidence about how effective these laws that he is introducing have been where they have been introduced in other jurisdictions throughout the world and where they have had years and, in some cases a decade or more, to operate. Indeed, the concern of criminologists and those people who are well researched in this area is that these laws tend to further drive these organised crime organisations underground. Earlier today we heard the honourable member for Murrumba indicate that sort of thing.

To give any credibility or succour to what the Attorney-General is saying, we need a skerrick of evidence to show that this legislation can meet its objectives, which is to bust these criminal organisations to make our community a much safer place. There was no evidence presented by the Attorney-General and there was no evidence presented by the honourable members of the government who spoke to this bill that would point to that effect in any way whatsoever. Instead we heard vitriol and we heard assertions about members on this side of the House being soft on crime, which is a spurious nonsense given the whole raft of suggestions that we have made in this place to strengthen the capacity of our organised crime-fighting bodies in Queensland to fight organised crime, such as having telephone interception powers and legislation that will deal with the reverse onus of proof and the automatic confiscation of money, which has clearly been demonstrated as a far more effective way of dealing with organised criminal activity. So I look forward to hearing what the Attorney-General says. Can he give us some substantive evidence to back up this bill.?

Mr DICK: This is the same position that was taken by those who opposed domestic violence protection orders. Today is the day after White Ribbon Day where we remember those who have suffered from domestic violence and those who are victims. This government is standing up for victims of crime—victims of outlaw motorcycle gangs who trade on misery, on threats, on silence and secrecy and on extortion.

We are establishing a protective mechanism. They are protective civil orders based on a new regime for Queensland. There is no association offence. We had that falsehood perpetrated again by the member for Southern Downs. The opposition is the party of the association offence. The opposition is the party that brought an association offence to this parliament in 2007—the bill that dare not speak its name. When it comes to the opposition, there was not one word about that bill in the debate. There was not one word to recant their previous position. What a disgraceful display we have seen today.

I refer the honourable member to Canada. We know that in Canada there have been some interesting developments in organised crime. I will quote from a transcript from SBS's *Dateline* program of late June. The reporter was Nick Lazarides—

Across Canada, the once-dominant Mafia has been pushed aside, and a rough, home-grown gang has taken over. The Hells Angels—leaders in an enterprise that feeds on the misery and shattered lives of its victims.

We know in Canada that the Mafia has been excluded from organised crime and that it has been taken over by outlaw motorcycle gangs. This is ostrich politics. The member for Southern Downs claims that organised motorcycle gangs are not engaged in organised crime, that it is only a couple of bad apples. That is simply staggering in its naivety. I suggest that the honourable member should not continue to perpetrate falsehood upon falsehood in this debate.

The member for Southern Downs has opposed the bill. He has clearly said why he opposes it. But we are now going to have a series of 20-minute arguments reiterating the debate over and over in some vain attempt to try to provide some sort of consistency in a debate that has been completely inconsistent with the law and order mantra that has been put forward by those opposite for years. We know that

those opposite opposed the bill because they thought that they could get a cheap political hit on the government. We know that is their position. We know that in their heart of hearts they want to be strong on law and order. But when the test came in this bill, they did not have the courage of their convictions.

The Canadian laws are not the same as the Queensland model. In fact, the opposition bill's is closest to the Canadian model. That is why we have adopted a different view. I am happy to be here all night, but I will not do anything to this bill to weaken it in one single measure at all, which is what the opposition is going to seek to do in its amendments. I oppose each and every one of those amendments, but I happy to be here and debate them for as long as the opposition wishes to.

Mr McARDLE: As my colleague indicated, the object of the legislation is to disrupt and restrict the activities of organisations involved in serious criminal activity and the members and associates of the organisations. There is not one person in this chamber who does not want to see organised crime eradicated. However, if we look around the world, we see that that is almost an impossible dream. Canada has had these laws for 12 years. The Attorney-General has indicated that the Mafia in that country may have been pushed aside but the Hell's Angels have taken over.

I want to look at the phrase 'disrupt and restrict the activities' contained in the bill. This bill puts in place a regime whereby an organisation or a person can have a declaration made against them or certain restrictions imposed upon them. If the Attorney was genuine in relation to taking this matter on board and tackling the issues associated with organised crime, where are the provisions in relation to the hierarchy? Where are the provisions in relation to the financiers? Where are the provisions in relation to the various people who form the organisation?

The Attorney adopts a very simplistic approach that does not deal with the crux of the issue. It is a simplistic approach, looking towards a media grab. If the Attorney was really serious he would put through a raft of legislation not only to address the issue of association but also to tackle the various office holders such as the financiers in the organisation. There are specific crimes that are aggravated by the fact that they are dealt with by organised crime, so we tackle not just the little men at the base but the overall organisation.

The document presented by the Attorney is simplistic. It fails to disrupt and restrict in any way the activities of organised crime. If the government is going to do that it should get serious about it. It should not pretend that the document is what it is not. The bill does not go to the core of the matter. If they are going to stand up and make the claim that they are tackling the issue seriously then for God's sake do it. They should look at what is taking place across this nation and deal with it appropriately. They should not pussyfoot around with the situation that the Attorney-General claims is serious. They should go into it boots and all and tackle the real people and issues behind organised crime and not with some sort of weak-kneed bit of paper he brings into this House.

Mr DICK: This is another example of the grossly contradictory arguments we have had from the opposition. The member opposite says, 'Do not pussyfoot around. Get into the argument boots and all.' Then what do those opposite do? They oppose the bill and will move 27 amendments that will seriously weaken what we are trying to do with this legislation. It is a nonsensical, inconsistent, hypocritical argument that we need to toughen up, according to the member for Caloundra. Yet every single amendment they will move in consideration in detail will weaken the bill. We will not be supporting that and I will, to the best of my ability, refrain from responding to what is going to be, by the sounds of it, a series of speeches lacking in depth and substance.

Mrs CUNNINGHAM: I wish to comment on the Attorney-General's first lot of comments in relation to clause 3 and to reiterate my concerns about what is contained in the objectives of the bill. It is pompous and supercilious to stand in this place and accuse those who are not supporting this bill as not being concerned about domestic violence victims and victims of crime. There would not be a person in this chamber who was not concerned about domestic violence victims, rape victims and outlaw motorcycle gangs and their oppressive actions.

I oppose the legislation because it significantly undermines the rights and freedoms of people in this state, established and protected for many, many years. The objects of this bill state that it is not the parliament's intention that powers under this act be exercised in a way that diminishes the freedom of persons in this state to participate in advocacy, protest, dissent or industrial action. Then the rest of the bill goes about diminishing those freedoms quite markedly if certain circumstances are evident or are brought to the Supreme Court without people being able to properly respond.

I do not want to see outlaw motorcycle gangs, or any criminal, successfully operate in this state, but one does not give away rights and freedoms unnecessarily in order to achieve some goal that is there like the carrot at the end of the stick. While we fight crime, we also have to protect rights and liberties. I am opposing this bill because of my concerns that that may be at risk.

Mr DICK: I will respond very briefly. The member for Gladstone perhaps misunderstood my response to the first question in the speech by the member for Southern Downs. He asked for evidence that this will work. My response to him was that this is the same protective response mechanism, the same civil order regime, as applies in domestic violence orders. I reiterated during my response that range of legislation in Queensland that has that sort of mechanism in place, where the test does not require the criminal standard. I cannot recall whether the member for Gladstone was here, but I will read it into the record—

> The imposition of civil orders to prohibit certain conduct is not unprecedented and currently exists in Queensland in the Dangerous Prisoners (Sexual Offenders) Act 2003, the Domestic and Family Violence Protection Act 1989 and the Child Protection (Offender Prohibition Order) Act 2008. Further, the Dangerous Prisoners (Sexual Offenders) Act and the Terrorism (Preventative Detention) Act 2005 allow for the detention of a person within regimes based on the civil standard of proof.

That is my response. He asks: what is the evidence? I am saying that this is an example of another preventive and protective regime—not to double-punish people, not to punish people again, but to protect the community. That is why we have implemented it. With respect to the objects, I think it is more than appropriate—I think it is essential—that we as a parliament articulate clearly the intention of the bill, which is not intended to infringe those rights in the community that are set out in subclause (2) of clause 3.

I am not challenging the veracity of anyone in this parliament who supports domestic violence victims or victims of crime at all. What I am saying is that this regime is analogous to those regimes where we put a protective order in place. There is no criminal penalty for someone to be subject to a domestic violence protection order in this state, but if you breach that order you can be subject to criminal penalty following a prosecution on the normal criminal standard in a court of law in this state.

Mr WELLINGTON: I would like to respond to the invitation from the member for Southern Downs in relation to my earlier comments. I believe there is clear, irrefutable evidence from around the world about how criminal organisations have changed the location of the operation of their criminal organisations directly as a result of changes to laws that various jurisdictions have passed to put pressure on those very criminal organisations. I certainly will not sit quietly in this chamber and allow that to happen to Queensland.

Mr SPRINGBORG: It is a quantum leap to draw a comparison between these sorts of criminal organisation laws—which include declaring an organisation, placing a control order, anti-association orders and the issue of criminal intelligence—and the domestic violence process in Queensland. For a start, when a domestic violence application is made there is no secret evidence. The evidence is actually put before the court and the court can test that evidence. Of course, that can happen after the application of an interim domestic violence order. We are talking about dealing with the immediacy of a domestic violence threat and about potentially driving organised criminal activity underground and making it worse. There is no comparison whatsoever. I cannot believe that the first law officer of Queensland wants to carry on with some sort of Mr Bean-like approach in this parliament. He has some sort of a comedy show that seeks to cheapen what we are actually doing.

Every year in Queensland there are 8,000 breaches of domestic violence orders, so we clearly have to find a better way of doing that. But to draw that comparison is quite extraordinary and unbelievable. It is almost fanciful. I have asked the Attorney-General to give us some sort of evidentiary base to take us beyond this dream that he is going to solve the problem of organised criminal activity here in Queensland. To date there has been none presented whatsoever.

Sitting suspended from 6.30 pm to 7.30 pm.

Mr SPRINGBORG: As I was indicating earlier, the Attorney-General has still not provided one iota of substantive evidence, based on qualitative research or study from around the world, of any criminal law jurisdiction being provided with powers such as this to declare a particular organisation a criminal organisation and to place on people who may be members of that organisation a control order or an anti-association order. As a consequence, he has been unable to provide any indication of a reduction in crime rates and success in breaking the nexus between organised criminal activity and those gangs that are allegedly involved in that activity.

Our concern is about the government making the situation worse. We do have a desire to do something about organised criminal activity in Queensland, but there is a fundamental difference between the approach that we are advocating and the approach that the government is taking. We believe that having properly resourced telephone interception powers, appropriate confiscation of proceeds of crime legislation and a well-resourced Task Force Hydra for greater focus on organised criminal activity by the likes of the CMC are the way to go.

I again ask the Attorney for the substantive evidence that backs up the proposition in this particular clause. We are very concerned about the government making a bigger mess than we currently have in Queensland. The government has been waxing lyrical about how we need to do something about organised crime. By and large, it has done nothing about organised crime in Queensland for the last 11 years despite substantive warnings from the CMC, its predecessor and the Queensland Police Service saying that we needed such things as telephone interception powers.

The other thing the Attorney should not do is confuse the amendments that we will be moving with our belief that this bill is a good bill. The simple reality is that one cannot make a silk purse out of a sow's ear, and that is what this bill basically is. But there are some amendments that can and will be moved that seek to place a greater onus of responsibility on those who are seeking the declaration of a criminal organisation, control orders and anti-association orders and that seek to use criminal intelligence to try to protect the nexus that exists between the desire to deal with criminal activity and the desire to preserve natural justice and the rule of law for those people who will face the provisions of this bill. That is what our amendments are about. Do they solve our fundamental objection to the bill? No. But they may make it a bit better.

(Time expired)

Mr DICK: That is a statement; it is not really a question. It is just a repetition of what happened earlier in the debate on clause 3. I have nothing further to add.

Clause 3, as read, agreed to.

Clause 4—

Mr SPRINGBORG (7.33 pm): This bill defines 'serious criminal activity'. We have heard some contributions in this parliament over the course of the last 24 hours in relation to what is serious criminal activity. Clause 4 refers to the dictionary.

Mr Dick: Shouldn't we be dealing with it in the schedule rather than the clause?

Mr SPRINGBORG: The schedule also makes reference to that which is defined. If the Attorney wants me to deal with this in clause 7, I am happy to do it there.

Mr Dick: Are you going to do it now and not come back to it? If you do it now I am happy to do it now, but I am not going to do it again.

Mr SPRINGBORG: That is fair enough. I will look at the interrelationship between the dictionary and what it refers to and then go backwards and forwards. I am concerned about the definition of 'serious criminal activity' and that which is contained in the schedule that lists serious crimes offences. As we have heard earlier today from the likes of the honourable member for Maryborough, there are very few crimes in Queensland that are no longer considered not to be serious and therefore may be caught up in this definition. What we have seen from the government over a period of time is a situation whereby it has increased the criminal law in Queensland sentencing provisions to exude a toughness on crime without dealing with the issue that a lot of people are not being sentenced to spend one night in jail. Therefore, there has been a ramping up of those offences which attract the maximum penalty of seven years.

If we go to schedule 1, which lists serious criminal offences—once again, I am looking at all of these interrelationships—we have the likes of threatening violence, deceiving witnesses, damaging evidence with intent, setting mantraps. I am not quite sure how many people are involved in organised activity. I understand that drugs might be involved in those sorts of things. As the honourable member for Maryborough said earlier, receiving stolen goods and all of those sorts of things would come under this. There is a whole range of crimes that are categorised in that way, and this is something that the Queensland Council for Civil Liberties also brought up.

One of my issues is that the legislation itself defines 'serious criminal activity' yet offers no definition for that activity other than simply that it is a serious criminal offence. Whilst we have a word that implies more than one or an ongoing series of activity, to prove such activity according to the bill in clause 5—once again, I am dealing with the interrelationships here—just committing one offence carries a seven-year maximum penalty. Would serious criminal activity not involve the commission of more than one crime being committed and, if not, why bother having a plural definition if we are relying on one offence?

When we are dealing with this bill we are dealing with plural definitions. We have plural definitions but we are dealing with one offence if we look at the provisions contained in the bill. If we are looking at what can now be classified as serious criminal activity, which would trigger the application of this bill in the area of declaration of an organisation or what is covered by way of control orders and so on, it seems to me a little strange that just one offence—that is implied in some of the definitions throughout the bill—would enable somebody to be covered by the provisions of this bill. I would be interested to hear whether the Attorney has any comments on that.

Mr DICK: There is nothing magical or special about it. It is a definition drafted by the Office of Parliamentary Counsel. The honourable member refers to clause 4 and the schedule, but clauses 6 and 7 define 'serious criminal activity'. Clause 6 refers to 'a serious criminal offence' and states that 'an act done ... outside Queensland ... would be a serious criminal offence'. A 'serious criminal offence' is defined in clause 7 to be an indictable offence punishable by at least seven years imprisonment, an offence under the act or an offence against the Criminal Code as set out in schedule 1. So there is no magic to it. It is just the way it has been defined.

Clause 4, as read, agreed to.

Clause 5, as read, agreed to.

Clause 6—

Mr SPRINGBORG (7.40 pm): This clause relates to the meaning of 'serious criminal activity'. It states that it is 'a serious criminal offence', but it is subclause (b) that I want to concentrate on for a moment. It basically indicates that it can relate to—

an act done or omission made outside Queensland, including outside Australia, that, if done or made in Queensland would have been or would be a serious criminal offence.

My concern relates to the use of particular information, and not necessarily criminal intelligence. One of the concerns that has been raised to me by organisations like the Queensland Law Society and the Council for Civil Liberties is that you are dealing here with offences which may have been committed in another jurisdiction and which carry a particular penalty whereby, if they had been committed in Queensland, they would have been classified for the purposes of being covered by the Criminal Organisation Bill, which we are debating here.

Yet an organisation which could potentially be covered by this particular legislation may not necessarily reasonably have any idea of what a person may have been involved in in another jurisdiction. It is true to say that they may not be aware of what a person is involved in their own state jurisdiction. You could quite conceivably have a situation where a crime was committed overseas or in another state 10, 15 or 20 years ago. The rehabilitation of offenders act, as it operates in Queensland, is going to be suspended for the purposes of considering the background of a person for the classification of the various provisions of this bill. So how can you reasonably expect that you can judge a particular organisation based on the fact that one of its members or alleged members or maybe a couple of them have actually been involved in some sort of a criminal activity in another jurisdiction and therefore they will be potentially bound up in this?

The other thing is that, given that some of these things may have happened in the dim, dark, distant past, I believe we could have a situation where some very serious unfair applications of this law are actually made not only to organisations but potentially to individuals as well. I would be interested to know what the Attorney's discussions have been, if any, with regards to the application of this provision in relation to particular crimes that may have been committed interstate or overseas and the reasonableness of applying them in the context of Queensland and our organisations.

Mr DICK: The first point I would like to make is, of course, that these groups know no boundaries. They do not respect state borders, they do not respect international boundaries. Their tentacles go everywhere, which is why we need a mechanism to ensure that, if an act that would constitute a serious criminal offence occurs in Queensland or anywhere in Australia or anywhere else in the world, individuals can be subject to this legislation. The honourable member is seeking to put up these straw men arguments—these hypotheticals that may or may not occur—without looking at the bill in context. The only purpose of defining 'serious criminal activity' is to interface with the rest of the act upon, firstly, how a court may make a declaration under clause 10 of the bill.

So you cannot look at these things in isolation. We can have endless arguments this evening on what may or may not be something that may or may not occur here or perhaps elsewhere in the world. But you need to look at clause 10(1), which sets out the basis upon which a court may make a declaration. It sets up this structure: that 'the respondent is an organisation' of three or more people as defined in the legislation; that 'members of the organisation associate for the purpose of engaging in, or conspiring to engage in, serious criminal activity'—so that is the action part of it; and that 'the organisation is an unacceptable risk to the safety, welfare or order of the community'.

Similarly, control orders follow from that. I put on the record that a declaration that an organisation is a criminal organisation is a legal declaration but it has no consequences; it is the control orders that are made subsequently. That puts to bed the lie that has been perpetrated constantly in this debate that there is some sort of association offence. The association restrictions result from the control order, not from the declaration of criminal organisation.

Mr SPRINGBORG: Whilst it is true that the real effect of something does not really happen until a control order is sought or an anti-association order is sought after the declaration of a particular criminal organisation, the reality is that a process has to be gone through to get to that particular stage. So it is wrong to say that no imputation actually flows from the declaration of that particular organisation. It is highly necessary. It is actually done with the express consideration that there probably will be control orders that will flow on from there in the future.

Whilst it is true that these people do not know any boundaries, it is also true that you could have an organisation in Queensland that has actually had no active infiltration, no active idea of a domestic criminal insurgency. However, if people who seek to associate themselves with that organisation have been convicted of a particular crime in an interstate jurisdiction or overseas, that actually has an implication for that organisation. That triggers control mechanisms that start to apply to those members who may have come in as well as to other people who may be associated with an organisation. They

may have had a conviction against them in the past for something which is not associated with an organised criminal activity in any way whatsoever—it might be an indiscretion in their youth. I am concerned about the way this can be looked at and the way it can be applied. The Attorney does not seem to believe that it is an issue. He sees it as a hypothetical, but I think there is a possibility that an injustice could flow from it.

Mr DICK: Clause 10 provides that it does not matter if these individuals arrive; it is subclause 10(1) that is the relevant part of the bill which provides that 'the respondent is an organisation' and that 'members of the organisation associate for the purpose of engaging in, or conspiring to engage in, serious criminal activity'. That is the active part of the subclause—they need to associate for the purpose of engaging in or conspiring to engage in serious criminal activity. So there must be information or evidence towards that point. And, lastly, that 'the organisation is an unacceptable risk to the safety, welfare or order of the community'. That is what the court will need to look at before it makes a declaration. I also refer the honourable member to subclauses (4) and (5) of clause 10, which set out the nature of organisations.

Clause 6, as read, agreed to.

Clause 7, as read, agreed to.

Clause 8—

Mr SPRINGBORG (7.48 pm): I move the following amendment—

1 Clause 8 (Commissioner may apply for declaration)

Page 13, lines 21 to 23—

omit.

I indicated earlier in my contribution the real concern I have with regard to the operation and the effect of the Criminal Organisation Public Interest Monitor in that they do not properly have access to all of the information that allows them to effectively do their job. That is not only my view; it is also the view of the likes of the Council for Civil Liberties, the Bar Association and the Law Society of Queensland.

The Public Interest Monitor in Queensland was a great innovation which actually arose out of the foresight of then police minister Russell Cooper when it came to the planting of listening devices in Queensland and consultation and concerns that were raised by the Council for Civil Liberties at that particular stage. The broadness of what the current PIM can actually do when it comes to looking at information relating to the planting of listening devices is far more substantive than what this Criminal Organisation Public Interest Monitor can do.

My understanding is that the COPIM, as operates under those particular provisions—and I understand they have been extended recently to telephone interception powers in Queensland—has access to all information which the court has. You either have faith in your COPIM or you do not. You either have confidence in your COPIM or you do not. Under this legislation, there is certain information which the COPIM is able to get to test the veracity of the information being considered. If any person discloses information that can identify an informant then that person is subject to the sanctions of the criminal law as specifically prescribed in the legislation we are debating today. The amendment that I have moved would remove lines 21, 22 and 23 of page 13, which state—

The commissioner must give copies of the application and any supporting material to the COPIM under arrangements decided by the COPIM.

It continues—

Note for subsection (6)—

Under section 88(2), this requirement does not apply to particular material about informants.

I think that for the COPIM to properly do their job they should have access to the information which would be otherwise available to the judge in the court. If we are going to set up a mechanism with very low standards of proof for the classification of a criminal organisation—which we will come to later—the application of a control order and the use or otherwise of criminal intelligence, there needs to be a process whereby we can trust our Criminal Organisation PIM to have access to all the information to ensure they are able to stand in the interests of the person or the organisation that may be the subject of that particular control order, that particular declaration or the particular anti-association order. If we are going to take this step we need a process which ensures appropriate access to information for the Criminal Organisation PIM.

The Attorney and the government will have a process which seeks to get the best person for the job—somebody who understands the rights and responsibilities of this job, who is supposed to ensure that liberties and concerns, as much as they can be upheld, as prescribed in this law can be upheld. If we trust them that much, we should trust them with all identifying information to be able to make a proper and objective decision, as we do currently with the Public Interest Monitor in Queensland.

Mr DICK: I will make it clear at the outset that the matters I intend to put on the parliamentary record in response to this proposed amendment—the first amendment circulated by the honourable member—will apply equally to the following amendments circulated by the honourable member. So I will put this on the parliamentary record once, but I will not be returning to it in debate on later amendments. I will be referring the parliament back to my comments on this amendment.

This is my response to amendment Nos 1, 6, 7, 10, 11, 13, 14, 15, 16, 17, 20, 21 and 25 as circulated by the honourable member. All of these clauses relate to the removal of the current restrictions on the material given to the Criminal Organisation Public Interest Monitor. Under the bill, the Criminal Organisation Public Interest Monitor has access to all material before the court except material to the extent it discloses an informant's name, current location, residential address or the position held by an informant in an organisation. That is set out in subclause 88(2). The Criminal Organisation PIM will have everything that the judge has except the informant's name, current location, residential address and/or the position held by an informant in the organisation.

The disruption and investigation of criminal organisations are not simple. One of the key tools in the police arsenal is the capacity to use covert informants who may be risking not only their lives—and they do that every day in Queensland to secure convictions, to get evidence and to get information to bring these groups down—but also those of their families and associates. They do that to bring criminals to justice. The advice that I have received from the Queensland Police Service clearly indicates to me that the risk posed to covert informants is acute and that if their identity were to be made available to those they are investigating it could have catastrophic results and potentially put covert operatives, their families and their associates at very significant risk indeed—in fact, risk their lives.

The release of such information to anyone increases the risk to an informant and also to the individual to whom that information is revealed. We are of course putting judges at risk by providing them with this information, but that is very appropriate. So for each extra person who possesses that information the risk increases accordingly and, as such, the responsible role for government is to determine how far that information should be properly disseminated. This is yet again one of those difficult balancing exercises that we have been implementing as part of developing this legislation.

On the one hand, the capacity of the Criminal Organisation Public Interest Monitor is to do their job. On the other hand, the safety and security of covert informants, police operatives and persons who possess covert information must also be considered. The policy that has been adopted in this bill is to withhold identifying information from the COPIM. In that regard, that is name, current location, residential address or the position held by an informant. That is supplemented by an affidavit of the police officer controlling that informant and that individual which, of course, needs to be put before the court. A whole range of issues need to be sworn there, as set out in the bill and as I explained previously in my summing-up, and that police officer who swears that affidavit must be available for cross-examination. The proposal for the government is that we withhold that identifying information from the Criminal Organisation Public Interest Monitor in order to protect the safety of the Criminal Organisation Public Interest Monitor and the informants.

The Queensland Police Service has been very clear in its advice to government. If the Criminal Organisation Public Interest Monitor is known to possess such information, then he or she will become the target of intimidation and violence from organised criminal groups—and we know that is their stock-in-trade: intimidation, threats of violence, acts of violence—who wish to obtain informant identity information. That is what they want. They want to know the names of the individuals so they can suppress and deal with them.

Finally, I note that the Criminal Organisation Public Interest Monitor can still carry out their functions in testing an application. They have the power to do everything else in the application. They have all the other information and evidence that goes to the court and they can test that information. Such identifying information, while possibly of interest and potentially useful, is not critical to the function the Criminal Organisation Public Interest Monitor will carry out.

I make it very clear at the outset that the government will not do anything to weaken this bill. The opposition seeks to weaken it. We stand against organised crime in Queensland, in particular outlaw motorcycle gangs. Can I say about outlaw motorcycle gangs and outlaw bikie gangs that that is not our description. That is the self-description they apply to themselves. They describe themselves as outlaw motorcycle gangs. Why do they do that? Because they stand outside the law. That is how they describe themselves. That is how they behave. That is a badge of honour to them. That is why this government is acting. That is why we stand against them and the opposition stands for them.

I also want to address the humbug we have had in this debate about the Public Interest Monitor created by Russell Cooper. In the Deputy Leader of the Opposition's speech at the second reading stage and again now in debating this clause we have had the glorification of the Public Interest Monitor—the importance of that office, how significant it is to protecting the public interest in Queensland. What did we want to do with telecommunications interception powers? We wanted the Public Interest Monitor in the room, and every single step of the way for five long years we were opposed by members opposite and opposed by the Howard government.

Again, they have the audacity to come in here in this debate and praise the Public Interest Monitor as their contribution to civil liberties. When we sought to have the Public Interest Monitor as part of the implementation of telecommunications interception powers, they did nothing to stand up for Queensland, they did nothing to lobby the Howard government, they did nothing to protect the public interest in Queensland—the most obvious and perfect example of their hypocrisy and humbug as demonstrated in this bill.

Those opposite are not interested in law enforcement. They are not interested in the public interest. They are not interested in standing up to bikies. This government is and we will vote to oppose anything that weakens this bill and puts the life and liberty of the Criminal Organisation Public Interest Monitor, who has to play a critical role in this bill, under threat and that of their family and friends. I will not be returning to the debate on this. I have indicated earlier the amendments that I will be opposing. That is the position I will take on the matter.

Mr WELLINGTON: I was wondering whether the minister could slowly go through those amendments he was saying that answer related to.

Mr DICK: These are the amendments circulated by the Deputy Leader of the Opposition. They are amendment Nos 1, 6, 7, 10, 11, 13, 14, 15, 16, 17, 20, 21 and 25 of the 27 amendments circulated in the name of the member for Southern Downs.

Mr SPRINGBORG: If the Attorney does not want to answer the further—

Mr Kilburn: He did.

Mr SPRINGBORG: No, he did not. If he does not want to answer the further questions that I have been seeking clarification on then that is a matter for him. If the Attorney wants to rewrite history with regard to the telecommunication interception bills that we have introduced into parliament then he can do so. The laws that we introduced in here sought to put an oversight process in place. I am not going to go through all those details because that will eat into my time. In the absence of the PIM we sought to put in place an oversight process and a process to ensure that the appropriate information was actually taken before the judicial officer to ensure a whole range of safeguards and standards were actually met before such an application was able to be granted.

Having said that, if the Attorney now says that the Public Interest Monitor, who now covers the Telecommunications Interception Act in Queensland and oversees the act in Queensland which governs the planting of listening devices, is such a great person and has done such a great job then one would imagine that he would not have any trouble whatsoever in applying the same set of rules for the availability of information and authority to a Criminal Organisation Public Interest Monitor. The Attorney said in his contribution that if we put a Criminal Organisation Public Interest Monitor in charge of all the information in relation to the identity of the informant then we could have a criminal organisation or one of its operatives chase that person down and seek to do harm to that person or their family.

The news that I have for the Attorney-General is that when it comes to the planting of listening devices the current Public Interest Monitor in Queensland is similarly in that situation. When it comes to the planting of listening devices, those listening devices can be planted against somebody who may be a member of an alleged outlaw organisation in Queensland, somebody who is involved in organised crime, somebody who is involved in very lucrative drug trafficking, money laundering, prostitution, illegal gaming or whatever the case may be. Surely that person whose position currently exists and has existed since 1997 in Queensland, is in a similar predicament if we take the logic of the Attorney's argument, because that person is in possession of that information and takes a very active role in that.

When it comes to telephone interception one would actually imagine that the law enforcement authorities in Queensland are currently, with their limited resources, using the opportunity to tap the telephones of individual members or the collective of so-called outlaw organisations in Queensland. Surely that Public Interest Monitor would be in danger in the current situation.

I take on board that the Attorney says he is not going to respond because, as far as he is concerned, he deals with it and moves on from there. What we have in Queensland is a situation where the Public Interest Monitor is able to, when it comes to applications for the planting of listening devices, not only get the identity of the informant but also cross-examine in a closed court environment to be satisfied that the information which has come forward from that informant is ridgy-didge, right and proper, aboveboard and substantiated.

The problem we have with the mechanism which is being proposed by the government is, sure, we understand the importance of covert operatives and these anonymous people and some of the risks they might face but we are now actually relying upon a third party to testify particular information on their behalf in a court. There is no ability for the COPIM to dig down to the grassroots and find out the veracity of that particular information. That is an important thing. It is not about putting a person at risk. This is about upholding the liberties of members of the community and making sure that if we are going to restrain a person's ability to be able to associate or place a control order on them or indeed have a declaration on a so-called criminal organisation then we have to make sure that we do it correctly.

The Telecommunications Interception Act says—

Full disclosure to PIM. The officer must also fully disclose to the PIM all matters of which the officer is aware, both favourable and adverse to the issuing of a warrant.

That is what the legislation says. Why can we not do it with this?

Mr DICK: It would appear nothing that I can say tonight will be understood by the member for Southern Downs. No matter how I say it, in what fashion or form, he will not understand it. I am going to proceed in the debate in that way.

To everyone else in the world there is a significant difference between a covert listening device, a listening device, an electronic bug that is put somewhere to obtain electronic information and having a physical source, a human being, undercover obtaining information. The whole nature of a covert listening device is that it is covert. Nobody knows it is there so nobody is at threat.

The difference is, in the case of a criminal informant, that the life of the individual who is obtaining the information is at threat and so would the Criminal Organisation Public Interest Monitor if that information was provided to him. There is an enormous difference, a world of difference, between the two which is not understood by the member of Southern Downs and, regardless of what I say, will not be understood by him either because he cannot understand it or because he deliberately wishes not to understand it.

Mr McARDLE: I rise to support the amendment proposed by my colleague. As I understand the argument of the Attorney-General, the COPIM will not be advised of certain limited material but that same material will become available to the judge in the matter. One would also assume if it becomes known to the judge it may also become known to the judge's clerk and also other personnel employed at that level within the judiciary. It seems at great variance that the COPIM could be at risk or under threat but the judge purportedly may not be at risk or under threat, the judge's clerk may not be at risk or under threat, the police officer who swears the affidavit may not be at risk or under threat. The argument is illogical. Either they are all at threat or they are all given the information and the threat is accepted as part of the normal course of the duties they conduct.

Mr Robert Needham, the head of the CMC, would be a man, not in this instance but in other instances, who would be at threat on an ongoing basis. It is the nature of the occupation of these men and women that they are at risk. It is completely illogical to try to run an argument that a particular person is at threat but they are not protected but a person is at threat and they are protected. It does not make sense. Can the Attorney advise why the judge, even though they are at threat obviously, is given the information? It is quite possible that their clerk will also have the information and be at threat but the COPIM will not be given the information and therefore not be at threat. It does not follow a logical sequence of events.

Mr DICK: Because the judge is at the heart of the whole process.

Mr McArdle: So is the clerk; so is the COPIM.

Mr DICK: No. The judge is the determiner of the matter. The judge determines what occurs. He is the decision maker. He needs all of the information.

Going back to the issue of a listening device, this is an example of what occurs. A listening device is placed without a person's knowledge, but an application for a declaration that an organisation is a criminal organisation is of course done on notice to the individuals but made in their absence. The court hears it in their absence. No-one knows if they are the subject of a wire tap—that is the whole point—so the PIM is never at threat, but they are at direct threat when an application is made to court under this legislation that is proposed by the government. There is a world of difference between the two.

There can be policy differences between the government and the opposition about the extent to which information is provided, but the government's position is clear. We are not going to put these individuals at very significant risk. Those opposite may wish to do so because they think, on balance, they are putting their hand up to put their lives at risk. The judge is the person making the decision. The judge needs all of the information. We say that the framework is appropriate in the circumstances.

Mr JOHNSON: While supporting the amendment moved by the shadow Attorney, clause 8 states—

The commissioner may apply to the court for a declaration that a particular organisation (the ***respondent***) is a criminal organisation.

Proposed subsection (5) states—

The application, with any accompanying affidavit, must—

(a) be filed; and

(b) on filing, state as the return date a day within 35 days after the filing; and

(c) after being filed, be served by the commissioner on the respondent—

(i) by personal service within 7 business days after the filing; or

(ii) if personal service is not practicable, or if the respondent is an unincorporated association, by public notice within 10 days after filing.

In the case of serious criminal activity bordering on, say, terrorism or something like that, can this proposed subsection be short-circuited by the police having direct access by bypassing this subclause? Will that be covered under the terrorism legislation or does the COPIM have to apply?

Mr DICK: The provisions of subclause (5) of clause 8 are plain. There is no possibility to vary that. The provision is clear.

Mr SPRINGBORG: I do not expect the Attorney is going to respond; however, I am just going to make the point abundantly clear. We believe that either you have a PIM or you do not have a PIM. We believe that either you have a COPIM or you do not have a COPIM. You do not have a cut-down COPIM, and that is the simple reality of what we are dealing with here in Queensland. When it comes to the telephone interception legislation in Queensland and when it comes to the legislation governing the planting of listening devices, this parliament felt that it was important to have that person gain access to all of the information in order to protect the liberties of those people who may be subject to the listening device or the interception of their telephone calls. It seems somewhat strange to me that the government is then prepared to take the step to the Criminal Organisation PIM and is prepared to supply a lower standard of protection for those people who may be subject to the privations that come from interference in their rights and liberties based on the allegations which are made against them.

The government is saying that it is happy to have the covert operative supplying the information out of sight on the one hand but on the other hand they will be subject to the absolute and complete scrutiny of the process that comes with the telephone interception laws and the laws governing the planting of listening devices. I would have thought the fundamental natural justice principles, the fundamental rule of law issues and the fundamental requirement to be able to test the information which has been relied upon in order to make a declaration, or whatever the case may be, should be absolutely the same if you are looking at the foundation in law and wanting to protect the basic rights and liberties of individuals and if you are dealing with what is covered by the PIM under those two areas—telecommunications and listening devices—as you would if you are going to cover it under the Criminal Organisation Bill.

If somebody is going to do the job, we need to trust them. If we believe that there is going to be a threat to those people then obviously they need protection. That happens all of the time at the moment, and I would imagine that that would be based on the best possible advice which had come forward from the Queensland Police Service, which uses its intelligence in order to protect those people it believes are at threat. Also woven throughout the contributions of members opposite in the last 24 hours and also, as I understand it, in some of the notes that have gone into the preparation of this bill is an inference that criminal organisations are becoming more and more sophisticated with more and more access to technology and as a result they know more and more about what is going on.

How do we know that they do not know more about what is going on when it comes to the other things which the PIM is looking after? We really do not know what is going on, but all I can say is that the fundamental issue here is that if we are going to have a PIM when it comes to telephone interception and the planting of listening devices then we should not have a cut-down, half-baked PIM that can only do half the job when it comes to the issue of criminal organisation listings and everything that flows from there. The basic issue is the same and they should be given the authority to do the same as the PIM, and they should be protected if necessary; otherwise, what we are doing is saying that one part of the community that may be subject to a particular order that comes out of the information uttered by an undercover operative will be less protected and their rights are less and more devalued than those who are actually covered by the operation of our fully-blown PIM in Queensland. That is our fundamental objection.

If we are not going to advance it by ventilating the argument more, that is the Attorney's call. But I have not heard anything which substantially undermines what I am putting forward with regard to the need to ensure a consistency across the information that can be cross-examined that comes from a covert operative in a closed court situation. As the honourable member for Caloundra said a moment ago, we do not know the number of people who may potentially be at risk from something like this. As the honourable member said, the judge and the judge's clerk could be at risk, and then there is also potentially the police officer who supplies the affidavit. One would hope that that person is not known, but how safe are they going to be? If we are going to have this argument about hypotheticals, we can say that it goes on from there. But the issue is that it should apply across-the-board. If you have a PIM you have a PIM, and they should be able to do their job.

Mr DICK: There is one matter that I want to respond to. Can I also make it abundantly clear that judges will hear this matter on the basis of a list. So the court will determine who hears matters. There will not be one judge. It might be the Attorney-General, as happened in South Australia, or a judge designator as occurs in New South Wales. The court will determine its list and hear applications. Of

course, there is only one Criminal Organisation Public Interest Monitor who will have access to all applications and all information that goes to court, and that person, according to the members opposite, would become the single repository of all of this information. They are. They will have all of the information except the name, address, rank of the informant and those sorts of things. But to give them all of that information—all of the names of every operative—puts them in extraordinary danger. That is the advice the government has received. It is the advice the government accepts. We do not seek to put them at risk. It is a matter for the opposition as to whether it seeks to do so.

Division: Question put—That Mr Springborg's amendment No. 1 be agreed to.

AYES, 32—Bleijie, Crandon, Cripps, Cunningham, Davis, Dempsey, Dickson, Douglas, Dowling, Elmes, Emerson, Flegg, Gibson, Hobbs, Johnson, Knuth, Langbroek, McArdle, McLindon, Malone, Menkens, Nicholls, Powell, Pratt, Robinson, Seeney, Simpson, Springborg, Stevens, Stuckey. Tellers: Horan, Messenger

NOES, 45—Attwood, Bligh, Boyle, Choi, Croft, Dick, Farmer, Finn, Fraser, Grace, Hinchliffe, Hoolihan, Johnstone, Jones, Kiernan, Kilburn, Male, Miller, Moorhead, Mulherin, Nelson-Carr, Nolan, O'Brien, O'Neill, Palaszczuk, Pitt, Reeves, Robertson, Ryan, Schwarten, Scott, Shine, Smith, Spence, Stone, Struthers, Sullivan, van Litsenburg, Wallace, Wellington, Wells, Wettenhall, Wilson. Tellers: Keech, Darling

Resolved in the negative.

Non-government amendment (Mr Springborg) negatived.

Clause 8, as read, agreed to.

Clause 9, as read, agreed to.

Clause 10—

Mr SPRINGBORG (8.25 pm): I move the following amendments—

2 Clause 10 (Court may make a declaration)

Page 14, line 15, 'suggesting'—

omit, insert—

'very likely to prove'.

3 Clause 10 (Court may make a declaration)

Page 14, line 19, 'suggesting'—

omit, insert—

'very likely to prove'.

4 Clause 10 (Court may make a declaration)

Page 14, line 24, 'suggesting'—

omit, insert—

'very likely to prove'.

5 Clause 10 (Court may make a declaration)

Page 15, after line 20—

insert—

'(6) The court may make a declaration only if it is satisfied of the matter stated in subsection (1)(b) on reasonable grounds, based on all the supporting evidence.'.

These amendments relate to issues that were raised in this House earlier today and yesterday by a number of members. The amendments relate to the very low standard of proof that exists in this bill when it comes to the declaration of an organisation. The concerns that were raised earlier today and yesterday relate to the very low standard of proof for an organisation to be declared a criminal organisation.

As I indicated yesterday, this bill is unique. It contains potentially criminal implications arising for individuals if charges are laid further down the track. It places restrictions on people that we would otherwise expect to happen under a criminal jurisdiction. Yet in so many areas this contains a civil standard of proof.

But in this clause we even have a lower standard of proof. In Subclauses 10(2)(a)(i), 10(2)(a)(iii) and 10(2)(a)(iv) we see the following terminology—

In considering whether or not to make a declaration, the court must have regard to—

(a) the following information before the court—

(i) information suggesting a link exists between the organisation and serious criminal activity.

…

(iii) information suggesting current or former members of the organisation have been, or are, involved in serious criminal activity.

…

(iv) information suggesting members of an interstate or overseas chapter or branch of the organisation associate for the purpose of engaging in, or conspiring to engage in, serious criminal activity.

Today, we heard a classic example put forward by the honourable member for Nanango. She said that there could be all sorts of situations in life where someone could say to you, 'It appears to be,' or 'You look like' that suggests a particular course of action or that you are subject to a particular condition and you may not be. 'Suggest' is a very low standard of proof when you are dealing with something as serious as the declaration of a criminal organisation.

Mr Johnson: You're dealing with the smartest of the smart.

Mr SPRINGBORG: As the member for Gregory indicated, we should be dealing with fairly smart people. Amendments Nos 2, 3 and 4 that I have moved seek to change that word 'suggesting' to 'very likely to prove'. Those amendments lift the standard of proof to a much higher standard than just suggesting.

I do not understand what the Attorney-General and the other honourable members opposite have against wording that would indicate that the court had to look at something that was very likely to prove those particular matters. So when it comes to subclause (2)(a)(i), it would read—

Information very likely to prove a link exists between the organisation and serious criminal activity.

When it comes to subclause (2)(a)(iii), it would read—

Information that was very likely to prove current or former members of the organisation have been, or are, involved in serious criminal activity, whether directly or indirectly and whether or not the involvement resulted in convictions.

When it comes to subclause (2)(a)(iv), it would read—

Information very likely to prove members of an interstate or overseas chapter or branch of the organisation associate for the purpose of engaging in, or conspiring to engage in, serious criminal activity.

These amendments are about lifting the standard of proof before you have a declaration of an organisation as a criminal organisation. If the Attorney is right in what he says about the veracity of information which is gathered and about the robustness of the oversight process that will ensure the protection of liberties of individuals and their rights to associate, then this government should not have any problem whatsoever in supporting the change of this to 'very likely to prove'.

The other amendment I put forward is to be inserted on page 15, after line 20. It is simply about lifting the standard of proof. It states—

The court may make a declaration only if it is satisfied of the matter stated in subsection (1)(b) on reasonable grounds, based on all the supporting evidence.

This amendment is about ensuring that those who are responsible for taking these sorts of applications to the closed court process have the standard of evidentiary proof that is necessary to ensure that it is not just something taken on spec. If I go to the fridge and something is missing, it might tend to suggest that my teenage son has been in the fridge, which would be a fair guess considering how voracious he is, but it might have been somebody else in the house. I might make a conclusion based on who might have done it in the past, but I might be completely wrong. If I applied 'very likely to prove' in that situation it would place a higher evidentiary standard on me to do some background work and try to run to ground, to a greater likelihood, the basis of the information and the veracity of the evidence that I am using to prove a particular case.

I cannot see how the government would have any problem with something that tries to apply a higher evidentiary standard on those particular people who are seeking to adjudicate whether an organisation should be subject to such a declaration based on information at hand.

Mr DICK: I thank the honourable member for grouping these four amendments together, amendments 2, 3, 4 and 5. Amendments 2, 3 and 4 seek to amend clause 10. Clause 10 includes a provision that states that the court must have regard to certain information in determining whether to make a declaration. Pursuant to clause 10 of the bill, the Supreme Court may only make a declaration if satisfied that the members are an organisation, of course, and that they associate for the purpose of engaging in or conspiring to engage in serious criminal activity and that the organisation is an unacceptable risk to the safety, welfare or order of the community.

Whilst the bill provides that the court must have regard to certain information, the court retains a full discretion as to the weight placed on any particular information. For example, where the information suggested a tenuous link the court may decide to place little or no weight on such evidence. The current wording allows the court to be the final decision maker, assessing all evidence placed before it and reaching a considered judicial opinion and decision.

Amendment 5 seeks to amend clause 10 by the insertion of a new subclause (6) to provide that the court may make a declaration only if it is satisfied of the relevant matters on reasonable grounds based on all the supporting evidence. With respect to the member for Southern Downs, this amendment is superfluous. There is no need to tell the Supreme Court that its decision must be based on supporting evidence and reasonable grounds. This is at the very heart of the judicial decision-making process and does not require repetition in the bill.

Subclause (2) of clause 10 is not a standard of proof. That is a gross misunderstanding of the law, with respect to the member for Southern Downs. It is merely a list of evidentiary matters that the court must consider in making a decision under subclause 10(1). Of course, subclause 10(1) is discretionary. The first three words of subclause (1) are 'The court may'. It is not mandatory. It is not a direction to the court. That is the problem in South Australia compared to Queensland. The threshold test is subclause 10(1), not subclause 10(2). Subclause 10(2) contains matters for the court's consideration. The court must consider those matters. But if they are not satisfied of the elements required for an order to be made under subclause 10(1), it is irrelevant under subclause (2). If the court is not satisfied of those matters, the court must consider them—the court is required to consider them—but if the court is not persuaded by the material, by the evidence, by the information that an order should be made, that is a matter that the judge will take into account. Regrettably, the opposition misconceives what is proposed and the amendments are opposed.

Mr McARDLE: Clause 10 is, in part, a very important provision within the terms of the bill. There is no doubt that the bill is asking the court to exercise its criminal jurisdiction. The bill is penal in nature. When a court in the normal course of events deals with an application in relation to a criminal matter, it determines the matter on the basis of beyond reasonable doubt. It also deals in facts. What the court is being told it must have regard to—not 'may have regard to' but 'must have regard to'—is any information that suggests a link between the organisation and the serious criminal activity, as opposed to information establishing a link between the organisation and the serious criminal activity. That is quite a world apart from the wording that appears in subclause (2)(a)(i).

In subclause (2)(a)(ii) the court is also required to consider any conviction of former members of the organisation. Those members may well have been members of the organisation many, many years ago, may no longer be a member of the organisation and may not have been for a long period of time. It is also required to consider information suggesting current or former members have been, or are, involved in serious criminal activity, not information confirming that current or former members of the organisation have been, or are, involved in serious criminal activity. Subclause (2)(a)(iv) also contains the term 'information suggesting'.

The court may make a declaration under subclause (1) but it must consider the terms of clause 10(2)(a)(i), (ii), (iii) and (iv). The court is, in fact, being told that if it is to make an order under clause 10(1) then the lowest information required they are to be satisfied with is that contained in 10(2)(a)(i), (ii), (iii) and (iv). That is the lowest standard of proof. It does not have to establish a link actually exists; it just has to be satisfied that the information suggests. That is a dumbing down of the process of the Supreme Court, it is a dumbing down of the process of the criminal jurisdiction and it is a dumbing down of the maxim that in a criminal court matters must be proved beyond a reasonable doubt.

As we know, later on in the bill it is quite clear that a matter of fact is to be decided on the balance of probabilities under clause 110. It is not right to suggest that it can disregard that information. That information is the lowest standard it is required to meet. It is a far cry from the standard required in the normal criminal jurisdiction. It removes the right of members in the organisation, in my opinion, to a fair and reasonable hearing because the court's capacity to deal with matters as listed in clause 10(2) remove or at least do not protect the members of the organisation or the organisation itself.

Mr DICK: Clause 10(2) is facilitative of clause 10(1). They are matters that the court must consider. The court must consider those issues. It does not mean that the court must make the order because that is provided for in clause 10(1), and that is a free and unfettered discretion of the court. Clause 10(1)(c) provides that the organisation must be an unacceptable risk to the safety, welfare or order of the community. Every other jurisdiction in Australia that has implemented this type of legislation—South Australia, the Northern Territory and New South Wales—only require that the organisation presents a risk. So this is unique in Queensland. We have raised the standard in Queensland. We have raised the bar to unacceptable risk.

Of course in all of those other jurisdictions every conservative politician in the Liberal Party and National Party had the fortitude to stand up to organised crime and to stand up to outlaw motorcycle gangs and support this sort of legislation. It is a condemnation of those opposite that for political point scoring they do not have the internal fortitude of their colleagues, their party members, in every other state and territory in Australia that has implemented this legislation. They are the ones who will have to explain their decision to the Queensland community and to their own constituencies and communities, particularly those members opposite from the Gold Coast.

We will ensure that the Queensland community remembers how they voted and remembers that they were soft on organised crime. We will make sure that the community remembers every day what their position is on law and order until election day.

Mr SPRINGBORG: I want to give an example of an organisation that under clause 10(2)(a)(i) could actually have sufficient evidentiary base to at least suggest a link exists between an organisation and serious criminal activity. Let us look at the following organisation.

On 17 July 2009, a former minister of that particular political party, Gordon Nuttall, was jailed for official corruption. On 7 April 2009, a former Labor Party president, Stephen de Rozairo, pleaded guilty to charges of using a carriage service to access child pornography. On 23 January 2009, Labor Party Victorian minister Theo Theophanous was charged with rape but later acquitted. So there is a suggested link there. On 14 March 2008, Labor Party New South Wales minister Milton Orkopoulos was found guilty of 30 offences involving child prostitution, sexual assault and supplying illegal drugs. On 30 May 2007, Labor Party Queensland minister Merri Rose was sentenced to 18 months jail for blackmail. In 2002, Labor Party federal member Andrew Theophanous was sentenced to six years jail for bribery and fraud. On 1 October 2001, Labor Party Queensland member of parliament Mike Kaiser was forced to resign after admitting involvement in a vote-rigging rort. In November 2000, Labor Party former Queensland minister Bill D'Arcy was found guilty of 18 child sex charges. In 1997, Brian Burke of the Labor Party was sentenced to three years jail for stealing $122,585 in campaign donations. In 1994, the same person was convicted and imprisoned for rorting travel expenses. In 1993, Keith Wright was convicted of rape and indecent dealings. In 1983, New South Wales Labor Party former corrective services minister Rex Jackson was jailed for bribery.

One would actually think based on that that a very strong suggestive link exists between that organisation and serious criminal activity. Certainly when it comes to child sex offences there are three or four who are there straight up-front. Other than that, there was bribery and corruption. So there is information suggesting current or former members of the organisation have been, or are, involved in serious criminal activity, whether directly or indirectly and whether or not the involvement resulted in convictions. Some of them have not been convicted. They got away with it based on the statute of limitations. In relation to information suggesting members of an interstate or overseas chapter, there is an interstate chapter. I have not looked at the overseas chapter. So that suggests that it is suggestive. The Attorney said a moment ago, 'Yes, it only suggests. The courts may make a decision. They do not have to. They may make a declaration.' What we have here is a very low evidentiary standard.

On the balance of probabilities the court only has to decide that there is information suggesting a link. We heard earlier from members in this place that the Supreme Court would not get it wrong. No, the Supreme Court is not necessarily going to get it wrong, one would hope, and if it did it would go to appeal. But the Supreme Court is guided by the direction that is set in the legislation of this parliament. If the criminal law and the Penalties and Sentences Act say that imprisonment is the last resort then imprisonment is the last resort. If they say protection of the community is the first option and imprisonment of the person is the first option, then the court will be guided by that. If the court is looking at a whole range of other rules that we put in place here, the same thing applies.

The court can only interpret and look at the rules and laws that are laid down by the parliament. That is what we are dealing with here. The rules here basically indicate, on the balance of probabilities, that there has to be information suggesting a link exists between an organisation et cetera. Whether the court makes that declaration or not of course is at the discretion of the court. We are not arguing about that, but if the court chooses to do so then that is the only standard that has to be met—the balance of probability of information suggesting a link, information suggesting current or former members, information suggesting members of an interstate organisation. That is the point. That is an immutable point which is being put forward in this parliament. On the balance of probabilities—that is all that has to be established. We are seeking to lift that to a much higher standard, and I do not know why the government is opposed to it.

Mr DICK: This bill is a very grave and serious matter and we have had this facetious, ridiculous speech by the member opposite condemning the Australian Labor Party. That is how seriously they take this. They think that they should come into this parliament and spend 10 minutes—just like their blueprint on integrity and accountability. They thought that was funny: 'Oh, we'll send up the government. Let's write something that is a mock-up.' Now we have a critical bill—really important for Queensland—that is new law reform and we get this facetious, half-smart address by the members opposite. That is an insight into their approach to this bill. They are not worried about the serious aspects of this bill; they are just out to score a point. All I can say to them is: if they want to identify a political organisation that is a criminal organisation, I say three words—the Bjelke-Petersen cabinet.

Mr McARDLE: It is unbelievable that the Attorney thinks for one second that this side of the House is not serious about organised crime. It is absolutely ridiculous to believe that we are not serious about organised crime. It is equally ridiculous if he believes that we in this House are going to sit here and see the rights of individuals and organisations trampled as a quaint political stunt for his own manoeuvring in this House.

Ms Struthers: You want to lock up kids with mandatory detention.

Mr DEPUTY SPEAKER (Mr Ryan): Order! Minister.

Mr McARDLE: It is also unbelievable if he believes that we are going to accept that the court is going to disregard the provisions of clause 10(2).

Government members interjected.

Mr DEPUTY SPEAKER: Order! Minister for Main Roads. Member for Barron River.

Mr McARDLE: At the end of the day, clause 10(2) is a minimum standard that the court—

Government members interjected.

Mr DEPUTY SPEAKER: Order! The House will come to order. The member for Caloundra has the call.

Mr McARDLE: It is ludicrous to think that clause 10(2) is anything but the lowest standard that the court is required to accept to make an order that takes away the rights of an organisation. It is a situation that downplays, denigrates and reduces significantly the role of the Supreme Court in its criminal jurisdiction.

Anybody who believes that it is acceptable to make a declaration on the basis of 'information suggesting a link exists between the organisation and serious criminal activity' is deluding themselves. That is how weak it is. It is 'information suggesting'—nothing more than that, not 'information establishing'. It is incredible that the Attorney is trying to spin a line here today that that is acceptable. It is unbelievable that the Supreme Court, manned by men and women with many years of experience and understanding, is going to have to deal with this drivel when the bill dumbs down their own occupation and their own principles. I support the amendment proposed by the member for Southern Downs, because subclause 10(2) as it currently stands is a travesty of justice.

Mr SPRINGBORG: We still have not had the Attorney repudiate in any way what the member for Caloundra indicated earlier and what I myself indicated with regard to the evidentiary standard here.

Mr Hoolihan interjected.

Mr SPRINGBORG: The honourable member for Keppel should look at this. I think it is clause 110 which indicates things attested to the balance of probabilities. What is actually outlined in clause 10 is that the court may make a declaration—and this is in 10(1)(a), 10(1)(b) and 10(1)(c)—and then subclause 10(2) states—

In considering whether or not to make a declaration, the court must have regard to—

(a) the following information before the court—

This is where it talks about 'information suggesting a link', 'information suggesting current or former members' and 'information suggesting members of an interstate or overseas chapter'. It looks at that based on the balance of probabilities. This is an extremely low standard, and we are seeking to increase that to 'very likely to prove' in all of those cases instead of 'suggesting'. Wouldn't honourable members opposite prefer that, if a hypothetical application were to be made, like I spoke of earlier, when it comes to your past involvement and all of the information I read out on those people, there was a standard that indicated 'very likely to prove'? That is what this is about.

We want something which says that in all of those cases there must be a standard that says that, before action is taken, it has to go beyond being 'suggesting a link' to actually being 'very likely to prove a link'. So it would not be 'information suggesting current or former members of the organisation have been, or are, involved in serious criminal activity'. We want it to read 'information very likely to prove members of an interstate or overseas chapter or branch of the organisation associate for the purpose of engaging in, or conspiring to engage in, serious criminal activity'. We think 'very likely to prove' based on the balance of probabilities is a lot stronger than 'suggesting' based on the balance of probabilities. That is what we are on about.

Amendment No. 5 actually relates to another higher evidentiary standard with regard to adding a subclause (6). That is what we will maintain: that if we are going to have a law like this, we have to have a law that is applied to the highest standard possible of the civil standard in our court.

Mr DICK: The standard of proof for the civil orders under the bill is on the balance of probabilities, and those three things that must be proved are those matters set out in clause 10(1)(a), 10(1)(b) and 10(1)(c). Regrettably, the member for Southern Downs fundamentally misunderstands the law of Queensland and he is unable—either deliberately or because he does not have the capacity—to interpret the bill.

Mr Seeney: Oh, come on. Personal insults are no substitute for arguments.

Mr DICK: Excuse me. I take the interjection from the member for Callide talking about personal slights, personal insults. He is the father of the House when it comes to personal insults and personal slights.

There is no further I can take the bill because of the incapacity of the member for Southern Downs, and I think he is doing it deliberately, frankly, to absorb time. He does not want to engage properly in debate. We heard that by the facetious, half-smart address he made to the parliament. I have nothing further to add.

Division: Question put—That Mr Springborg's amendments Nos 2 to 5 be agreed to.

AYES, 32—Bleijie, Crandon, Cripps, Cunningham, Davis, Dempsey, Dickson, Douglas, Dowling, Elmes, Emerson, Flegg, Gibson, Hobbs, Johnson, Knuth, Langbroek, McArdle, McLindon, Malone, Menkens, Nicholls, Powell, Pratt, Robinson, Seeney, Simpson, Springborg, Stevens, Stuckey. Tellers: Horan, Messenger

NOES, 45—Attwood, Bligh, Boyle, Choi, Croft, Darling, Dick, Farmer, Finn, Fraser, Grace, Hinchliffe, Hoolihan, Johnstone, Jones, Kilburn, Male, Miller, Moorhead, Mulherin, Nelson-Carr, Nolan, O'Brien, O'Neill, Palaszczuk, Pitt, Reeves, Robertson, Schwarten, Scott, Shine, Smith, Spence, Stone, Struthers, Sullivan, van Litsenburg, Wallace, Wellington, Wells, Wendt, Wettenhall, Wilson. Tellers: Keech, Kiernan

Resolved in the negative.

Non-government amendments Nos 2 to 5 (Mr Springborg) negatived.

Division: Question put—That clause 10, as read, stand part of the bill.

AYES, 45—Attwood, Bligh, Boyle, Choi, Croft, Darling, Dick, Farmer, Finn, Fraser, Grace, Hinchliffe, Hoolihan, Johnstone, Jones, Kilburn, Male, Miller, Moorhead, Mulherin, Nelson-Carr, Nolan, O'Brien, O'Neill, Palaszczuk, Pitt, Reeves, Robertson, Schwarten, Scott, Shine, Smith, Spence, Stone, Struthers, Sullivan, van Litsenburg, Wallace, Wellington, Wells, Wendt, Wettenhall, Wilson. Tellers: Keech, Kiernan

NOES, 32—Bleijie, Crandon, Cripps, Cunningham, Davis, Dempsey, Dickson, Douglas, Dowling, Elmes, Emerson, Flegg, Gibson, Hobbs, Johnson, Knuth, Langbroek, McArdle, McLindon, Malone, Menkens, Nicholls, Powell, Pratt, Robinson, Seeney, Simpson, Springborg, Stevens, Stuckey. Tellers: Horan, Messenger

Resolved in the affirmative.

Clause 10, as read, agreed to.

Clauses 11 and 12, as read, agreed to.

Clause 13—

Mr SPRINGBORG (9.04 pm): I move the following amendment—

6 Clause 13 (Revocation of declaration)

Page 17, lines 10 to 12—

omit.

Before I speak to this amendment, I table the explanatory notes for the amendments which I have moved or will be moving this evening.

Tabled paper: Explanatory notes for Mr Springborg's amendments to be moved in consideration in detail [1514].

We had some discussions earlier today with regards to the information available to the COPIM which might otherwise identify the informant. I have indicated very strongly throughout my contribution that there is a strong argument in ensuring that that information be made available to the COPIM that would allow them to cross-examine that informant. This amendment relates to a clause concerning the revocation of a declaration of a criminal organisation. Clause 13(8) right down to the note states—

The commissioner must give the following to the COPIM under arrangements decided by the COPIM—

(a) if the commissioner is the applicant—copies of the application and any accompanying affidavit filed by the commissioner; or

(b) if the criminal organisation or a member of the criminal organisation is the applicant—copies of the application and any accompanying affidavit served on the commissioner under subsection (6).

The note which I am seeking to omit as a consequence of this particular amendment states—

Under section 88(2), this requirement does not apply to particular material about informants.

What we have here is a trend which goes right through this particular bill in a whole range of areas—with regard to application, revocation of a declaration of criminal organisation, application and revocation variations when it comes to the issue of control orders, the issue of anti-association orders and criminal intelligence.

Some people might ask the question: why would you want to provide this information to the COPIM in the case of the identification of the informant for a revocation? Well, it is very simple, and that is the same principle applies. The important point of this amendment is this: even if one is considering

the application for the revocation of the declaration of a criminal organisation, it is still important for the COPIM—the Criminal Organisation Public Interest Monitor—to have access to the identification and information about that particular informant and an opportunity to be able to cross-examine that informant.

The reason is that we need to be confident that the information which is being relied upon by the Commissioner for Police, if they are making a particular application, is appropriate information insofar as properly reflecting the information gathered by that particular informant. Similarly, if the COPIM is involved in assisting with regard to the respondent, if it is about making sure that there is a declaration order being lifted, we need to ensure the information being relied upon from the informant is proper information. That is what this is about—making sure that there is consistency right throughout this bill, making sure there is consistency when it comes to information which is available through these various processes, whether it be application, revocation or variation of the particular orders throughout. That is why I move this particular amendment.

Mr DICK: I comprehensively addressed the amendment earlier in the evening. I have nothing further to add save that the government will do nothing to weaken this bill, as the opposition seeks to do, nor do anything to put informants, particularly police informants, at risk.

Division: Question put—That Mr Springborg's amendment No. 6 be agreed to.

AYES, 32—Bleijie, Crandon, Cripps, Cunningham, Davis, Dempsey, Dickson, Douglas, Dowling, Elmes, Emerson, Flegg, Gibson, Hobbs, Johnson, Knuth, Langbroek, McArdle, McLindon, Malone, Menkens, Nicholls, Powell, Pratt, Robinson, Seeney, Simpson, Springborg, Stevens, Stuckey. Tellers: Horan, Messenger

NOES, 45—Attwood, Bligh, Boyle, Choi, Croft, Darling, Dick, Farmer, Finn, Fraser, Grace, Hinchliffe, Hoolihan, Johnstone, Jones, Kilburn, Male, Miller, Moorhead, Mulherin, Nelson-Carr, Nolan, O'Neill, Palaszczuk, Pitt, Reeves, Robertson, Ryan, Schwarten, Scott, Shine, Smith, Spence, Stone, Struthers, Sullivan, van Litsenburg, Wallace, Wellington, Wells, Wendt, Wettenhall, Wilson. Tellers: Keech, Kiernan

Resolved in the negative.

Non-government amendment (Mr Springborg) negatived.

Mr McARDLE: Clause 13 refers to the revocation of a declaration. I have a question for the Attorney. Subclause 13(2) refers to the fact that an application for revocation may be made by the commissioner at any time or the criminal organisation or a member subject to section 15. Section 15 provides that the organisation cannot seek the revocation until at least three years have expired since the declaration was imposed and cannot make more than two applications during the first five years of a declaration.

The question is: why would there be an unlevel playing field in relation to the commissioner being able to make an application for revocation at any time but the organisation or a member thereof is prohibited from doing so? It puts in place a regime where inequity applies and rights are given to a person—that is, the commissioner—which are denied to another person in the community or an organisation.

If we are going to have a situation where a declaration can be made and the right of revocation exists, should there not then be a level playing field across all parties, across all organisations, so that the law in this case applies equally? It should apply equally so that in the eyes of the public justice is seen to be done across the whole spectrum of our society and not, as it appears in subclause 13(2), on an inequitable jurisdictional basis.

Mr DICK: I addressed this matter in my speech in reply. Obviously the honourable gentleman was not listening. The object of this provision is to prevent well-financed criminal organisations bringing continual applications for revocation. That is what they would do if they were not otherwise limited or proscribed from doing that. Continual applications for revocation would cause a continuous drain on the resources of the Queensland Police Service because they would have to continually justify the original declaration.

Mr McARDLE: Attorney, whether or not a person makes an application is of course a right of that particular person. What I am simply saying is that if the law is to apply equally to everybody in our society it should apply equally. In my opinion, we cannot create two different types of citizenry. The minister is saying on the one hand that the commissioner can seek that at any time. But he is saying that, because an order can be made, we are going to restrict the right of that organisation or a member of that organisation to seek to revoke that. It is not just in relation to when they can revoke it but also in relation to how many times they can seek to revoke it. If the criminal law is to apply equally then it should apply equally across the spectrum. There should not be pockets where people or organisations are protected and other organisations singled and required to meet certain standards that others are not required to meet. It is a simple procedure. A level playing field should apply in the criminal law jurisdiction and it should apply in this case as well.

Division: Question put—That clause 13, as read, stand part of the bill.

AYES, 45—Attwood, Bligh, Boyle, Choi, Croft, Dick, Farmer, Finn, Fraser, Grace, Hinchliffe, Hoolihan, Johnstone, Jones, Kiernan, Kilburn, Male, Miller, Moorhead, Mulherin, Nelson-Carr, Nolan, O'Neill, Palaszczuk, Pitt, Reeves, Robertson, Ryan, Schwarten, Scott, Shine, Smith, Spence, Stone, Struthers, Sullivan, van Litsenburg, Wallace, Wellington, Wells, Wendt, Wettenhall, Wilson. Tellers: Keech, Darling

NOES, 32—Bleijie, Crandon, Cripps, Cunningham, Davis, Dempsey, Dickson, Douglas, Dowling, Elmes, Emerson, Flegg, Gibson, Hobbs, Johnson, Knuth, Langbroek, McArdle, McLindon, Malone, Menkens, Nicholls, Powell, Pratt, Robinson, Seeney, Simpson, Springborg, Stevens, Stuckey. Tellers: Horan, Messenger

Resolved in the affirmative.

Clause 13, as read, agreed to.

Clauses 14 and 15, as read, agreed to.

Clause 16—

Mr SPRINGBORG (9.27 pm): I move the following amendment—

7 Clause 16 (Commissioner may apply for control order)

Page 19, lines 12 to 14—

omit.

This amendment relates very similarly to an issue which I have been talking about during the course of the evening, and that is the role of the COPIM and on this occasion it relates to the issue of control orders. It goes to the making, variation and revocation of control orders. This is specifically about proposed subclause 16(5), which states—

The commissioner must give copies of the application and any supporting material to the COPIM under arrangements decided by the COPIM.

Note for subsection (5)—

Under section 88(2), this requirement does not apply to particular material about informants.

To be consistent with our approach throughout this legislation, we believe that it is only fair and proper that that particular material in terms of the making, variation and revocation of control orders is made available to the COPIM insofar as it relates to information about informants. This would be consistent with the act of parliament that governs the telecommunications act in relation to the PIM. This would be consistent with the act of parliament that governs the planting of listening devices. Therefore, it is only fair that those people who are the subject of this provision of the legislation also have the same rights to have their issues protected by the Public Interest Monitor that is supposed to be standing in their interests.

Mr DICK: I comprehensively addressed this amendment earlier in the evening. I have nothing further to add other than to say that the government will not do anything to weaken the bill, as the opposition seeks to do through its serial amendments, nor do anything to put undercover police officers, the COPIM, their families, associates and friends at risk.

Division: Question put—That Mr Springborg's amendment No. 7 be agreed to.

AYES, 32—Bleijie, Crandon, Cripps, Cunningham, Davis, Dempsey, Dickson, Douglas, Dowling, Elmes, Emerson, Flegg, Gibson, Hobbs, Johnson, Knuth, Langbroek, McArdle, McLindon, Malone, Menkens, Nicholls, Powell, Pratt, Robinson, Seeney, Simpson, Springborg, Stevens, Stuckey. Tellers: Horan, Messenger

NOES, 45—Attwood, Bligh, Boyle, Choi, Croft, Dick, Farmer, Finn, Fraser, Grace, Hinchliffe, Hoolihan, Johnstone, Jones, Keech, Kilburn, Male, Miller, Moorhead, Mulherin, Nelson-Carr, Nolan, O'Neill, Palaszczuk, Pitt, Reeves, Robertson, Ryan, Schwarten, Scott, Shine, Smith, Spence, Stone, Struthers, Sullivan, van Litsenburg, Wallace, Wellington, Wells, Wendt, Wettenhall, Wilson. Tellers: Darling, Kiernan

Resolved in the negative.

Non-government amendment (Mr Springborg) negatived.

Clause 16, as read, agreed to.

Clause 17, as read, agreed to.

Clause 18—

Mr SPRINGBORG (9.36 pm): I move the following amendment—

8 Clause 18 (Court may make control order)

Page 20, line 20, 'tends to prove'—

omit, insert—

'strongly supports'.

This amendment again establishes a higher standard of proof for the court to refer to before it makes a control order. As I indicated earlier in my contribution and as I have also indicated during the consideration in detail stage, I am most concerned that this bill has within it a process that is inherently and fundamentally flawed in that it has a very low standard of proof. As I indicated, this amendment relates to the making of control orders. Clause 18(3) states—

In considering whether or not to make an order, the court must have regard to—

(a) information about the following before the court—

(i) the respondent's criminal history;

(ii) the criminal history of a person whose association with the respondent is relied on in the application to support the making of the order;

(iii) any activity or behaviour of the respondent at any time that tends to prove a matter of which the court must be satisfied under subsection (1) or (2).

I do not believe the phrase 'tends to prove' is a strong enough standard of proof when it comes to placing a control order on an individual. My amendment seeks to change that phrase 'tends to prove' to 'strongly supports'. Therefore, paragraph (iii) would read—

(iii) any activity or behaviour of the respondent at any time that strongly supports a matter of which the court must be satisfied under subsection (1) or (2).

So the amendment is making sure that we have the highest possible standard of proof. As I indicated yesterday in my speech, I am very concerned about things that have happened to date in the application of the terrorism laws across Australia. I indicated in my contribution that I had put up some argument of caution when the former Premier introduced antiterrorism laws in Queensland which gave the police the ability to hold people for a limited period without charge. That reflected national concerns that had been raised at that time.

We already know what happened in the case of Dr Mohamed Haneef. I think his case and the case of Mr Martens, the pilot from Far North Queensland who was accused of doing certain things—

Ms Struthers: Maybe some money exchanging hands.

Mr SPRINGBORG: Really? What an extraordinarily irrational allegation. Even the Attorney-General the other day put his foot in it and had the smarts to get himself out of it. What a great pity it has not been endemic to the electorate of Algester. Isn't it absolutely amazing that we have had some sort of spurious allegation. The Attorney-General made that. He was categorically belted by the media. They asked, 'Can you substantiate that?' He was asked to substantiate that here in the parliament yesterday when he made an allegation. He did not even go near it. We have the member for Algester, who is at least 24, if not 48, hours late on that particular issue. She cannot even substantiate it. Is that the greatest response that they have—some spurious allegation? They have walked away from what they said they stood for ideologically and fundamentally, and that is basically the preservation of the rule of law in Queensland, of natural justice and of having a high standard of proof before a person may have their liberties restrained in some particular way.

I said in my speech yesterday, in response to that spurious allegation from the honourable member opposite, that after somebody has been convicted—after the courts have been in possession of all the facts of the highest possible standard—I think you can throw the book at them.

If we are going to limit or restrict someone's liberties then we have to make sure they get every possible chance to protect themselves. It is a great pity that the honourable member for Algester would not engage in that debate but just in the spurious nonsense that she is throwing across the chamber at the moment. We did not have from the member for Algester, the Attorney-General or anyone else in the last 24 or 48 hours one iota of proof whatsoever about the effect of these laws in other jurisdictions around the world. Yet at a very, very low standard of proof they are now coming into this place and putting a whole range of restrictions—

Ms Jones interjected.

Mr DEPUTY SPEAKER (Mr Pitt): Minister for Climate Change and Sustainability, please go back to your seat if you are going to interject.

Ms Jones interjected.

Opposition members interjected.

Mr DEPUTY SPEAKER: I do not need any assistance from the floor, thank you.

Mr SPRINGBORG: They can throw it but they cannot take it. When it comes to fundamental issues, if we are going to be debating a bill like this then we have to make sure that we put the checks and balances in place to ensure that people's liberties, if they are going to be restricted, are being restricted with the highest possible standard of proof. We have not even had any verification as to the necessity for this bill based on empirical evidence from overseas or any other jurisdiction where it has operated for a particular period of time, let alone the diminution of the evidentiary provisions.

This amendment is about making sure that there is a higher standard that needs to be considered before a control order can be placed on an individual. I say to honourable members: what is wrong with giving that extra standard of proof which extends 'tends to prove' to 'strongly supports'? It is a higher standard which then would be applied within the civil standard.

Mr DICK: Pursuant to clause 10 of the bill the Supreme Court may only make a declaration if satisfied that the members associate for the purpose of engaging in or conspiring to engage in serious criminal activity and the organisation is an unacceptable risk to the safety, welfare or order of the community. Whilst the bill provides that the court must have regard to certain information, the court retains a full discretion as to the weight placed on any particular information. For example, where the information suggests a tenuous link the court may decide to place little or no weight on such evidence. As such, the current wording allows the court to be the final decision maker assessing all evidence placed before it and to reach a considered judicial opinion and decision.

Mr McARDLE: As my colleague indicated, the whole purpose of the amendment is simply to put in place a reasonable standard the court has to come to before making a particular order under section 18, the control order. It is not good enough simply to have the phrase 'that tends to prove a matter of which the court must be satisfied under subsections (1) or (2)'. We are, in fact, dealing here with very important legislation that has a significant and long-term bearing on the life and indeed the family of anybody who is subject to the order. The amendment simply puts in place a higher standard that is required to be met, a higher standard than something 'that tends to prove the matter'. It is very difficult to define what the phrase 'tends to prove the matter' actually means. If we are going to restrict the freedoms and lives of people let us put in place a regime that is tough and harsh and where the court is satisfied to a standard that really establishes that a risk exists and therefore the control order needs to be put in place. Anything less than that is simply a diminution of the role of the court, a diminution of the criminal justice system and, in essence, takes away the liberties and rights of people who would be subject to the order if it was made.

Mr DICK: In my previous answer I should have referred to clause 18 and control orders instead of declarations.

Division: Question put—That Mr Springborg's amendment No. 8 be agreed to.

AYES, 32—Bleijie, Crandon, Cripps, Cunningham, Davis, Dempsey, Dickson, Douglas, Dowling, Elmes, Emerson, Flegg, Gibson, Hobbs, Johnson, Knuth, Langbroek, McArdle, McLindon, Malone, Menkens, Nicholls, Powell, Pratt, Robinson, Seeney, Simpson, Springborg, Stevens, Stuckey, Tellers: Horan, Messenger

NOES, 45—Attwood, Bligh, Boyle, Choi, Croft, Dick, Farmer, Finn, Fraser, Grace, Hinchliffe, Hoolihan, Johnstone, Jones, Kiernan, Kilburn, Male, Miller, Moorhead, Mulherin, Nelson-Carr, Nolan, O'Brien, O'Neill, Palaszczuk, Reeves, Robertson, Ryan, Schwarten, Scott, Shine, Smith, Spence, Stone, Struthers, Sullivan, van Litsenburg, Wallace, Wellington, Wells, Wendt, Wettenhall, Wilson. Tellers: Keech, Darling

Resolved in the negative.

Non-government amendment (Mr Springborg) negatived.

Clause 18, as read, agreed to.

Clauses 19 and 20, as read, agreed to.

Clause 21—

Mr SPRINGBORG (9.52 pm): I move the following amendment—

9 Clause 21 (Interim control order)

Page 23, after line 26—

insert—

'(3A) The applicant has the onus of proving there are reasonable grounds as mentioned in subsection (3).'.

This amendment relates to interim control orders. It imposes a higher onus on the applicant. It inserts new section (3A), which says—

The applicant has the onus of proving there are reasonable grounds as mentioned in subsection (3).

This is consistent with the argument that we have been mounting about having a higher standard of proof before these particular control orders are able to be granted.

Mr DICK: This amendment once again is unnecessary. The applicant always bears the onus of proof unless provided otherwise. There is no suggestion that this section would be any different.

Division: Question put—That Mr Springborg's amendment No. 9 be agreed to.

AYES, 32—Bleijie, Crandon, Cripps, Cunningham, Davis, Dempsey, Dickson, Douglas, Dowling, Elmes, Emerson, Flegg, Gibson, Hobbs, Johnson, Knuth, Langbroek, McArdle, McLindon, Malone, Menkens, Nicholls, Powell, Pratt, Robinson, Seeney, Simpson, Springborg, Stevens, Stuckey. Tellers: Horan, Messenger

NOES, 45—Attwood, Bligh, Boyle, Choi, Croft, Dick, Farmer, Finn, Fraser, Grace, Hinchliffe, Hoolihan, Johnstone, Jones, Keech, Kilburn, Male, Miller, Moorhead, Mulherin, Nelson-Carr, Nolan, O'Brien, O'Neill, Palaszczuk, Reeves, Robertson, Ryan, Schwarten, Scott, Shine, Smith, Spence, Stone, Struthers, Sullivan, van Litsenburg, Wallace, Wellington, Wells, Wendt, Wettenhall, Wilson. Tellers: Kiernan, Darling

Resolved in the negative.

Non-government amendment (Mr Springborg) negatived.

Clause 21, as read, agreed to.

Mr DEPUTY SPEAKER (Mr Pitt): Order! I understand that the member for Southern Downs wishes to move the next two amendments en bloc. With the leave of the House, we will put clauses 22 and 23 together.

Clauses 22 and 23—

Mr SPRINGBORG (9.59 pm): I move the following amendments—

10 Clause 22 (Variation of control order)

Page 25, lines 31 to 33—

omit.

11 Clause 23 (Revocation of control order)

Page 27, lines 17 to 19—

omit.

Amendment No. 10 relates to the variation of a control order—in particular, the information given to the Criminal Organisation Public Interest Monitor and the supply of the details of the informant so that the COPIM can do their job and test the information properly.

Amendment No. 11 relates to the revocation of control orders. The amendment relates to the same sort of thing regarding information about the informant being available to the COPIM. I think we have probably ventilated the importance of having this particular protective mechanism in place to ensure that the COPIM is fully briefed of all of the information so that they can stand in the public interest and guard against miscarriages of justice.

Mr DICK: I have nothing further to add to the comprehensive answer I provided to the honourable gentleman and honourable members earlier in the evening.

Division: Question put—That Mr Springborg's amendments Nos 10 and 11 be agreed to.

AYES, 32—Bleijie, Crandon, Cripps, Cunningham, Davis, Dempsey, Dickson, Douglas, Dowling, Elmes, Emerson, Flegg, Gibson, Hobbs, Johnson, Knuth, Langbroek, McArdle, McLindon, Malone, Menkens, Nicholls, Powell, Pratt, Robinson, Seeney, Simpson, Springborg, Stevens, Stuckey. Tellers: Horan, Messenger

NOES, 45—Attwood, Bligh, Boyle, Choi, Croft, Dick, Farmer, Finn, Fraser, Grace, Hinchliffe, Hoolihan, Johnstone, Jones, Kiernan, Kilburn, Male, Miller, Moorhead, Mulherin, Nelson-Carr, Nolan, O'Brien, O'Neill, Palaszczuk, Reeves, Robertson, Ryan, Schwarten, Scott, Shine, Smith, Spence, Stone, Struthers, Sullivan, van Litsenburg, Wallace, Wellington, Wells, Wendt, Wettenhall, Wilson. Tellers: Keech, Darling

Resolved in the negative.

Non-government amendments (Mr Springborg) negatived.

Clauses 22 and 23, as read, agreed to.

Clause 24—

Mr SPRINGBORG (10.07 pm): I move the following amendment—

12 Clause 24 (Contravention of control order or registered corresponding control order)

Page 28, line 22, ', or ought reasonably to know,'—

omit.

This amendment seeks to remove the words 'or ought reasonably to know' from clause 24. It is my view that these additional words add nothing to this clause. This clause relates to the 'Contravention of control order or registered corresponding control order'. Subclause 24(4) states—

A person knowingly contravenes a control order or registered corresponding control order if the person does an act or makes an omission the person knows, or ought reasonably to know, is a contravention of the order.

You either know or you do not know: that is the simple reality. The words 'ought reasonably to know' only confuses it. You either know or you do not know. Our proposition is that this should be removed.

Mr DICK: The amendment circulated by the honourable member seeks to amend clause 24 to require proof of actual knowledge and not allow objective knowledge. The reason for the inclusion of an objective standard is due to the inherent difficulties in proving subjective knowledge. Additionally, the bill allows for service by public notice, thereby allowing a court to consider more than simply a person's subjective state of mind at the time. The concept of 'knows, or ought reasonably to know' is not unknown to the Queensland courts. It is utilised in at least three other provisions in the Criminal Code, including section 364 relating to cruelty to children and section 328A relating to dangerous operation of a vehicle.

Division: Question put—That Mr Springborg's amendment No. 12 be agreed to.

AYES, 32—Bleijie, Crandon, Cripps, Cunningham, Davis, Dempsey, Dickson, Douglas, Dowling, Elmes, Emerson, Flegg, Gibson, Hobbs, Johnson, Knuth, Langbroek, McArdle, McLindon, Malone, Menkens, Nicholls, Powell, Pratt, Robinson, Seeney, Simpson, Springborg, Stevens, Stuckey. Tellers: Horan, Messenger

NOES, 45—Attwood, Bligh, Boyle, Choi, Croft, Darling, Dick, Farmer, Finn, Fraser, Grace, Hinchliffe, Hoolihan, Johnstone, Jones, Kilburn, Male, Miller, Moorhead, Mulherin, Nelson-Carr, Nolan, O'Brien, O'Neill, Palaszczuk, Reeves, Robertson, Ryan, Schwarten, Scott, Shine, Smith, Spence, Stone, Struthers, Sullivan, van Litsenburg, Wallace, Wellington, Wells, Wendt, Wettenhall, Wilson. Tellers: Keech, Kiernan

Resolved in the negative.

Non-government amendment (Mr Springborg) negatived.

Clause 24, as read, agreed to.

Mr DEPUTY SPEAKER (Mr Pitt): Order! I understand the member for Southern Downs wishes to move his next five amendments en bloc, with the leave of the House, to clauses 25 to 65.

Clauses 25 to 65—

Mr SPRINGBORG (10.15 pm): I move the following amendments—

13 Clause 31 (Commissioner may apply for public safety order)

Page 34, lines 23 to 25—

omit.

14 Clause 36 (Revocation or variation of public safety order made by court)

Page 37, lines 24 to 26—

omit.

15 Clause 41 (Commissioner may apply for order)

Page 42, lines 9 to 11—

omit.

16 Clause 63 (Applying for declaration)

Page 54, lines 13 to 15—

omit.

17 Clause 65 (Registrar to secure information)

Page 55, lines 18 to 22—

omit.

These fundamentally relate in sequence to the same sort of issue and cover clauses 31 through to clause 65, particularly those provisions in relation to the Criminal Organisation PIM and the various processes, whether it relates to the commissioner applying for a public safety order, revocation or variation of a public safety order under clause 36, the commissioner applying for an order under clause 41, applying for a declaration under clause 63, and the registrar to secure information under clause 65.

This just relates to the issue of providing details with regard to the informant to the COPIM so they can properly vet and properly understand the nature of that particular information which is coming forward from that informant in a closed court environment to ensure the same sorts of provisions and protections that exist under the Public Interest Monitor in Queensland, whether it relates to the telecommunications act or the planting of listening devices.

Mr DICK: I thank the honourable member for moving those amendments en bloc, but I have nothing further to add to the comprehensive answer I gave earlier this evening.

Mr SEENEY: In supporting the amendments moved by the member for Southern Downs, I have to say that it is noticeable tonight in the House the absolute contempt with which the Attorney-General is treating the processes of this parliament. We have seen absolute disdain from the first law officer of this state who somehow believes he has no obligation to stand up in the parliament and explain the legislation. He has responded three times now with the comment that he has nothing further to add.

The Attorney-General is a relatively new member of this place, but he needs to understand that the processes of this House provide a very important purpose. He has to explain the legislation because that is what this parliament is about. To come in here with the contempt that he has displayed tonight, to stand up and give rapid-fire, mumbled answers dripping with disdain, is absolute arrogance.

Mr Fraser: What's the clause about?

Mr DEPUTY SPEAKER: Order! The Treasurer will resume his seat if he wishes to interject.

Mr SEENEY: I think the Treasurer looks a lot better there than he does in his seat, but I recognise the rules of the House. The Attorney-General needs to understand that the reason the people of Queensland pay him a salary, the reason he gets to drive around in the big shiny car, is that he has a responsibility to come into this parliament and explain the legislation and the reasons for the legislation—especially when it is contentious legislation, and especially when the shadow Attorney-General puts forward amendments and suggestions which we on this side of the House believe would better achieve the purposes.

I support the five amendments that have been moved by the Deputy Leader of the Opposition en bloc, but I put on record that the people of Queensland should be aware of the arrogance and the contempt with which the Attorney-General has treated this debate tonight. The absolute disdain and disrespect of the first law officer of the state reflects the government's approach not just to this particular piece of legislation but to the whole legislative program. This is a government that is in its death throes. We have seen it in the way they have approached this legislation.

Mr DEPUTY SPEAKER: Order! Member for Callide, please resume your seat. I ask you to return to the purpose of the clause of the bill.

Ms Male: He doesn't know what it's about.

Mr DEPUTY SPEAKER: Order! I do not need any support from the floor.

Mr SEENEY: Suffice it to say, I support—

Mr Dick: What's the amendment about?

Mr DEPUTY SPEAKER: Order! We can do this the easy way or the hard way. The member for Callide has the call.

Mr SEENEY: I support the amendments that have been moved by the Deputy Leader of the Opposition. I support the attempts that he is making in these amendments to ensure that the attack on the civil liberties and the legal rights of Queenslanders is minimised.

As the member for Southern Downs has said, if we have to have this legislation then there is a better way. There are ways to mitigate the adverse effects which members on this side of the House have expressed their concerns about and which have been reflected by concerns within the community. But when those concerns are brought to the attention of the Attorney-General they are met with arrogance and disdain and disrespect for the processes of this parliament. That speaks volumes not just about the Attorney-General himself but about the Bligh Labor government and the way they treat this parliament and the way they treat the people of Queensland.

Mr DEPUTY SPEAKER (Mr Pitt): Order! Member for Callide!

Mr Fraser interjected.

Mr DEPUTY SPEAKER: Order! Treasurer! Member for Callide, I refer you to standing order 236—relevance. Please return to the purpose of the amendments. I call the Attorney.

Mr DICK: I reject utterly the assertion made by the member for Callide, who again appears to be extremely agitated this evening. So committed is he to this bill, so committed is he to civil liberties, that he did not even bother to speak on this bill. Now he comes in with his confected outrage, stamping his feet, flushed in the face, trying to defend the civil liberties of Queenslanders.

We know what those in the opposition think about the civil liberties of Queenslanders—a contemptible form of human being their colleague the member for Burnett called them—and they cloak themselves in civil liberties during this debate. I think it is surprising that late in the evening—we have had almost a day on this—the member for Callide seeks to interject into the debate. I would be very surprised if the member for Callide knew anything about the five amendments before the House.

I reject utterly the assertion that I have been arrogant or disdainful. I have been extremely dedicated and serious about this bill, unlike those members opposite, who have played a cheap political game.

Mr Seeney interjected.

Mr DICK: If the member for Callide had been here earlier in the evening he would have heard me read a very long statement into the parliamentary record, but he was not here, of course. So again he speaks from a basis of ignorance and a lack of knowledge. That is nothing new for the member for Callide. That would not surprise us.

What we will do is take our firm position on law and order, striking against organised crime and bikie gangs, and take that to the electorates of those opposite. We will run the law and order line. We will tell Queenslanders that we will stand up and protect them. They know full well that, just as we have been consistent on industrial relations and consistent on justice issues, we are consistent on this. Queenslanders know a fraud when they see it. They can see right through people who are disingenuous and false. They know it. They will judge the members opposite accordingly at the next election.

Mr SPRINGBORG: What the Attorney fails to understand or even concede during the course of his contribution this evening and sitting through the debate over the last 24 hours is that the serious civil liberties concerns that I and other members on this side have raised are not just our concerns. We have done something which he has not done. We have met with the civil liberties council of Queensland and actually listened to them. We have a long history of doing this. We need only go back to the establishment by Russell Cooper of the Public Interest Monitor in Queensland in 1997. We set up the listening devices legislation in Queensland in consultation with and at the behest of the civil liberties council.

Those opposite never heard what the civil liberties council of Queensland said. They made a very broad, very far-reaching submission to the Attorney-General asking for these sorts of concerns to be made known when this legislation was being debated. Earlier today in this parliament we heard the Attorney say in relation to another bill that he had put out an exposure draft and most of the responses were in favour of that exposure draft.

When it comes to the amendments I have moved here, I can tell members that the people who were consulted were not the community broadly but a range of selected groups including the Bar Association, the Law Society and the Council for Civil Liberties. They raised unanimous concerns about the subjugation of the rights of the people who could be subject to the Criminal Organisation Bill. The civil liberties council of Queensland asked me to put these amendments into the parliament because they strengthen the basic rights and liberties of those people who could be subject to the provisions of the Criminal Organisation Bill. I believe that that is the right thing to do. That is the proper thing to do.

It is wrong for the Attorney to come in here and assert for one moment that there is not a genuine civil liberties concern when we look at what we did with the Public Interest Monitor in 1997. What we are trying to do here tonight is strengthen protections for individuals who may be subject to this particular legislation. I find it absolutely offensive that there is any suggestion that this has not arisen out of a genuine concern to address the issues of some major bodies in Queensland that represent the legal profession, whether they be solicitors or barristers, or those who might have that interest or are legally qualified and work in the civil liberties council.

We are addressing their concerns. We have members opposite who pretend to have an interest in civil liberties, pretend to have a pedigree in civil liberties. Members like the members for Toowoomba North and Murrumba know in their heart of hearts that this is wrong but have been dragged into supporting something that they do not ideologically support. They understand that the issues we are raising are right. They are practitioners themselves who would, as part of their being, have these concerns. That is why these five amendments, which I have moved en bloc, deserve the support of this parliament. They strengthen the protections for the average person in the community.

Mr DICK: I will tell the honourable member and those members present in the House that what is offensive and disgraceful is those who pretend to cloak themselves in the mantle of consultation. But when it comes to their legislation, when it comes to their commission of inquiry bill, what do they do? They put the Bar Association of Queensland front and centre in that legislation. That was another attempt by the opposition to monster the government, to direct me to do certain things for their petty, cheap, grubby political purposes: 'Set up the commission of inquiry and if you do not we will go to the Bar Association.'

One simple question I asked in that debate. I asked the Leader of the Opposition, 'When did you consult with the Bar Association and what did they say?' We are still waiting for the answer. The answer is no doubt no. Those opposite sought to put the Bar Association central in a partisan political debate and they never took the time to consult with them to see whether they would be part of it. They come into this House tonight and cloak themselves in this mantle of consultation and say that they represent the views of lawyers when in their own legislation—

Mr NICHOLLS: Mr Deputy Speaker, I rise to a point of order. As much as the Attorney's ramblings about the Bar Association might be interesting to someone, they seem to have no relevance to what we are talking about now, and there is no understanding—

Mr DEPUTY SPEAKER: Order! I thank the member for Clayfield but I will not take instruction from the floor.

Mr NICHOLLS: I am just raising the point of order. There seems to be no relevance to the issue we are talking about here.

Mr DEPUTY SPEAKER: Order! I call the Attorney.

Mr DICK: They dish it up, but the glass jaw from Clayfield cannot take it. When we put it back on them, they cannot accept it and they have to call points of order. So we know what their hypocrisy has been—top to bottom, left to right, up and down—on this bill. The party of law and order folded at the first opportunity when the bikies came to see them—not supporting Queensland's safety, not supporting important legislation—and it was the same thing with its legislation. When those opposite bring a bill to this House, they put the Bar Association into a partisan political fight—a disgraceful abuse of one of the peak legal representative bodies in Queensland. That is what those opposite do.

Dr Douglas interjected.

Mr DICK: Well may the member for Gaven interject. His whole speech on the bill was trying to justify and explain why you would use the Bandidos clubhouse for a party for children. That was his contribution to the debate. The member for Gaven and all members from the Gold Coast—the members for Currumbin, Gaven, Mudgeeraba, Coomera and Surfers Paradise—the centre of organised crime and bikie activity in Queensland, voted against this measure. The Queensland community will remember that. People on the Gold Coast know it. At the first opportunity, you rolled out the mat. You said, 'Welcome to Queensland.' We are going to put up a strong defence to these groups that seek to damage Queensland—to damage children whom they peddle drugs to and other Queenslanders. We reject utterly—

Mr DEPUTY SPEAKER: Attorney, I ask you to return to the amendments.

Mr DICK: We reject utterly this farcical attempt to amend the bill.

Mr NICHOLLS: Let me read from the Attorney's second reading speech when he introduced the Surrogacy Bill this morning. He said—

> This government is committed to the freedom and autonomy of the individual. We believe in the dignity of all citizens.

And then what do we have today? We have a bill—the Criminal Organisation Bill—

Mr DICK: I rise to a point of order. It is extraordinary that the person who calls a point of order on relevance would mention this. What possible relevance has the Surrogacy Bill to this bill?

Mr DEPUTY SPEAKER: There is no point of order. I call the member for Clayfield.

Mr NICHOLLS: As I said earlier today, bring back the member for Toowoomba North as Attorney. At least we got a sensible and rational debate from someone who was prepared to listen and contribute in a thoughtful way rather than just ramble and rant and spurt off whatever came to the top of his mind.

The amendments being moved by the member for Southern Downs are simple amendments that seek to preserve the rights and liberties of individuals—the rights and liberties of individuals that this government wants to trample without a care and without so much as a by-your-leave. There he goes—the protector of civil rights and liberties, the man who stands up and at all times claims that he has consulted the Bar Association, that he is in complete harmony with his professional colleagues, that it is a great privilege to be a member of the bar. We know what the Bar Association would think of this legislation. We know what it thinks about it. We know what the Law Society thinks about it, and we know what the Council for Civil Liberties thinks about this defender of the rights of individuals—

Mr WELLS: I rise to a point of order. I would ask what relevance this personal attack on the Attorney has to the debate.

Mr DEPUTY SPEAKER (Mr Wendt): Order! Member for Murrumba, that is not a point of order. Please take your seat. The member for Clayfield has the floor. I have just got into the chair, but I am looking at the issues you are raising. I want to make sure that we actually are discussing amendments Nos 13 to 17.

Mr NICHOLLS: Indeed. We are talking about the ability of the COPIM to know the name of the person who provides information, and the amendment is to require the COPIM to have that information in order to test it accurately and put the source of that information under some degree of responsibility for what they say; otherwise that person would be at large and free to make whatever allegations they like at whatever time they like about whomsoever they like in order to make whatever small gains they could.

Mr Fraser interjected.

Mr NICHOLLS: They could in fact make claims like the Treasurer made before the last election without having any test or any claim or any charge about it. There is no doubt that that great champion of civil liberties over there—like his colleague Peter Garrett, who was once the champion of the green movement—has sold out all that he holds dear in his craven attempt to hang onto whatever shreds of power and dignity he can in an increasingly discredited and discreditable government that day by day is being shown to the people of Queensland to have less and less care and concern about their interests and more and more care and concern about preserving its own power, its own privileges and its own rights.

When we talk about the right to know who your accuser is—who is the informant who is giving evidence—we are talking about a fundamental right that was granted a long time ago. Fundamentally, this bill alters the rights and powers of the courts, those who are in administration in an executive government and the defendant, and it does so by removing the right of the defendant to actually be in the court, it does so by removing the right of the defendant or the respondent to cross-examine and it does so by removing the right of the respondent to know who his or her accuser is. It is fundamental to the precepts of justice that those particular requirements are met, but this bill removes that and it does so under the sophistry and under the cloak of the COPIM—someone who is supposed to guard the rights and liberties of the individual but does not have the capacity to do so because they cannot know who the accuser is. The amendments are worth supporting.

(Time expired)

Division: Question put—That Mr Springborg's amendments Nos 13 to 17 be agreed to.

AYES, 32—Bleijie, Crandon, Cripps, Cunningham, Davis, Dempsey, Dickson, Douglas, Dowling, Elmes, Emerson, Flegg, Gibson, Hobbs, Johnson, Knuth, Langbroek, McArdle, McLindon, Malone, Menkens, Nicholls, Powell, Pratt, Robinson, Seeney, Simpson, Springborg, Stevens, Stuckey. Tellers: Horan, Messenger

NOES, 45—Attwood, Bligh, Boyle, Choi, Croft, Dick, Farmer, Finn, Fraser, Grace, Hinchliffe, Hoolihan, Johnstone, Jones, Kiernan, Kilburn, Male, Miller, Moorhead, Mulherin, Nelson-Carr, Nolan, O'Brien, O'Neill, Palaszczuk, Pitt, Reeves, Robertson, Ryan, Schwarten, Scott, Shine, Smith, Spence, Stone, Struthers, Sullivan, van Litsenburg, Wallace, Wellington, Wells, Wettenhall, Wilson. Tellers: Keech, Darling

Resolved in the negative.

Non-government amendments (Mr Springborg) negatived.

Clauses 25 to 65, as read, agreed to.

Mr DEPUTY SPEAKER (Mr Wendt): Order! I understand that the member for Southern Downs wants to put the next two amendments en bloc.

Clauses 66 to 71, as read, agreed to.

Clause 72 and new clauses—

Mr SPRINGBORG (10.44 pm): I move the following amendments—

18 Clause 72 (Deciding application)

Page 58, lines 14 to 16—

omit, insert—

'(1) The court may declare that the information is criminal intelligence if the court is satisfied that—

(a) the information is criminal intelligence; and

(b) the public interest, if any, in the confidentiality of the information can not be secured by existing rules or procedures of the court including public interest immunity.'.

19 After clause 72

Page 58, after line 28—

insert—

'72A Respondents to be given further material

'(1) This section applies in relation to each entity that is a respondent under section 72(4) in relation to information declared to be criminal intelligence.

'(2) The commissioner must give to the respondent a summary of, or extracts from, the criminal intelligence sufficient to enable the respondent to defend themselves against the allegations made against them.

'(3) The court, at any time on application by the respondent, may order the commissioner to provide the respondent with sufficient or more particulars of the criminal intelligence to enable the respondent to have the opportunity of a fair trial.

'72B Respondents to be given exculpatory material

'(1) This section applies in relation to each entity that is a respondent under section 72(4) in relation to information declared to be criminal intelligence.

'(2) The commissioner must give to the respondent all exculpatory material in the commissioner's possession.

'(3) The commissioner must give the COPIM access to all relevant material in the commissioner's possession to enable the COPIM to ensure the commissioner has complied with subsection (2).

'(4) The court, at any time on application by the COPIM, may order the commissioner to give to the respondent stated information that the court is satisfied is exculpatory material in the commissioner's possession.

'(5) The respondent may be heard on an application by the COPIM under subsection (4).

'(6) In this section—

exculpatory material means information that, directly or indirectly, would enable the respondent to advance the respondent's defence in any proceeding in which the declared criminal intelligence is to be relied on.

'72C Court orders if information not given to respondent

'If, in proceedings in which the declared criminal intelligence is relied on or to be relied on, the court is satisfied the commissioner has failed to comply with section 72A or 72B, the court may—

(a) revoke the criminal intelligence declaration; or

(b) stay the proceedings.'.

Amendment No. 18 amends clause 72 to clarify what a court may declare as criminal intelligence. It clarifies that if the existing rules or procedures of the court cannot secure the confidentiality of the information then it can be declared criminal. Amendment No. 19 inserts after clause 72 subclauses 72A, 72B and 72C. All three subclauses apply in relation to each entity that is a respondent under section 72(4) in relation to information declared to be criminal intelligence.

Subclause 72A of amendment No. 19 requires a commissioner to give the respondents a summary or extracts of the criminal intelligence to allow the respondent the opportunity of a fair trial. Subsection 72B of amendment No. 19 requires a commissioner to give the respondent all exculpatory material in the commissioner's possession. It also requires that the commissioner provide all relevant material to the COPIM to ensure the commissioner complies with this subclause. That subclause in the amendment also allows the court, on application by the COPIM, to order the commissioner to give material to the defendant. Subsection 72C of amendment No. 19 allows the court to revoke a criminal intelligence declaration or stay of proceedings if the court is satisfied that the commissioner has failed to comply with subclause 72A or subclause 72B.

Whilst I am on my feet, I would like to raise a broader issue within the government's clause in the bill. That relates to the deciding of an application and whether a court is satisfied with the information being criminal intelligence and it proposes to exercise its discretion not to make a declaration. The clause states—

... it must, before deciding the application, give the commissioner an opportunity to withdraw it.

I would like to know from the Attorney-General what that clause is all about. The court cannot completely and absolutely exercise the discretion to decide that application. However, if there is a problem, if it looks like there will be an emerging issue over the evidence and over the strength of that application for something to be declared criminal intelligence, the court must give the Commissioner of Police the opportunity to withdraw that application. That means that we will never, ever know the veracity or otherwise—not that outsiders would, anyway. There is less chance that we will make sure that the police will properly look at the nature of an issue before they have it declared or want to have it declared criminal intelligence.

Anything that seeks to give the first right to the Police Commissioner to have something withdrawn indicates that they might not have to be as stringent with regard to the process that they would take before the court to ensure that a matter is genuine criminal intelligence—that is, criminal intelligence for the purposes of being withheld.

So the real concern is that the court does not have the discretion to properly decide that application. If the commissioner think that it looks like it is not going the right way, they get the first option to withdraw it. My concern is that that may allow an element of sloppiness to come into the process, where the commissioner is not necessarily as prepared as they should be because they do not necessarily have to have that due diligence. If it looks like they are going to come up against something that might compromise in some way the lack of attention in the preparation of an application, they have the first option to withdraw it and that saves obvious embarrassment.

I am somewhat concerned about the reason this clause exists in the first place. That is just a question that I would like to raise in concert with those two amendments that I have moved to this clause.

Mr DEPUTY SPEAKER (Mr O'Brien): Order! I just want to be very clear here. The question before the House is that clause 72 stand part of the bill. The Deputy Leader of the Opposition has moved amendments Nos 18 and 19 that have been circulated in his name.

Mr DICK: With respect to amendment No. 18, the bill does not exclude public interest immunity. The proposed new limb narrows the information that could be claimed as criminal intelligence by the commissioner. That is, the limb proposed by the members opposite could narrow the information that could be claimed as criminal intelligence by the commissioner. For example, it may not apply to information gathered from surveillance devices.

In doing so, this amendment introduces uncertainty into the bill for informants and the protection that they will receive. Again, the opposition is seeking to jeopardise and risk the safety of informants. The end result of such an amendment would be to potentially risk the lives of informants or dissuade any future informants from coming forward out of concern that their identity could be released in court. Again, we stand up to protect those who put their lives at risk for the rest of us. We will not weaken the bill. We will support the police and we will support community safety. We will not stand with bikies.

Amendment No. 19—the insertion of clause 72A—undermines the capacity of police to bring robust applications. That is what the opposition is seeking to do. The commissioner has already satisfied the court that the information is criminal intelligence—that is, that disclosure would jeopardise a criminal investigation or endanger a person—and, therefore, to provide details of this information would run counter to the whole purpose of protecting it.

Subsection (3), to allow the court to order the commissioner to provide the respondent with sufficient or more particulars to enable the respondent to have the opportunity of a fair hearing, once again undermines the security of the criminal intelligence information, which may include significant details of covert operations and informants. We will not put them at risk. Those opposite seek to do so. We will not stand for that sort of amendment.

In respect of the insertion of clause 72B, it is important to note that the bill does not exclude the respondent from seeking disclosure of documents from the commissioner under the Uniform Civil Procedure Rules. As such, the existing rules are sufficient. Proposed clause 72C, in substantive effect, relates to proposed clauses 72A and 72B.

In respect of the further additional matter raised by the honourable member, the fact is that if the commissioner withdraws the information it is never relied on and no application is made based upon it. Therefore, it remains irrelevant to any application. We oppose the amendments.

Mr SPRINGBORG: I want to address something that the Attorney has continued to wrongfully assert over the last 24 to 36 hours in this debate. He asserts that we on this side of the parliament are trying to protect criminal organisations. Over a period of time we have presented to the parliament a whole range of legislative options which quite clearly this government has not moved to support.

We heard the Attorney a moment ago say that he is not going to stand up for bikies, in some way implying that this particular legislation, and in particular this clause, relates to bikies specifically. It does not. Nowhere in the explanatory notes and nowhere in the legislation is there any mention of bikies. This is a Criminal Organisation Bill about declaring a group of people, which is three people or more, a criminal organisation based on certain prior convictions and potential links that they have actually had. As I have indicated, it could apply to honourable members opposite and their criminal links with their Labor Party colleagues who are resting somewhere in jail around Queensland. It is not about bikies. This is about any group out there that could potentially be declared a criminal organisation if they meet the trigger which is laid down in this legislation. This legislation does not relate to bikies.

Then there is a control order, which can be applied as a result of that, which seeks to limit the ability of individuals to move around and associate with other individuals. That, of course, flows on to the anti-association orders. It is nothing to do with bikies specifically. Let us have no more of that particular humbug which puts up some sort of divide between the government and us. If the government were interested in addressing the issue of bikies in Queensland and so-called outlaw motorcycle clubs in this state it would have done something about Project KRYSTAL, which reported in June 1999 that there was an emerging problem with particular individuals in particular outlaw gangs including some bikie organisations and other ethnic groups in Queensland, and would have brought in telephone interception powers, reverse onus of proof with regard to the confiscation of proceeds of crime and a whole range of other mechanisms.

This is not about bikies. If it was about those particular individuals, the government would have responded to Project KRYSTAL. The Attorney should not seek to give this some sense of credibility by proposing for one moment that it is about bikies.

Mr DICK: That really demonstrates the naivety and foolishness of those members opposite, to think that you would name a particular group in legislation. These are groups that re-form themselves, that change their nature and form. We know that this is the party of criminal association, but that is what they seek to do. They seek to criminalise associations. That is what they sought to do in 2007. That is their form. Anyone who has not committed any wrongdoing would be criminalised by those on the other side of the chamber. All we would end up with is an ineffective law. If we named groups, which would in itself be repugnant, they would re-form in another shape or form. That is what those opposite have been perpetuating for a day and a half. It shows a fundamental misunderstanding and I think a deliberate misrepresentation of the bill. As I said in my second reading speech in reply, it is misrepresentation based on falsehood, based on fantasy, for its base political purposes. What the Deputy Leader of the Opposition is doing is simply distorting the legislation. He knows what the legislation should be about. Either he is doing it deliberately or he has no capacity to understand it.

Division: Question put—That Mr Springborg's amendments Nos 18 and 19 be agreed to.

AYES, 31—Bleijie, Crandon, Cripps, Cunningham, Davis, Dempsey, Dickson, Douglas, Dowling, Elmes, Emerson, Flegg, Gibson, Hobbs, Johnson, Knuth, Langbroek, McArdle, McLindon, Malone, Menkens, Nicholls, Powell, Pratt, Robinson, Seeney, Simpson, Springborg, Stevens, Tellers: Horan, Messenger

NOES, 45—Attwood, Bligh, Boyle, Choi, Croft, Darling, Dick, Farmer, Finn, Fraser, Grace, Hinchliffe, Hoolihan, Johnstone, Jones, Kilburn, Male, Miller, Moorhead, Mulherin, Nelson-Carr, Nolan, O'Neill, Palaszczuk, Pitt, Reeves, Robertson, Ryan, Schwarten, Scott, Shine, Smith, Spence, Stone, Struthers, Sullivan, van Litsenburg, Wallace, Wellington, Wells, Wendt, Wettenhall, Wilson. Tellers: Keech, Kiernan

Resolved in the negative.

Non-government amendments (Mr Springborg) negatived.

Clause 72, as read, agreed to.

Clause 73, as read, agreed to.

Clause 74—

Mr SPRINGBORG (11.03 pm): I move the following amendment—

20 Clause 74 (Revocation of criminal intelligence declaration)

Page 59, lines 19 to 21—

omit.

This amendment relates to the granting of information regarding the identity of an informant to the COPIM. In particular, it relates to the 'Revocation of criminal intelligence declaration'. I think the argument was ventilated well and truly earlier in parliament. It is about ensuring consistency to our approach and consistency to this information. It gives an opportunity for the COPIM to be able to cross-examine and substantiate the information from the informant in a closed court environment.

Mr DICK: I have nothing further to add to the comprehensive answer I provided earlier in the evening.

Division: Question put—That Mr Springborg's amendment No. 20 be agreed to.

AYES, 31—Bleijie, Crandon, Cripps, Cunningham, Davis, Dempsey, Dickson, Douglas, Dowling, Elmes, Emerson, Flegg, Gibson, Hobbs, Johnson, Knuth, Langbroek, McArdle, McLindon, Malone, Menkens, Nicholls, Powell, Pratt, Robinson, Seeney, Simpson, Springborg, Stevens. Tellers: Horan, Messenger

NOES, 45—Attwood, Bligh, Boyle, Choi, Croft, Dick, Farmer, Finn, Fraser, Grace, Hinchliffe, Hoolihan, Johnstone, Jones, Kiernan, Kilburn, Male, Miller, Moorhead, Mulherin, Nelson-Carr, Nolan, O'Neill, Palaszczuk, Pitt, Reeves, Robertson, Ryan, Schwarten, Scott, Shine, Smith, Spence, Stone, Struthers, Sullivan, van Litsenburg, Wallace, Wellington, Wells, Wendt, Wettenhall, Wilson. Tellers: Keech, Darling

Resolved in the negative.

Non-government amendment (Mr Springborg) negatived.

Clause 74, as read, agreed to.

Clauses 75 and 76, as read, agreed to.

Mr DEPUTY SPEAKER (Mr O'Brien): Order! I understand that the member for Southern Downs wants to put his remaining amendments en bloc.

Clauses 77 to 166—

A government member interjected.

Mr SPRINGBORG (11.11 pm): Given the uncharitable interjection from across the chamber I was thinking about maybe not doing that.

Government members interjected.

Mr DEPUTY SPEAKER: Order! The Treasurer and the member for Bulimba will resume their seats. The House will come to order. The Deputy Leader of the Opposition has the call.

Mr SPRINGBORG: I move the following amendments—

21 Clause 77 (Registrar to secure information)

Page 61, lines 10 to 14—

omit.

22 Clause 85 (Procedure before appointment as COPIM)

Page 66, after line 27—

insert—

'(aa) established an appointment panel comprising the following persons or their delegates—

(i) the chief executive of the Bar Association of Queensland;

(ii) the chief executive of the Queensland Law Society;

(iii) the chief executive of the Queensland Council for Civil Liberties; and

(ab) obtained and considered a recommendation for appointment from the appointment panel; and'.

23 Clause 86 (COPIM's functions)

Page 67, line 15—

omit, insert—

'application; and

(d) to ensure the commissioner complies with section 72B.'.

24 After clause 86

Page 67, after line 15—

insert—

'86A COPIM may engage persons

'(1) The COPIM may engage persons with suitable qualifications and experience to help the COPIM perform the COPIM's functions under this Act.

'(2) A person engaged by the COPIM must comply with any obligation under this Act that applies to the COPIM, to the extent the obligation is relevant.'.

25 Clause 88 (Material to be given to COPIM)

Page 68, lines 5 to 11—

omit.

26 Clause 89 (Appearance and role of COPIM at hearing)

Page 68, after line 21—

insert—

'(1A) Before the hearing, the COPIM must—

(a) notify the respondent that the COPIM will be appearing at the hearing; and

(b) consult the respondent or a legal representative of a respondent, without disclosing any criminal intelligence, about the respondent's defence.'.

27 Clause 89 (Appearance and role of COPIM at hearing)

Page 69, lines 1 to 3—

omit, insert—

'(4) The respondent may object to the appearance of the COPIM at the hearing on the ground that it would be inappropriate for the COPIM to make a submission to the court relating to the respondent (for example, because the COPIM has previously sentenced the respondent for an offence).'.

I want to go through them and refer to the explanatory notes which have been circulated to members of this House. Amendment No. 21 amends clause 77 to remove subsection (4) which prevents the COPIM from inspecting any part of secure intelligence that contains identifying information of an informant. This amendment will allow the COPIM the ability to properly review cases and materials to ensure evidence is not unfairly withheld from the respondent.

Amendment No. 22 inserts two subsections into clause 85 that requires the formation of an appointment panel which includes the chief executive of the Bar Association of Queensland, the chief executive of the Queensland Law Society and the chief executive of the Queensland Council for Civil Liberties. It also requires a person to be recommended by this panel before they can be appointed as COPIM.

Amendment No. 23 amends clause 86 to clarify that the commissioner must comply with the new section 72B. Amendment No. 24 inserts a new section after clause 86 which allows the COPIM to engage people with suitable qualifications and experience to help the COPIM to perform the COPIM's functions under this act. The inserted section also requires persons engaged by the COPIM to comply with the relevant obligations that apply to the COPIM in the act.

Amendment No. 25 amends clause 88 to ensure the COPIM is provided material even if it contains an informant's details. Amendment No. 26 inserts a new section into clause 89 that requires the COPIM to notify the respondent if they will be appearing at a hearing and consult the respondent or their legal representative about their defence without disclosing any criminal intelligence.

Amendment No. 27 amends clause 89 preventing the court from excluding the COPIM from a hearing and instead allows the respondent to object to the appearance of the COPIM on the grounds that it would be inappropriate for the COPIM to make a submission to the court relating to the respondent.

Mr DICK: In respect of amendment Nos 21 and 25, I rely on the comprehensive answers I have provided to the House earlier in the debate this evening. In respect of amendment No. 23, I rely on the answer that I gave to the House on clause 19 which was related to the honourable gentleman's proposal to insert clauses 72A, 72B, 72C.

In respect of amendment No. 24, can I say that it is currently unclear how many applications might be made and what the anticipated workload will be. As noted previously, advice from the QPS clearly indicates that the risk posed to covert informants is acute and that if their identity was to be made available to those they are investigating it could have catastrophic and possibly fatal results. We will ensure that those people who put themselves in the line of fire and go undercover for the rest of us will be protected and we will not jeopardise that as those opposite seek to do.

The release of such information to anyone increases the risk to an informant and also to that individual. For each extra person who possesses that information, the risk increases accordingly. As such, the responsible role for government, and I should say also for oppositions, is to consider how far that information should properly be disseminated and to protect vulnerable witnesses.

In respect of amendment No. 26, it should be noted that the bill does not expressly prohibit the COPIM from having contact with the respondent. However, the COPIM's role is akin to that of a friend of the court, an amicus curiae, and is not in respect of the respondent. It is not appropriate to require the COPIM to consult with the respondent. It would be a confusion of roles to attempt to make the COPIM a de facto legal counsel for the respondent through this mechanism. The COPIM's central role is to protect the public interest. In the event that the public interest requires the COPIM to adopt a certain course of action, the bill does not prevent them from doing that.

In respect of amendment No. 27, the COPIM's central role is to protect the public interest. The COPIM also has a responsibility to the court. It would be a violation of both of these roles if the COPIM were to make a decision based on other unrelated grounds. The court also has the ultimate authority to determine whether the COPIM is capable of assisting with an application. While the bill provides that the COPIM must be present, it is still open to the court to exclude the COPIM and, if necessary, use alternative mechanisms. In the event that the court was satisfied that there would be a conflict of interest between the COPIM and the exercise of their duties, this is rightly a matter for the court to determine.

In respect of amendment No. 22, the appointment of a COPIM will be an important process in the scheme. As with the appointment of judicial officers, it is likely that a process of consultation will take place as appropriate. There is nothing in the present bill to prevent such a panel being formed where necessary. The appointment of the current Public Interest Monitor, who carries out similar functions, is not the subject of such a panel. The Public Interest Monitor—who members opposite have longingly and loudly supported today except when it came to telecommunications interception powers—who carries out similar functions is not the subject of a panel and establishing it in legislation, regardless of the composition or existence of those bodies, would have the potential to slow or completely halt the appointment process.

Mr McARDLE: In relation to amendment No. 22, the Attorney made the comment, and we certainly agreed, that the COPIM is a very important officer in relation to the processes contained within this bill. He also made the comment that the clause, as it stands in the bill, does not prohibit the formation of a panel. But the bill as it stands does not allow for a panel to be established. It would be advantageous if we are going to appoint somebody of such importance that a panel is established. People such as the president of the Bar Association, the chief executive of the Law Society and people from other organisations and bodies should definitely have a role in appointing a person who will have significant input into the processes contained within the legislation and also in the court. It is not sufficient for the Attorney to simply say that the provision does not stop a panel being established. The amendment says that the panel should be established to ensure that the process is that the COPIM is appointed independently of the minister himself.

Division: Question put—That Mr Springborg's amendments Nos 21 to 27 be agreed to.

AYES, 32—Bleijie, Crandon, Cripps, Cunningham, Davis, Dempsey, Dickson, Douglas, Dowling, Elmes, Emerson, Flegg, Gibson, Hobbs, Johnson, Knuth, Langbroek, McArdle, McLindon, Malone, Menkens, Nicholls, Powell, Pratt, Robinson, Seeney, Simpson, Springborg, Stevens, Wellington. Tellers: Horan, Messenger

NOES, 44—Attwood, Bligh, Boyle, Choi, Croft, Dick, Farmer, Finn, Fraser, Grace, Hinchliffe, Hoolihan, Johnstone, Jones, Keech, Kilburn, Male, Miller, Moorhead, Mulherin, Nelson-Carr, Nolan, O'Neill, Palaszczuk, Pitt, Reeves, Robertson, Ryan, Schwarten, Scott, Shine, Smith, Spence, Stone, Struthers, Sullivan, van Litsenburg, Wallace, Wells, Wendt, Wettenhall, Wilson. Tellers: Darling, Kiernan

Resolved in the negative.

Non-government amendments (Mr Springborg) negatived.

Clauses 77 to 166, as read, agreed to.

Schedules 1 and 2, as read, agreed to.

Third Reading

Hon. CR DICK (Greenslopes—ALP) (Attorney-General and Minister for Industrial Relations) (11.27 pm): I move—

That the bill be now read a third time.

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

AYES, 45—Attwood, Bligh, Boyle, Choi, Croft, Dick, Farmer, Finn, Fraser, Grace, Hinchliffe, Hoolihan, Johnstone, Jones, Kiernan, Kilburn, Male, Miller, Moorhead, Mulherin, Nelson-Carr, Nolan, O'Neill, Palaszczuk, Pitt, Reeves, Robertson, Ryan, Schwarten, Scott, Shine, Smith, Spence, Stone, Struthers, Sullivan, van Litsenburg, Wallace, Wellington, Wells, Wendt, Wettenhall, Wilson. Tellers: Darling, Keech

NOES, 31—Bleijie, Crandon, Cripps, Cunningham, Davis, Dempsey, Dickson, Douglas, Dowling, Elmes, Emerson, Flegg, Gibson, Hobbs, Johnson, Knuth, Langbroek, McArdle, McLindon, Malone, Menkens, Nicholls, Powell, Pratt, Robinson, Seeney, Simpson, Springborg, Stevens. Tellers: Horan, Messenger

Resolved in the affirmative.

Bill read a third time.

Long Title

Hon. CR DICK (Greenslopes—ALP) (Attorney-General and Minister for Industrial Relations) (11.32 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.

MOTION

Parliamentary Amnesty Group

Hon. DM WELLS (Murrumba—ALP) (11.33 pm), by leave, without notice: I move—

That the Parliament of Queensland notes with grave concern Amnesty International's reports of violence against women in Papua New Guinea. The parliament notes that in a PNG report to the United Nations Committee on the Rights of the Child in 2008 it was stated that young women all over the country are at high risk of rape, gang rape and other forms of violent sexual assault. The Parliament of Queensland notes the commitment made at the 2009 Pacific Islands Forum Leaders Meeting to eradicate all forms of gender based violence. The Parliament of Queensland supports the commitment of the PNG government to take this action and urges the PNG government to—

1. commit financial and other emergency support to organisations currently providing emergency accommodation to women and children fleeing family violence;
2. publicly disclose the amount of funding given to safe houses and establish a transparent process for accessing these funds;
3. introduce and enforce specific family violence legislation; and
4. formally commit to these matters when reporting on steps taken to end discrimination and violence against women at the 46th session of the United Nations Committee on the Elimination of Discrimination Against Women in July 2010.

Dr FLEGG (Moggill—LNP) (11.35 pm): I second the motion. I am delighted to speak in support of this amnesty motion as read out by the member for Murrumba. I know that everybody is very tired and that we have had a long day, but I think it is a practice in this House that at the end of the year we stop and reflect on some of the people in the world whose human rights are not respected in the way that they are in this country. I think that is something that has been very valuable for us.

In 2006 Amnesty prepared a report on violence against women in New Guinea titled *Papua New Guinea: violence against women: never inevitable, never acceptable!* It is an 81-page report. It is available online and I encourage members to have a look at it.

Following the release of that report New Guinea ratified the United Nations Convention on the Elimination of all Forms of Violence against Women. This is a very moving report. We should not be mistaken: this is a very serious human rights issue on the doorstep of Queensland.

As a direct result of violence, PNG women are denied what we take for granted in this country. Perhaps Brisbane had a slight glimpse of what it means to have your freedom robbed by gender based violence when we had the bikeway rapist. But in New Guinea, this violence affects every woman every day. By way of a snapshot of the violence against women, I point out that almost all women are affected by domestic violence—67 per cent nationally, 100 per cent in some provinces, particularly in the Highlands. Sexual abuse of children, which is rampant, occurs mostly among the age group of six months to 10 years. Sexual transactions are very common—where husbands expect their wives to sell sexual favours or women have to sell sexual transactions in order to just survive.

But on top of that more particular to New Guinea is abuse by police, the military and public officials, even sometimes by teachers so that women often have nowhere to go. Random opportunistic sexual attack is commonplace every day. In fact, one authoritative survey of men in Papua New Guinea showed that 60 per cent of men had participated in at least one gang rape and that gang rape is a widespread phenomenon. Men are often affected by drugs and alcohol. This is the sort of experience that we might think women are undergoing in some of the poorer parts of South Africa or under a Taliban regime. But, in fact, it is occurring very close to home.

Another area that we might have difficulty understanding is that violence against women is used as a method of tribal payback. That violence is often incited or directed against women as a punishment for some imagined slight. As a result, in many cases women are not free to use public transport and they have significantly reduced access to health and education. Female adult literacy in New Guinea is only 51 per cent. PNG has an AIDS epidemic, the extent of which is not fully understood but it is a minimum of 80,000 cases and probably much more than that. Educated women, who are often seen as a threat, are often targeted as some sort of reprisal.

The Amnesty report makes it clear that the biggest issue for women is fair access to resources for themselves and their children in a community that is very poor and where many people have very little. I am sure I would not offend Amnesty by adding my own comment there, having seen a little bit of Melanesian society myself. Melanesian society—particularly in PNG—simply cannot afford to have a culture of violence against women that costs those nations the invaluable contribution that women are capable of making. That is a loss to those societies that really cannot be replaced and which they cannot afford to lose. One might on reading this 81-page report feel that things are hopeless, but there are rays of sunshine, and there has been some improvement in New Guinea since that report was released. Let me mention briefly one of those. A Brisbane born girl, who is now Dame Carol Kidu, who I had the pleasure of meeting—

Mrs Kiernan: A wonderful woman.

Dr FLEGG: I am very happy to take that interjection. I met Dame Carol Kidu in this very building not that long ago. She was born at Shorncliffe in Brisbane and went to Sandgate High School and married her Papua New Guinean husband, who went on to become Chief Justice and who was the school captain of Toowoomba Grammar School. These are people who could easily have lived in Australia and lived a very prosperous, comfortable life but have chosen to live a very difficult life with very little in order to help the people of Papua New Guinea. When Dame Carol Kidu's husband died prematurely of a heart attack, she entered politics in Papua New Guinea. There are 109 members in the Papua New Guinea House of Assembly. Dame Carol Kidu is the only woman.

Ms Darling: A good Sandgate woman.

Dr FLEGG: I take that interjection. She has been responsible for bringing in a number of pieces of legislation to help protect women in that country including the outlawing of rape in marriage. She introduced a private member's bill that repealed an old provision that rape charges could not be conferred unless there was corroborating evidence. She introduced a bill that created new crimes relating to abuse and sexual exploitation of children. One of the more recent events unfortunately that I read about is that the budget for administering this bill to protect children from sexual exploitation, which is absolutely rampant, suddenly disappeared in one of the recent budgets. So she has a battle on to get that money reinstated. She has been granted the French Legion of Honour and made a Dame Commander of the Order of the British Empire.

There is a lot more that could be said about these reports, but it is late in the evening. In a setting that is mind-boggling for its effect on women and its cost to society, I think the points put forward and read by the member for Murrumba from Amnesty International are very reasonable points. I strongly support those. I urge the House to get behind this motion.

Ms NELSON-CARR (Mundingburra—ALP) (11.43 pm): In supporting the motion tonight, it goes without saying that violence against women is unacceptable and it causes significant personal, social and economic costs for everybody in the community. When we look at Papua New Guinea, the data that has been collected about violence against women is simply horrendous. It would be easy to say that over 50 per cent of women have experienced forced sex; over 67 per cent have experienced domestic violence, although in some areas that is closer to 100 per cent; and 60 per cent of men have participated in gang rape. I will not go over any of the statistics. We have heard enough of that already.

One thing I would like to say is that murder of women in PNG after allegations of sorcery is on the rise. In 2008, over 50 per cent of murders of women in PNG were sorcery related. Sorcery is a ridiculous view and one that men are using, saying that they are catching AIDS due to women being sorcerers. The charge of sorcery is being used as a new mask to create new reasons to perpetuate violence against women. Although men may believe it—and it is entirely possible in an uneducated society—the conditions for women in PNG are simply appalling.

What can we do about it? We have to increase women's access to justice and increase women's access to support. One of the main things I would like to say tonight is that we need to develop high-level commitments in tackling violence against women. It is within the NGO sector or government programs that are directly funded by overseas donors that the most progress has been made. Perhaps we could consider tying Australian foreign aid to PNG—Australia is the largest foreign aid donor to PNG—making tangible and measurable progress in its changes to law and government programs if we are going to improve the lives of women.

We need to be able to understand violence in context and we need to be able to support and protect local champions. I think that is about all I would like to say tonight. Violence against women is to be banned at some stage. Wouldn't it be great if it were in our lifetime?

Hon. KJ JONES (Ashgrove—ALP) (Minister for Climate Change and Sustainability) (11.46 pm): I also rise in support of this motion because I personally feel very strongly about the injustice that is happening to many women in Papua New Guinea, which is our nearest neighbour. Today in Papua New Guinea women face many different types of violence, often from their husbands and families. As we have heard here tonight, the statistics are shocking and the stories behind them full of grief and distress.

Domestic violence against women is so common in many regions, particularly in the Highlands, that it is regarded as an inevitable part of domestic relationships. The PNG government itself has said that rape and sexual assault are at epidemic levels, particularly amongst young women all over the country who are at high risk of rape, gang rape and other forms of sexual assault. Women in Papua New Guinea face many different forms of violence from their families and husbands, all different types of rape and, as we have heard here tonight from the member for Mundingburra, payback violence and also sorcery related killings.

However, there are positive steps forward, particularly the commitment signed by the PNG government this year at the Pacific Islands Forum's leaders meeting in Cairns. This commitment to end violence against women was an important step forward for our region and demonstrates increased

political will. It is the first time in 40 years that the Pacific island leaders have committed to eradicate sexual and gender based violence. This momentum must not be allowed to slow down or stall. That is why I think it is really important that tonight we, as the Queensland parliament, support this move in this direction and reaffirm our strong belief as the Queensland parliament that we do not support any violence against women in any society anywhere in the world and that we all have a responsibility to wipe out violence against women wherever we can.

Ms FARMER (Bulimba—ALP) (11.48 pm): I rise to support this motion and I congratulate the honourable member for Murrumba for his passion and initiative in bringing this motion to the House. One in three women globally will be victims of domestic and sexual violence at some time in their lives. The statistics of PNG are even more stark, as shown in the numbers collected in the last two decades, and are quite a harrowing thought. We have talked about some of those statistics tonight—67 per cent of wives being beaten by their husbands, 60 per cent of men interviewed reporting having participated in gang rape at least once, 55 per cent of women forced into sex against their will. The fact that women's organisations in PNG feel that these figures might have increased since these statistics were collected is a harrowing thought. Clearly these trends cannot go unchecked, and it is beholden on all of us to put pressure on the PNG government to put concrete measures in place against the commitment it has made to address domestic violence.

I have met too many women in the last year in my own electorate who have been affected by domestic violence. I have met a wonderful woman called Rachel Kayrooz, who was a victim of harrowing domestic violence herself and who now spends her life going around the country making people aware of and educating them about domestic violence. She says—

It doesn't matter how loved you are. It doesn't matter how many friends you've got. It doesn't matter how well educated you are. You can't break out of the cycle.

We are lucky that we have in Queensland and Australia much commitment from our governments and a lot of initiatives in place to address domestic violence. It is beholden on all of us to use our experiences and our commitment to make sure that that is happening more broadly and to address the issue for women in PNG.

Mrs CUNNINGHAM (Gladstone—Ind) (11.50 pm): A report titled *Many voices, one message: Stop violence against women in PNG* states—

The Government of PNG is a Parliamentary Democracy. Politics in PNG remains highly male dominated with only one female MP (Dame Carol Kidu)—

as has been said already—

currently elected out of 109 MPs. Only four women have ever been elected to PNG's national Parliament in the 34 years since independence and the picture is similar at provincial, district and community levels. Women continue to find it hard to have their voices heard within decision-making bodies and Parliament is a prime example.

In many cultures, there are specific values and structures which set those cultures apart. It is what makes them unique. Much of that culture is positive and to be respected, but there is some that is not—such as a lack of respect, a sense of ownership and a need for dominance—and it crosses all cultural boundaries. When those specific characteristics result in a community and a culture where there is violence against women and against children—against those who are more vulnerable—it is unacceptable and it needs to be addressed.

Education is essential in these communities. From reading the reports on PNG, we realise that education is essential so that men, in the case of this debate, understand that the fundamental need in a relationship is respect—that men do not own their wives, that they are a partnership of equals and that dominance is not a sign of strength but indeed in many cases a sign of weakness.

So it is with a great deal of emotion that I support this motion tonight, recognising that there is a lot of work to do. The motion passed in this parliament tonight will not change things in any great measure but it will add our weight to the message to the decision makers in PNG that, as a growing country, as a country that wants to take its place in the world, part of the recognition of the value of that country is the way that it treats those more vulnerable, and that includes the women in that society who at this point are not treated, in the main, with great respect at all.

Mrs SULLIVAN (Pumicestone—ALP) (11.53 pm): Papua New Guinea, or PNG, is our closest neighbour. For the women who live there, little has changed since research 20 years ago highlighted issues of brutality and cruelty against them. The isolation of many villages, their language and distinct way of life, their patriarchal culture and male dominated government inaction are all barriers to women, particularly those who cannot adequately access the justice system.

I visited Port Moresby last year and met the Hon. Dame Carol Kidu, who was born in Queensland and is one of only four female MPs ever to represent the Papua New Guinea government. She spoke about her role in helping disadvantaged women and children. She has been recognised for her efforts towards poverty alleviation and against domestic violence and child abuse, and she has spoken in favour of women's empowerment through access to information and education. In an article she wrote titled 'Information and women in Papua New Guinea', Dame Carol stressed the importance of educating

women. Unlike Australia, PNG has no public education system or even a free health system. She said that the majority of women in PNG are not economically, socially or culturally free agents. Male dominance over all aspects of the female's life is still common and indeed still accepted by women as the norm in many circumstances.

In PNG, violence against women is insidious and widespread. Statistics indicate rates are among the highest in the world and it has been described as an epidemic. Women face violence by their husbands and family, rape and gang rape, sexual violence by police, payback violence against them as part of tribal fighting or sorcery related killings. Only this year a story of unbelievable violence against a defenceless young woman shocked the world when media reports revealed she was burnt alive by villagers after being charged with engaging in sorcery, an extramarital affair and spreading the HIV-AIDS virus. Superstition, hearsay, misconception and bigotry are strong weapons PNG men use against women and they deal out horrific brutality like the case of the young woman I just mentioned.

Amnesty International is calling on the PNG government to make a formal commitment when it appears before the Convention on the Elimination of All Forms of Discrimination against Women, or CEDAW, in July 2010 to end violence against women through law reform and to introduce specific domestic violence legislation. For some time, Amnesty International has been in contact and working with women's rights defenders in PNG, campaigning on domestic violence issues, and we can help. We can sign the petition which is available online at www.amnesty.org.au/svaw and which will be presented to the Prime Minister of PNG, Sir Michael Somare, at the CEDAW committee meeting in July 2010. We can write a letter to Mr Somare urging the PNG government to commit to wiping out domestic violence through legislation and to providing funding for those NGOs who assist women with education, information and access to services. Together we can make a difference to ending violence against women in PNG and make the world a better place. I support the motion.

Question put—That the motion be agreed to.

Motion agreed to.

SPECIAL ADJOURNMENT

Hon. JC SPENCE (Sunnybank—ALP) (Leader of the House) (11.55 pm): I move—

That the House, at its rising, do adjourn until 9.30 am on Tuesday, 9 February 2010.

Interruption.

PRIVILEGE

Alleged Unauthorised Disclosure of Committee Documents

Mr CRIPPS (Hinchinbrook—LNP) (11.56 pm): I rise on a matter of privilege suddenly arising. I refer to standing order 209 regarding references to proceedings and disclosure of evidence and documents. I draw your attention to an article on page 7 of today's *Courier-Mail* titled 'A glassless society'. Specifically, I draw your attention to quoted extracts in the article which are reported to be from correspondence from the Minister for Tourism and Fair Trading to the Law, Justice and Safety Committee. These extracts are from a letter from the minister to the Law, Justice and Safety Committee dated 10 November 2009.

As the deputy chairman of the Law, Justice and Safety Committee, I am not aware that the committee has authorised the release of this correspondence. Therefore, under standing order 209, I rise to seek your consideration as to whether or not this constitutes a prima facie breach of privilege and warrants a referral to the Members' Ethics and Parliamentary Privileges Committee. Mr Speaker, I wish to advise that it is my intention to write to you in respect of this matter under the provisions of standing order 269.

Mr SPEAKER: Thank you.

VALEDICTORY

Resumed.

Hon. AM BLIGH (South Brisbane—ALP) (Premier and Minister for the Arts) (11.57 pm): When we look back at the year that was 2009, there is little doubt it will be remembered as one of stark contrast. This 150th birthday year for our state was one when our delicate Moreton Bay environment was dealt a frightening blow with Queensland's first, and hopefully last, oil spill. It was a 150th year when our coastal communities early in the year lived through the very real and frightening threat of a major cyclone which brought storms and flooding but thankfully did not hit. It was a 150th year when the residents of Central Queensland only recently lived through the very real and frightening threat of bushfires on their doorsteps, all the while with the horrific images of the shattering Victorian fires still very fresh in their minds.

It was a 150th year when our south-east corner witnessed a deluge of rain which finally crushed the crippling drought that had not only come to characterise the recent history of our state but also fundamentally altered the way in which a generation of Queenslanders thinks about and uses water. In the end, all it took were a few very significant storms to push South-East Queensland's dam levels back to a comfortable level. But this story of contrasts, this story of our 150th year, was played out against a global storm of a very different nature. The financial crisis that has engulfed the globe has hit Queensland hard and, although the signs of recovery are on the horizon, the ramifications of 2009 will be felt for years to come.

Critically, we have avoided recession despite the biggest and most devastating financial meltdown since the Great Depression, because our government has both stared it down and stood up to it. In short, we have had to take some tough decisions. We have made the decision to embark on a necessary program of asset sales to help restore the state budget to its pre-GFC position of strength. Our government is in the business of and will remain in the business of delivering on core public infrastructure—building schools and hospitals, police stations and roads—and we have got what it takes to restructure our interests in commercial ventures to achieve just that.

But foremost we made the correct decision to maintain our record $18 billion building program to deliver the infrastructure that this state requires now and into the future and to deliver jobs for those 127,000 Queenslanders involved in this massive program of construction. I ask each and every member to take a moment to think about that, particularly as we edge closer to the festive season. Had our government not taken that decision and stood firm on maintaining that building program, that would be more than 120,000 pay packets not going into Queensland homes this Christmas.

We live in a state that experiences a net growth of 2,000 people every week, made up of interstate and overseas migrants as well as newborns. That is the equivalent of 12 people each and every hour of each and every day. The Queensland story of our 150th year and into 2010, 2011 and 2012 and for years beyond stretching into the future is the story of this continued growth. There is no indication that this growth will slow—quite the opposite in fact. In the midst of this extraordinary growth—unprecedented in our time and light years ahead of any other state—we have to make the decisions which stand Queensland in good stead for the future so we can cope with the phenomenal population increases not just this week or next week but 20, 30 and 50 years into the future.

As we close the year it is prudent to reflect on what we have achieved as the important work of our state parliament has continued against the backdrop of drought and recovery and financial storm. This year the parliament has met on 40 days for a little more than 484 hours. We have introduced 71 bills—62 government and nine private members' bills—with 53 government bills having been passed. During the year 667 questions have been asked during question time and almost 2,000 questions have been placed on notice. A total of 168 petitions from 418,508 petitioners have been tabled, and that includes 63 e-petitions, while a further 17 e-petitions remain open at this stage. It is a healthy democracy.

In March this year the people of Queensland elected the 53rd Parliament of Queensland. The election resulted in 19 new members joining the parliament—eight on this side of the House and 11 on the opposite side. I take a moment during the valedictory to congratulate all of the new members on what I think has been a good start to their parliamentary careers and wish them all a very merry Christmas as they leave after their first year in this place.

In this election year our government has still made a determined effort to take the cabinet to the people. We have held eight community cabinets in total—in Townsville, Highfields and Gatton, South Bank, the Gold Coast, Bundaberg, Barcaldine and Longreach, and at the RNA. The program continues this weekend with a community cabinet in the western suburbs and Ipswich. Members of our cabinet took about 1,580 deputations from Queenslanders during the community cabinet program this year.

As I have touched briefly on the fact that 2009 marked the 150th anniversary of our separation from New South Wales, or our sesquicentenary, it is equally important today to reflect on how we celebrated this landmark in our history. As Queenslanders we have a proud and rich historical tapestry. In 2009 our government ensured that tapestry was vividly on display for all Queenslanders to celebrate. The Q150 steam train has completed its journey around the state. The touring entertainment venue, the Q150 Shed, has continued its journey to all corners, and a host of other events have included the Q150 Film Festival, the At Our Table culinary events and on 10 December we will see one of the biggest days yet on the 150th anniversary calendar, and that is Proclamation Day.

Over five months from April the Q150 steam train brought celebratory joy to the hearts of young and old alike as it travelled more than 11,000 kilometres. The train stayed one or more nights in 27 towns and cities, made passenger stops or participated in ceremonies in more than 70 towns and cities, made more than 60 short local trips in more than 20 towns, and carried about 20,000 passengers. The youngest on board was just six months old and the oldest was 100 years old. The Q150 steam train, I think it is fair to say, has been the real rock star of the Q150 celebrations, spreading the historical spirit

across the state. The train may well go down in history as the final major steam train journey ever as time takes its toll on this historic rolling stock, and many people came from around the world to be part of this great journey.

By next month the Q150 Shed will have toured 13 locations around the state, from Mount Isa in the west to Cairns in the north and the Gold Coast in the south. The Q150 Shed is an unusual yet highly prized legacy project, opening its doors to some of Queensland's best local and undiscovered talent. The shed's tour is still in full swing, and it continues in Warwick this weekend and in Brisbane's Musgrave Park next week and concludes at Bundall on the Gold Coast between 10 and 12 December.

The Q150 mosaic is a beautiful representation of what Queensland communities believe best represents their past and their future. Each of the 135 tiles of the mosaic is a meaningful artwork in itself, and the end result is a spectacular insight into Queensland's many facets and the big picture that is our state.

This year Queenslanders named our favourite Q150 icons, giving the community the chance to vote for those which best characterise and typify Queensland—our state shapers and our artists, our sporting legends and great locations, natural attractions, structures and engineering feats, our defining moments, our inventions and innovations, and our events and festivals.

Finally, this year-long and state-wide program of celebration will culminate on Proclamation Day—Thursday, 10 December. That will mark 150 years since the historic reading in Brisbane of the letters patent signed by Queen Victoria on 6 June 1859 proclaiming Queensland a separate colony to New South Wales. The big day will conclude with the Q150 Proclamation Day concert featuring legendary Queenslanders Powderfinger and a reformed Custard at Brisbane River Stage. Tickets are sold out.

Special thanks for these events and the leadership shown throughout the year must go to Professor Peter Coaldrake, the executive chair of the Q150 advisory committee, and all members of his committee and the Q150 team in my department for delivering the year-long state-wide program of events. I would also take the opportunity to thank all of those local governments and councils that participated in partnership in these events and in the $100 million legacy infrastructure program.

Our 150th year has seen our government make vital inroads in reforming our great state. It has seen our government continue on our focused and critical program of reform, modernising Queensland in the midst of our remarkable population growth and in the midst of dire global financial circumstances so that future generations can enjoy the most livable, most modern, most sustainable and most desirable state possible. We have delivered a new system of integrity, transforming our system of government into the most open and accountable in the country, and delivered some of the nation's toughest laws to crack down on organised crime. We have delivered a concerted effort to reduce the effects of alcohol fuelled violence, launching a parliamentary committee and planning to order a ban on glass in high-risk venues and pubs.

We have introduced plans to modernise parenthood for all Queenslanders to make it legal for couples to engage in altruistic surrogacy and to give legal clarity to the children of same-sex couples. We have moved to modernise our Constitution to enshrine the values that we place on our system of government and to recognise the Aboriginal and Torres Strait Islander peoples of our state as our first Queenslanders.

We have delivered far-sighted plans for the future with long-term and appropriate visions to further regionalise our state, to prevent urban sprawl and to protect those things we all love about living in Queensland. We have delivered the new South East Queensland Regional Plan to ensure that we can manage growth and protect our lifestyle and stop urban sprawl, placing more than 80 per cent of the region off limits to urban development. We have delivered the new Sustainable Planning Bill, the first fundamental reform of planning legislation in over a decade, and we have delivered new busways including the Eastern Busway stage 1, the Northern Busway stage 1 and the Boggo Road Busway.

Government members: Hear, hear!

Ms BLIGH: I take the interjection from the busway enthusiasts in the back row.

We witnessed the historic joining of the two sides of the Gateway Bridge duplication which will tackle traffic congestion head-on. We opened the landmark Kurilpa Bridge, linking the Brisbane CBD to the city's cultural precinct.

We have seen regional Queensland build on its strengths with the opening of the Townsville Ring Road, the Bundaberg Ring Road, the Gold Coast convention centre extension, the completion of the Yeppoon Hospital and the Hervey Bay Esplanade development. And we will continue to get on with the job of delivering infrastructure like the Forgan Smith Bridge in Mackay, Airport Link and the major hospitals in Brisbane and across regional Queensland in Cairns, Mount Isa, Townsville, Mackay, Bundaberg, the Sunshine Coast and the Gold Coast.

We have set about determinedly seeking out, supporting and delivering new industries like the liquefied natural gas industry and we reaffirmed our commitment to a greener Queensland, delivering the first planks of our Green Army, which will create 3,000 jobs in green areas, introducing landmark reforms to protect the Great Barrier Reef and this year securing more than 120,000 hectares of national park, an area roughly the size of the Gold Coast.

Critically, we have continued on our determined, steadfast path to deliver real reform for Queensland, to further establish Queensland as a cosmopolitan society with an open and accountable system of government, a streamlined bureaucracy and a growing reputation as the true, contemporary heart of this country. In the new year we will open our government even further to members of the public launching the online people's question time in which community members can directly question me and my ministers.

It is important today that I recognise many people and give thanks for their efforts throughout 2009. Running the Queensland parliament is no small feat. It requires a small army to keep the wheels of this democracy moving. The workings of the parliament are made possible by a great many people. Firstly, Mr Speaker, I thank you for your diligence in keeping this place in order—no small task in itself—throughout 2009, your first year as the Queensland Speaker.

I take this opportunity to recognise the hard work that keeps this important democratic precinct in order and the dedication particularly of the Parliamentary Service, which is ably led by the Clerk of the Parliament, Neil Laurie. Neil does an outstanding job in his dedication to the role of Clerk and his advice on parliamentary matters is never short of rigorous and considered. I will not make any comments on his moustache. I did not make any about the Speaker's; I want that witnessed—or the lack thereof! That is no reflection on the chair. I am certain the Leader of the Opposition will join me in thanking Neil for his ongoing assistance this year and agree that his advice is constantly to be relied upon.

I would also like to acknowledge the work of the Deputy Clerk, Michael Ries, and the Director of Corporate and House Services, Michael Hickey. I also thank all of the officers from the committee office, managed by Stephen Finnimore; the Community Engagement manager, Glenda Emmerson, and her team; and the Chief Hansard Reporter, Lucinda Osmond, and all of her staff who continue to do an outstanding and professional job of recording the debates in this place. Every year at this time we all marvel at how Hansard can ever possibly make sense of what goes on in here. Nevertheless we give them another 12 months of difficulty and we do not seem to learn the lessons we speak of during the valedictory. So I wish them luck in their efforts in 2010.

I acknowledge the work of our librarian, Mary Seefried, and all of her staff, together with the work of the officers of the Table Office, which is managed by the First Clerk Assistant, Leanne Clare. The Property Services manager, Jason Gardiner, and his team, including the gardeners, the cleaning and maintenance staff, continue to do a sterling job of not only keeping the parliamentary precinct in a pristine condition but of looking after this very important building and its heritage.

The days can be long and the nights sometimes longer so it is important that each and every member and each and every staff member can keep up their strength with a nutritious meal. So I thank the Catering Services team, led by Jaakko Ponsi, for the great job they perform in their field. Those of us who are going home with a few extra kilos for Christmas might wish that they were not as good at their job.

I also thank the manager of Human Resource Management, Peter Morris, the manager of Financial and Administrative Services, Craig Atkinson, the manager of Information Technology Services, Mike Coburn, the manager of security and attendants and Sergeant-at Arms, Kevin Jones, and all of their respective officers, including the parliamentary attendants, executive service and switchboard staff and all of our security officers. It is not an exhaustive list of names, I know, but I think you get a sense of what a large operation our parliament is and how many very fine and dedicated officers we have working to make sure that it happens and runs smoothly.

I would like to take the opportunity to thank all the members of my team on this side of the House and each and every MP representing their constituents in this place for their dedication to their electorates and each and every member of my cabinet for their dedication to their portfolios. Each of the ministers of this government can be proud of the work they have undertaken this year, in particular those new ministers who have spent their first eight months in their new portfolios.

I think everyone in this place would acknowledge and agree that the role of a government minister is one that comes with a great deal of responsibility but also pressure. Despite that, my team continues to apply itself with diligence and dedication to every Queenslander whom they represent. Similarly, my parliamentary secretaries, many of them also new this year, have hit the ground running.

I thank particularly my deputy, Paul Lucas, for his ongoing support in his role and his work within my team on resolving often confronting and difficult issues. I also thank my Treasurer, Andrew Fraser, for his tireless work in what has been an extremely difficult year for anyone charged with taking care of the books just about anywhere in the world. If anyone could have chosen a year to be a state Treasurer

it would not have been 2009 when every corner of the globe faced what at times appeared to be insurmountable challenges, but Andrew has simply rolled up his sleeves and gotten on with the job and for that I thank him.

I also acknowledge and thank the Leader of the House, Judy Spence, who has also spent her first year in this position—a position, which I know from personal experience, is pivotal in keeping this place running. I would also like to thank the Government Whip, Margaret Keech, and her deputy whips for the work they have done this year to keep my team whipped and well in shape—thank you. Can I also acknowledge the Leader of the Opposition and his team for helping to ensure the smooth running of the parliament, along with the opposition whips.

As I said earlier, the days and nights can be long. In that regard, I thank and pay tribute to all of the husbands and wives and partners and children and families and friends of each and every person who works in this place. Whether you are a member of parliament or a member of staff you are often called upon to do very long hours. These are the people who tolerate the long hours and the absences and who often miss out on something that many others take for granted—that is, spending time with their loved ones. For their support and for their understanding we all thank you.

Similarly, I could not stand in this place every day without the undying support of my husband, Greg, and our children, Joseph and Oliver. I thank them for their unconditional love, for tolerating the extended absences with humour and understanding, for taking the commentary, critical and otherwise, for the most part, with a grain of salt.

To my own staff, both in my ministerial and electorate offices, I thank them. I particularly thank my electorate officer, Tina Langford, who has continued to ensure its smooth running throughout 2009. She is a champion. In that light, I also thank each and every staff member of every electorate office right across the length and breadth of the state. These are the people who represent the elected members across Queensland, members who are often away for extended periods of time. Each and every one of us rely on our staff to represent us with professionalism. I think we have an outstanding group of people in our electorate offices.

My ministerial office is staffed by some extremely talented people who are each at the top of their game in their profession. I thank every one of them for their dedication to their work over the past year. Given that this was an election year, the consequence is that staffing can be cyclical. I would like to make special mention of some staff who have left us this year.

Firstly, I would like to recognise the work of Steven Gerald Keating—known affectionately to those of us in government and in opposition as Keato. Keato left his position as deputy director of the Government Media Unit this year having spent four years in my office and several years preceding that with the former Premier. Steve has been nothing less than a trusted and professional adviser who has never forgotten his roots and instincts as a regional Queensland journalist. I wish him every success in his career change.

Similarly, Lorann Downer also left her position as director of the Government Media Unit. I thank Lorann for the many years that she has spent in various advisory roles across the ministry. I also thank my outgoing chief of staff Mike Kaiser for his wisdom, his dedication and his friendship and advice over the past 18 months. He will be very sadly missed.

My ministerial office has also undergone something of a baby boom over the past year with several of my key staff embracing parenthood which has also accounted for some absences. My senior media adviser, Belinda Taylor, and her husband, Marcus Taylor, welcomed baby Noah Alexander. The deputy director of the Government Media Unit, Eddie Burke and his wife, Lara, became parents to Milo. Two of my staff, Matt Collins and his partner, Sarah Abbott, welcomed baby Sibella. These three new Queenslanders join another two recent additions to our office family—Sarah Beckett and Thomas Williams—who are just over one year old. I congratulate all of these new and wonderful parents. But I have to say that, with so many babies being born and the subsequent turnover of staff, there have been days where we have considered opening a creche on the 15th floor.

A strong democracy is dependent on many elements, and critical among them is a free media. Our media gallery is made up of some of the most experienced political journalists in the business. Although I, like many others here, do not always see eye to eye with them every day, I do recognise their professionalism. I recognise that they independently exert their freedom as a free press on a regular basis. I thank them for their efforts this year, particularly on the long haul of travelling the state on the election campaign. The member for Southern Downs and I know the sort of hours that are put in. I do want to recognise the work that the journalists do to accurately report during a campaign for the people of Queensland from very remote locations and often under very difficult circumstances.

I want to make particular mention of one journalist today—a journalist whom I both like and admire but who has not experienced the best of years in 2009. That journalist is Sue Lappeman, the straight-shooting, sassy mouthed, very well regarded and, importantly, very good humoured political editor of the *Gold Coast Bulletin*. Sue travelled with me for most of this year's election campaign and I think would have also travelled with the member for Southern Downs, proving herself to be once again

not only a thorough and fair reporter but also, like most Gold Coast girls, a real trouper. Sadly, shortly after the election Sue was diagnosed with a serious illness requiring her to take leave for several months. I know that all members of the gallery, along with many members of this House, kept tabs on Sue and monitored her progress through this frightening illness. We are all very pleased to see her back on deck, filing lead stories in her column for the *'Bully*'. We missed her a lot and we are glad to see her back. Can I say that, if nothing else, Sue's experience with this terrible disease has equipped her with a renewed courage and an enviable collection of hats.

The Christmas and new year period is a time for reflection. It is also a time for looking forward and over the horizon. I wish everyone a happy Christmas, and I remind everybody that the global financial crisis has not only hit the coffers of governments but also the wallets of everyday Queenslanders, many of whom this year will be facing Christmas without a job or with considerably reduced hours of work. As a result our charity groups will be further stretched, and I urge anyone who is in a position to give to dig deep and spare a few dollars along with a few thoughts for those who are less fortunate.

As we leave 2009 in our wake and we enter 2010, we face yet another very big year. We face the ongoing fallout of the financial meltdown. Because we all know that we live in the best state in the best country in the world, we face the ongoing prospect that our rate of population growth—the fact that interstate and overseas migrants will continue to flood our borders—places us in danger of being loved to death. We face the challenge of dealing with that ongoing growth. That is a priority that this government will continue to face up to to ensure that we strike the balance between growth and modernisation while maintaining our unique lifestyle.

I look forward to the challenges of 2010 and I look forward to returning to this place in 2010. But in the meantime I acknowledge that members of this parliament on all sides—all political parties and Independents—have worked very hard in 2009. I just say to each and every one of them that I hope they enjoy some well-deserved time with their families and friends and that Christmas is a time of love and sharing for every one of them. I also wish everyone a very safe and peaceful transition into the new year.

Mr LANGBROEK (Surfers Paradise—LNP) (Leader of the Opposition) (12.22 am): It is my pleasure to rise to speak to the Christmas valedictory. In March the Premier was successful in winning an election by the people of Queensland. As I have done in the past, I congratulate her and all of her members on their success. I note that we have 19 new members in the House, as the Premier has already mentioned, which has added to our weight. Of course, some of us who were here before the election have certainly added to our weight a little bit since the election! We always look our best during election campaigns when we have lost weight and then by the end of the year we start to experience the joys of the catering section of the parliament, which the Premier mentioned. But very importantly, I know that, irrespective of our differences, both sides of the House are committed to the democratic process—all 89 members, which includes the Independent members.

I want to wish the Premier, her ministers and all the other members of the government the very best for 2010. But I also assure her that the opposition and I will continue to fulfil our democratic role of holding her and her government accountable to the people for their actions.

I note that the Premier spoke about our sesquicentenary celebrations. I think many members have been to numerous events throughout the year—whether it was the Black Diggers Remembrance Ceremony at Burleigh Heads a couple of weeks ago with the honourable member for Burleigh or various concerts and church services that many of us have been to. But if anything showed how the colony, and now the state, has changed over the past 150 years it was the multifaith service that the Speaker organised this morning. I think that service typified how far our state has come. It was a wonderful service. We saw multifaith prayers from the Jewish, Hindu, Taoist, Buddhist, Christian, Muslim, Sikh and Baha'i Faith faiths. It certainly was quite amazing to see that this morning. We also saw the optimism of the young girls from the Canterbury College choir. For those members who missed them this morning, I recommend that they try to see them when we hold this event again either next year at the start of parliament or at the same time next year. As I say, I think the multifaith service is really an indication of how our state has come such a long way in 150 years.

Mr Speaker, I want to thank you for your management of the House and for keeping a fair balance on both sides of the House. There is no doubt that the parliament has been enhanced by balance. I would like to say that my side of the House is certainly appreciative of the balance that has been shown and your involvement of us in the parliamentary process. Mr Speaker, engaging with Queenslanders is a theme that I know you have upheld as part of your principles, and I know that you want Queenslanders to come to see this place and that you want to make parliament much more relevant to Queenslanders. On behalf of the opposition, I want to commend you for the standards that we have in this House. I want to thank you again.

Mr Speaker, I want to thank many of your staff, including Brett Nutley, the Indigenous liaison officer; Graeme Kinnear, whom many of us are happy to assist in education services; and Glenda Emmerson. There are over 190 staff of the parliament. I read in the parliament's annual report the length of service of many of our staff members. We appreciate them very much. Over the past couple of days

we have all been asked to fill out a survey. I said to a couple of opposition members that I find it very hard to criticise anything about our parliamentary staff because I find them so willing to help. If anything is wrong, very rarely do we have to do much to get it fixed. On behalf of all of my members, I want to say that that is really appreciated.

The leader of the organisation—the CEO—is the Clerk of the Parliament, Neil Laurie. He is a consummate professional. His courtesy and the assistance that he and his staff, including the Deputy Clerk, Michael Ries, provide to all members of the opposition is much appreciated—especially, as the Premier mentioned, the advice on the intricacies and obscure provisions of the standing orders, some of which we heard about this morning from the Speaker. I also want to thank Neil for his honesty and courage in expressing his views about issues of integrity in government and how they should be addressed in this state. I want to thank, too, the Table Office, led by Leanne Clare.

I acknowledge Bob Bradbury, the employee of the year for parliament, who followed Judy Small, our parliamentary attendant, and Margaret Edmonds the year before that. I also want to thank those many other parliamentary staff who may not have as much liaison with parliamentary members and therefore may not get that recognition of becoming the employee of the year. As I have said, we appreciate the efforts of the parliamentary staff, particularly Bob Bradbury, who will always supply our parliamentary papers at a moment's notice.

I want to thank the security staff; all of the attendants; the Sergeant-at-Arms, Kevin Jones, of course; and 'Happy' John Polistena, as I call him. They provide the unobtrusive services that ensure the effective operations of the parliament. Of course, we are very aware of the need for security and protection. I also thank our attendants here in the parliament, who I know have been given new chairs. That will make it more difficult for them not to fall asleep.

The work of the committees enhances the work of the parliament. Members of committees are assisted by the full- and part-time staff of committees. Through committees, members are able to make a long-term contribution to the development of good policy for Queensland.

As did the Premier, I thank the Hansard staff. Our words of wisdom are permanently recorded by Lucinda Osmond and her staff. As the Premier mentioned, they keep up with us and make us sound much better than we actually are, which is something for which we are all very thankful.

I thank Mary Seefried and the staff of the Parliamentary Library. They are always giving us objective research into what are sometimes very contentious issues of policy and politics. They have legendary confidentiality as at times the opposition explores some murky areas of public administration that certain people would prefer not be exposed to the light of day.

Many of us lead strange lives in this place, and that would not be possible without the services of parliamentary catering. Jaakko Ponsi and his staff are forever cheerful in responding to our needs. I am also very thankful for the fact that we have a lot more permanent staff. There is now a recognition factor for all of us who work with the staff. We really appreciate their cheerful nature, no matter what time of the day it might be.

Without naming everyone, I thank corporate services—Michael Hickey and all of those who work in areas as varied as human resources, finance, travel, information services, IT and property—as well as the cleaning staff and the maintenance staff who have already been acknowledged. I also thank the people who work on the switch, where my mother-in-law used to work with Pat and Pauline many years ago. I want to thank them because if we thank them then sometimes they come to the drinks afterwards.

I have now occupied the role of Leader of the Opposition since 2 April 2009, and what a year it has been. I do not think anyone who has not served in the role could understand and appreciate the duties and responsibilities, and that certainly was the case with me. There is no handbook for being the opposition leader. You must learn on the job. You have to make sure your biorhythms do not go too up and too down or you end up with major mood swings. You basically have to apply your fundamental philosophies and skills to the multitude of challenges that confront us.

I must say my task has been eased by having as my deputy Lawrence Springborg, the member for Southern Downs, who has occupied the role and knows the challenges that I confront on an hourly basis. He has given wise counsel and consistent support and it has enabled me to address and overcome the many challenges that I have already confronted. I know that I can continue to rely on this support as we continue our political battle to the next election.

This year the member for Southern Downs, Lawrence Springborg, together with the member for Gregory, Vaughan Johnson, reached a milestone of 20 years service in this parliament, along with the member for Sunnybank, the Leader of the House, and of course the member for Rockhampton, although he had interrupted service. Very few of us will serve more than a few terms in parliament, so to have survived the vicissitudes of politics for 20 years, and with no end in sight to their service, is a record that does these members proud.

I want to thank my shadow cabinet and other parliamentary members, including the 11 new members from this side of the House, for their faith and support in me as opposition leader. I freely acknowledge the great gift of leadership they have bestowed on me. I remember sitting here and hearing the former Premier talk about the fact that there is no greater honour than leading your party, and it is certainly something with which I concur. I assure them that during 2010 I will continue to strive to do my best to discharge the obligations of the position.

I want to thank the Opposition Whips, Mike Horan and Rob Messenger, and of course the government whips, with whom I know they have to work every day. The whips have always ensured that LNP members are here on time to participate in the debates. I cannot let the opportunity pass without thanking the Leader of Opposition Business, the member for Callide, Jeff Seeney. He fulfils his liaison role with the Leader of the House with distinction, ensuring that the business of the House is processed with all due dispatch. At the same time, he has never shirked his role in holding the government to account.

I want to thank my staff, the 20 staff whom I have in the opposition office who serve both me and my team. I want to specifically mention my chief of staff, Kevin Martin; my political adviser, Jake Smith; my media adviser, Scott Whitby; my executive assistant, Kim McInnes—I will not name everyone else—and my three electorate staff, Josie Stinson, Cathy Ermer and Jeszaen Lee. Josie and Cathy have been with me since I was elected nearly six years ago, and they do a stirling job in maintaining things for me in my electorate office in Surfers Paradise, where I am unable to be as much as I was in the past. My staff deserve the highest of praise for all of their efforts.

It is the nature of politics that staff resources available to an opposition are always less than those enjoyed by an incumbent government. Nevertheless, my staff consistently perform above and beyond any formal obligations imposed upon them as employees. I am certainly grateful, and I know my parliamentary team is grateful for all they do to assist us. I want to thank all the electorate staff—about 180 electorate staff between all 89 members. They are often unsung and unseen and sometimes they feel like they are missing out on the exciting things that we do in parliament.

I also want to acknowledge that there is no politician in this day and age who can claim entry to this place without the support of significant elements of the community. In the case of both me and my colleagues, we are proud to represent the Liberal National Party in this parliament. With the proud history of our two former parties now merged, we have put behind us the difficulties of the past and we offer the people of Queensland a unified and consistent solution to the problems that confront Queensland. So to state president, Bruce McIver, and state director, Michael O'Dwyer, and the tens of thousands of loyal branch members and supporters throughout our state, I say thank you for all of your efforts. I look forward to redoubling our efforts in 2010.

It is through the prism of the media gallery that the vast majority of the Queensland community form their views about politics and politicians. Whilst from time to time we all have cause to cringe and complain—usually very quietly—about how our actions and words are reported, I have observed over the news cycle how things balance out. I want to thank the gallery for the vital role they play in ensuring our democracy continues to endure and thrive. I want to thank them for things like the Media Club and the lunches they organise and of course the media ball that many of us enjoy at the end of the year. We understand they have a job to do, and sometimes we need to realise that what seems important to us in terms of media coverage is not as important to everyone else, but it is something that we really feel.

I want to place on the record the love and support that I receive from my wife, Stacey, and our children, Chloe, Bronte and Piers. As I know many other members feel about their families, I think they really are a rock of sanity that enable us to be aware of what really are the important things in life. I know that my family is typical of the people I meet throughout Queensland. In this job, I am privileged to travel around Queensland, and I meet many people who are optimistic about the future and they want it to be a better place for all of us. That is something that is certainly typical of my family, and I want to thank them.

Christmas is a time of celebration and hope. We celebrate the birth of a child whose life and death has transformed the world and offered hope to billions. So it provides us at this time of year with an opportunity to rejoice in our families, consider those who are worse off than ourselves and recommit ourselves to making this world a better place for all. I extend to all members of this House, to all who work for and in the service of this House and indeed to all Queenslanders my very best wishes and those of my wife, Stacey, for this Christmas season and for a better and brighter 2010.

Mrs CUNNINGHAM (Gladstone—Ind) (12.36 am): The Premier and the Leader of the Opposition have gone into some detail about those who work in this parliamentary precinct. On behalf of the Independents, I wish all parliamentary staff the very best for the season. We commend and thank you for your work, your good humour and your impartiality. To our electorate staff, I acknowledge again, as other speakers have, the vital work that you do in connecting us and keeping us connected to individuals and issues in our electorates. To our wives, husbands, partners and children, you are our rock. To those in this chamber who we know have been unwell, we wish you strength. To those who have faced or are facing sadness or loss, we wish you hope. To all, we wish you love and peace. We trust that you have a safe, happy and holy Christmas and we wish you health and happiness in 2010.

Mr SPEAKER (12.37 am): Honourable members, I have asked my honorary adviser to accompany me in the advisers box. Daniel is here with me and now that he is here I feel confident that I can give my valedictory speech.

I thank all honourable members on both sides of the House and the Independent members for their commitment to the ongoing functioning of the House. On my election as Speaker, I mentioned how it was our collective task as members to ensure community trust and confidence in our parliamentary system. This is not a course I can steer alone, as it depends on the cooperation of members. On the whole it has been plain sailing. There has been some turbulence, but that is to be expected. There is always room for improvement, and the parliament continues to be a work in progress. For my part, I will continue to give priority to upholding the highest standards in this place and ensuring the grass does not grow on bad habits and poor behaviour.

I do not want to see the parliament chloroformed by trying to impose a level of control that smothers vigorous and passionate debate or that limits robust exchange. Within the boundaries offered by the standing orders and parliamentary practice and convention, I would far prefer to see members fearless rather than fearful, while mindful of their individual role in creating an overall public impression of the parliament. What we must all be conscious of is how the parliament is the public face of our democratic system. We are democracy's shopfront.

We live in the era of the 20-second nightly news grab and where pictures speak louder than words. One unseemly incident in this place will feature on the nightly television news and dominate the headlines, whereas the long hours of constructive debate and law-making largely will not rate a mention. It is for this reason that we have to make an additional effort to show restraint and respect for the institution of parliament, even though we might feel tempted or even justified in taking a hostile approach. This may not be a place of peace, but neither is it a place for war. We have to constantly remember the impression we are beaming into people's homes via the television news and the impression we are creating here for anyone sitting in the public galleries, and especially the school groups.

There are many groups that contribute to the running of the parliament. Indeed, the parliament could not function without them. I do not intend to name people individually, as this has been ably done by the Premier and the Leader of the Opposition. Nor do I even pretend to make a rollcall of all the various areas. What I do want to do is highlight those that are important. I want to acknowledge on behalf of all members the efforts and contribution of all of the parliamentary staff—both here in the parliamentary precinct and in the electorate offices across the state, where there over 180 people who serve us as well.

One group who are not parliamentary staff but who are nonetheless an integral part of this place is of course the media. I want to also acknowledge the generosity of the gallery, through its president, Chris O'Brien, in providing a very substantial quantity of drinks towards tonight's parliamentary end-of-year function. That contribution is most appreciated.

I want to place on record my specific thanks to my own staff—Mary-Anne, Michael and Joe, and Cheryl and Donna in my electorate office. I want to also thank the Deputy Speaker, the honourable member for Cook; the panel of temporary Speakers; the government and opposition whips; and, as I said before, the senior staff who make sure that this place functions. I would like to thank the Leader of the House and the Leader of Opposition Business. I also want to thank the Premier, her ministers and the government backbenchers. I would also like to thank the Leader of the Opposition, members of the shadow cabinet and the opposition backbenchers. Also, I acknowledge and express my appreciation to the Independents for the role they play.

I will mention the 19 new members who entered parliament earlier this year—seven months ago yesterday. I thank them for their contribution as newly elected representatives. I said back in April on being elected Speaker that my hope for the 19 new members who have joined us is this: as you find your feet you will also find your voice on behalf of the people you represent. I think you have all done that exceedingly well. Also, to the continuing members—70 in all: thanks for your continuing contribution. I think if we added up the combined years of parliamentary service of those 70 members we would have quite an impressive total.

I particularly also want to express my gratitude to my family, particularly to my wife, Catherine, for the support she has given me discharging my role as Speaker and also as a local member. Often she will either informally or unofficially represent me when I cannot be present and often accompanies me to events and functions when she does not have to. She does it always in a value-adding way, and she does it with distinction. I am conscious that the partners of members generally make a very valued contribution, and very often the demands on members mean that they cannot spend the time and give the priority to their partners and families that they would like to. So I express thanks to all members' families for their contribution in this regard.

I extend to everyone associated with the parliament, to members and staff, one and all, my sincere thanks and appreciation for all you have contributed and very best wishes for the coming Christmas and for 2010. The year 2010 will be a special year in the life of this parliament, a very significant year, the 150th year—150 years of continuous democracy in Queensland. I extend those best wishes to your families and loved ones as well.

In closing, I have much pleasure in inviting all honourable members, staff, the vast array of media who are still with us this evening and all of those who are closely and regularly associated with the parliament to join me for refreshments at the end-of-year function to be held this year in the Strangers Dining Room and adjoining balcony.

Question put—That the motion be agreed to.

Motion agreed to.

MOTION

Minister for Climate Change and Sustainability

Hon. AM BLIGH (South Brisbane—ALP) (Premier and Minister for the Arts) (12.44 am), by leave, without notice: I move—

That this House wishes the member for Ashgrove and her intended, Mr Paul Cronin, all the best for a joyful wedding tomorrow and a happy marriage in the years beyond.

Hon. AP FRASER (Mount Coot-tha—ALP) (Treasurer and Minister for Employment and Economic Development) (12.44 am): I second the motion.

Question put—That the motion be agreed to.

Motion agreed to.

ADJOURNMENT

Hon. AP FRASER (Mount Coot-tha—ALP) (Acting Leader of the House) (12.44 am): I move—

That the House do now adjourn.

Question put—That the House do now adjourn.

Motion agreed to.

The House adjourned at 12.44 am (Friday).

ATTENDANCE

Attwood, Bates, Bleijie, Bligh, Boyle, Choi, Crandon, Cripps, Croft, Cunningham, Darling, Davis, Dempsey, Dick, Dickson, Douglas, Dowling, Elmes, Emerson, Farmer, Finn, Flegg, Foley, Fraser, Gibson, Grace, Hinchliffe, Hobbs, Hoolihan, Hopper, Horan, 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, Simpson, Smith, Spence, Springborg, Stevens, Stone, Struthers, Stuckey, Sullivan, van Litsenburg, Wallace, Watt, Wellington, Wells, Wendt, Wettenhall, Wilson

GOVERNMENT PRINTER, QUEENSLAND—2009