PROOF ISSN 1322-0330

RECORD OF PROCEEDINGS

Hansard Home Page: http://www.parliament.qld.gov.au/hansard/
E-mail: hansard@parliament.qld.gov.au
Phone: (07) 3406 7314 Fax: (07) 3210 0182

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

Wednesday, 6 October 2010

J MICKEL
SPEAKER

N J LAURIE
CLERK OF THE PARLIAMENT

L J OSMOND
CHIEF HANSARD REPORTER

WEDNESDAY, 6 OCTOBER 2010

The Legislative Assembly met at 9.30 am.

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

Mr Gibson signed prayers using Auslan, Australian sign language.

SPEAKER'S STATEMENT

National Deaf Week

Mr SPEAKER: Honourable members, I will ask the member for Gympie to explain to the distinguished members in the gallery what is going to happen this morning—in terms of we will have government business and then question time and then they will join me for morning tea with all honourable members. And all interjections today will be done in Auslan!

Honourable members: Ha, ha!

Mr SPEAKER: And the chair will not recognise any other sign language!

Honourable members: Ha, ha!

PRIVILEGE

Alleged Deliberate Misleading of the House by a Member

Mr SEENEY (Callide—LNP) (9.32 am): Yesterday in this parliament the Minister for Natural Resources made a ministerial statement regarding the wild rivers legislation in which I contend he deliberately and repetitively misled this House. The minister claimed on a number of occasions in that ministerial statement that the opposition had supported the passage of that legislation in 2005. Since 2005, it has been pointed out to the minister on numerous occasions both in this parliament and elsewhere that the opposition opposed the legislation on the voices as a vote in this parliament. In addition, any reasonable reading—

Mr ROBERTSON: Mr Speaker, I rise to a point of order. The honourable member is deliberately misleading the House.

Mr Johnson: That is not a point of order.

Mr Lucas: You haven't heard it yet.

Mr ROBERTSON: Mr Speaker, the member is deliberately misleading the House. I refer you to the debate in this chamber in 2004 where member after member of the LNP stood in support of the wild rivers legislation—including the member for Moggill, who was the then leader, and including the member for Southern Downs. The record shows that the House did not divide and the LNP supported that wild rivers legislation.

Mr SPEAKER: Order! I will rule on the point of order.

Mr Robertson: A bit loose with the truth. Is this another tactical lie?

Mr SPEAKER: Order!

Mr Seeney: You're a grub.

Mr Robertson interjected.

Mr SPEAKER: Order! That is unparliamentary and I would ask—

Mr ROBERTSON: That is absolutely offensive, coming from a tactical liar who is on the record as a tactical liar.

Opposition members interjected.

Mr SPEAKER: Order!

Mr Lucas interjected.

Mr Nicholls interjected.

Mr SPEAKER: Order! I warn the Deputy Premier and I warn the member for Clayfield under standing order 253. I was on my feet. Let us get back to what I was going to rule on. The statement from the member for Callide was unparliamentary. You will withdraw that.

Mr SEENEY: I withdraw.

Mr SPEAKER: Let me rule on the point of order. The point of order is not a point of order. The accusation of deliberately misleading the House implies something that should be referred to the privileges committee. If the honourable minister in this case truly believes that, then I would ask him under the standing orders to put that in writing to me. We will go back now and I will hear the matter of privilege raised by the honourable member for Callide.

Mr SEENEY: As I was saying in the matter of privilege before the minister reacted quite unnecessarily, quite apart from any other point, any reasonable consideration of the speech that I made as shadow minister on behalf of the opposition at the time would clearly demonstrate the position that we took on that legislation. The minister is very aware of the position that we took on that legislation, yet he deliberately and continually misled the House yesterday in his ministerial statement. I believe that the minister should be referred to the Integrity, Ethics and Parliamentary Privileges Committee for disciplinary action for deliberately and continually misleading the House in his ministerial statement.

Mr SPEAKER: Well, let us test that. I will ask the honourable gentleman to put that in writing to me under standing order 269.

As I understand it, and I missed it, during the interchange the minister used unparliamentary language in referring to the honourable member for Callide. I would ask for a withdrawal of that on the basis that it is unparliamentary.

Mr ROBERTSON: I withdraw the term that was put on the record previously by the honourable member.

Mr SPEAKER: Order! I ask for an unconditional withdrawal.

Mr ROBERTSON: I withdraw.

SPEAKER'S STATEMENTS

National Deaf Week

Mr SPEAKER: Honourable members, after that I do wish to welcome members of the Queensland deaf community who are present today in the gallery. As is traditional, I will welcome them in my own way in the Auslan language. I ask them for a bit of forbearance with this.

Mr Speaker signed using Auslan, Australian sign language.

Hello. I welcome the deaf community here to the Queensland Parliament House.

Honourable members: Hear, hear!

Mr SPEAKER: I thank the honourable member for Gympie for his better translation. These honoured guests will be with us from 9.30 until 11.30 this morning. I thank Deaf Services Queensland for providing the language interpretation of the parliamentary proceedings. I wish to thank the interpreters in the gallery in advance for the valuable service that they provide. At the conclusion of today's question time, I will host a morning tea on the level 3 colonnade for the visiting members of the deaf community and I invite all honourable members to join me at this event.

Criticism of Members of the Judiciary

Mr SPEAKER: Honourable members, it is a rule of House of Commons practice and it is also noted in New Zealand practice that, unless debate is based upon a substantive motion, drawn in proper terms, reflections must not be cast in debate upon the conduct of the sovereign, the heir to the throne or other members of the royal family, the Governor-General of an independent territory, the Speaker, members of either house of parliament or judges of superior courts. The rule includes reflections that convey reproach or are abusive. That is in *Erskine May*, 22nd edition, on pages 384 and 385.

The rule has been inherited by this House and has long been applied as part of our procedure and practice. As the rule relates to the judiciary, it is relevant to the doctrine of separation of powers. I have reflected last night on comments made in the House yesterday. I believe that some comments made in the House yesterday have transgressed the rule, in that comments went beyond examining decisions by a court but rather amounted to criticism of the character or conduct of a judicial officer in the exercise of their judicial functions. I wish to remind all members of the important rule relating to office holders, such as judicial office holders, and call on all members to respect that rule.

Application of Same Question Rule

Mr SPEAKER: Honourable members, I have circulated a statement in the chamber to members regarding the application of the same question rule contained in standing order 87, the Seniors Recognition (Grandparents Providing Care) Bill and the Carers (Recognition) Amendment Bill for incorporation in the parliamentary record.

Leave granted.

On 10 March 2010, the Member for Burdekin introduced a Private Members' Bill, the Seniors Recognition (Grandparents Providing Care). On 8 June 2010, the Minister for Disability Services and Multicultural Affairs introduced a Government Bill, the Carers (Recognition) Amendment Bill.

The Private Members' Bill seeks to introduce a Charter (The Grandparent Carers Charter) to provide recognition for grandparent carers. The Government Bill seeks to amend the Carers (Recognition) Act 2008 to provide for the recognition of grandparents who provide full-time care for their grandchildren.

Standing Order 87(1) provides that unless these Standing Orders otherwise provide, a question or amendment shall not be proposed which is the same as any question which, during the same session, has been resolved in the affirmative or negative.

There have been a number of rulings in relation to SO 87(1) in recent years, especially as regards Bills, and I refer to my summary of the precedent in my ruling of 10 February 2010 on the Family (Surrogacy) Bill and the Surrogacy Bill.

To a large extent the Seniors Recognition (Grandparents Providing Care) Bill and the Carers (Recognition) Amendment Bill seek to achieve the same objective—recognise grandparents as carers through a charter—either in a stand alone Act or in an existing Act. The Private Members' Bill has nearly identical wording to the Government Bill amendments.

I am of the view that once a decision has been taken in relation to the second reading question on one Bill, the other cannot be proceeded with further under Standing Order 87(1).

TABLED PAPERS

MINISTERIAL PAPER TABLED BY THE CLERK

The Clerk tabled the following ministerial paper—

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

3298 Justice and Other Legislation Amendment Bill 2010: Erratum to Explanatory Notes

REPORT TABLED BY THE CLERK

The Clerk tabled the following report—

3299 Report pursuant to Standing Order 158 (Clerical errors or formal changes to any bill) detailing amendments to certain Bills, made by the Clerk, prior to assent by Her Excellency the Governor, viz—

Ministerial and Other Office Holder Staff Bill 2010

Amendments made to Bill

Table of contents, Part 6, division 4 heading, '1998'

Omit, insert—

'1988'

Part 6, division 4, heading

At page 26, line 2, '1998'

Omit, insert—

'1988'

Clause 51 (Act amended)

At page 26, line 4, *'1998*'

Omit, insert—

'1988'

MINISTERIAL PAPER

The following ministerial paper was tabled—

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

3300 Electoral Commission of Queensland, Annual Report 2009-2010.

MINISTERIAL STATEMENTS

Chief Scientist, Appointment

Ms Bligh signed using Auslan, Australian sign language.

Hon. AM BLIGH (South Brisbane—ALP) (Premier and Minister for the Arts) (9.41 am): I am very pleased to see our special guests here today, and I thank others for the warm welcome that they have received.

Mr Rickuss: Did you say you're selling Parliament House?

Ms BLIGH: Did you say you still have a seat?

Mr Lucas: You think that's funny, do you?

Mr Fraser: What do you want to do with the proceeds?

Mr Lucas: Let that interjection go on the record.

Ms BLIGH: I am very pleased to advise the House of the appointment of Dr Geoffrey Garrett AO as the new Queensland Chief Scientist as of January 2011. As honourable members are aware, Emeritus Professor Peter Andrews was appointed as the inaugural Queensland Chief Scientist in 2003. Professor Andrews' appointment is due to expire at the end of this year. He leaves a lasting legacy in a number of areas including pioneering Queensland's thriving biotechnology sector and raising the profile of our tropical research and development opportunities.

Professor Andrews has also been a champion for science, technology, engineering and maths education as a foundation for Queensland's success in a global knowledge intensive economy. As Queensland Chief Scientist, he has played a key role in raising Queensland's profile as a centre for science and research and development excellence, and maximising returns on our research and development investments. I commend Professor Andrews for his important contribution to delivering the government's Smart State Strategy and the Toward Q2 ambitions, and I wish him well in his future endeavours. All members of the House on all sides have had a number of opportunities over the years to get to know Professor Andrews in his role. In my view he has always conducted himself on a bipartisan basis, motivated solely by doing the best for Queensland. He has also been a very active champion for programs like Science in Parliament. I certainly wish him all the best as he goes on to a different role in his life.

We are fortunate to have secured the services of another world-class scientist to continue the work of Professor Andrews. Dr Geoff Garrett has recently completed an eight-year stint as the Chief Executive Officer of the CSIRO, one of the world's largest and most diverse national research organisations. He was responsible for transforming the shape of the CSIRO through the establishment of the flagship programs based on the major scientific challenges for Australia. Dr Garrett was appointed as an officer of the Order of Australia in 2008, and he served on the Prime Minister's Science, Engineering and Innovation Council for eight years under both sides of politics.

Dr Garrett's academic and professional qualifications, together with his international and national standing, make him an eminent person to continue the work of the Queensland Chief Scientist. Dr Garrett will commence his appointment on 17 January 2011 for a term of three years. Given his recent national responsibilities, Canberra has understandably been home to Dr Garrett and his wife. He will need to continue to have some presence in Canberra due to other family commitments that he has, and he will be employed on a part-time basis to ensure that he can maintain links with industry and academia, and keep abreast of emerging developments in research.

Dr Garrett will be in Queensland spending approximately three days every week in his role as Chief Scientist, as indeed did the previous Chief Scientist. His appointment is a real feather in the cap for Queensland's ever-expanding scientific community, and it is recognition of how far we have come in positioning Queensland as a world leader in science and innovation. This appointment signals the government's ongoing commitment to substantial investment in science, innovation and research and development to ensure we achieve our vision for a stronger, greener, smarter, healthier and fairer future for Queensland. I encourage members, as they did with Peter Andrews, to get to know Dr Garrett in the many opportunities they will have over the coming 12 months.

Archer Bend, Return of Land to Wik Mungkan People

Hon. AM BLIGH (South Brisbane—ALP) (Premier and Minister for the Arts) (9.45 am): Today I am pleased to announce that thousands of hectares of land taken from Indigenous people on Cape York more than 30 years ago will be returned to its rightful owners. Our government today will take the unusual step to revoke a section of a national park outside Coen, some 600 kilometres north-west of Cairns. The 75,530-hectare section of the Mungkan Kandju National Park, known as Archer Bend, will be returned to the Wik Mungkan people three decades after it was taken from them by the National Party government of the day.

This decision puts an end to a shameful chapter in Queensland's Indigenous history. It changes the outcome of a long legal battle which saw the legitimate legal rights of the Indigenous people of Cape York circumvented by what can only be described as a shocking abuse of power. On 12 November 1977, the Joh Bjelke-Petersen government declared the culturally significant part of the cape to be national park. This followed a long battle with the Wik Mungkan people who fought to purchase the Archer Bend pastoral holding lease and gain ownership of the land.

Many members of this House will remember that John Koowarta battled the National Party government for years over the lease. John was a Wik stockman. He saved his money towards a dream that one day he would be able to buy back Archer River, the land of his birth. The land had been leased

from the Queensland government by an absentee American investor who, when contacted in 1974 by John Koowarta, agreed to sell him the lease at market rates. But Joh Bjelke-Petersen considered the deal 'Aboriginal land rights by the backdoor' and he refused to allow the lands department to transfer the lease.

John Koowarta complained to the federal Human Rights Commission, and he won. That was ignored, so he went to the High Court of Australia and he argued that the Queensland government's refusal of the transfer was made on racial grounds. The High Court found in his favour, agreeing that the Queensland government had contravened the Racial Discrimination Act, which had been introduced by the then Whitlam government. It was then that Bjelke-Petersen stepped in with an abuse of power that has shamed the people of Queensland for more than three decades. He declared Archer Bend a national park, and by this deliberate and calculated travesty of justice he crushed John Koowarta's dream.

John Koowarta died aged 50 on 29 June 1991 without seeing his people back on their land. Speaking at his grave site, his wife Martha, a respected elder of the Aurukun community, said that her husband died of a broken heart. What happened on that day in 1977 has served as a hurtful symbol of the National Party's attitude towards Indigenous affairs. It was a corrupt use of government power motivated solely by a spiteful determination to deny the legal rights of John Koowarta and his people.

The revocation of any national park is a serious matter and should never be taken lightly. It should only be contemplated by any government in exceptional circumstances. The declaration of this national park, as I have just outlined, was not motivated by a desire to create a new national park for conservation purposes but by political spite. I firmly believe this is exactly the kind of circumstance where such a measure should be contemplated and is appropriate.

In recent times our Labor government has been negotiating with traditional owners to convert the Mungkan Kandju National Park to a jointly managed national park through the Cape York Peninsula tenure resolution program. Early in the negotiations, the Wik Mungkan people wrote to me and asked that part of the park be revoked and granted to them as Aboriginal freehold. The traditional owners have agreed to revoke just under half of the Archer Bend section of the park so that next year it can be granted to the traditional owners as Aboriginal freehold land.

The area to be revoked is the north-western corner of the park, north of the Archer River. It covers about 75,530 hectares, which is 44 per cent of the Archer Bend section and 17 per cent of the whole park. The key conservation values in the area will be protected through a nature refuge which will cover 43 per cent of the area revoked from the park. The government will provide financial and practical assistance to traditional owners for conservation management of this nature refuge.

The return of this area as Aboriginal freehold will provide opportunities to the Wik Mungkan people to manage the cultural and natural values of the land. It will allow them to establish living places and business enterprises on their traditional lands. The Queensland government and the Ayapathu, Kandju and Wik Mungkan people have agreed that 83 per cent or 381,470 hectares of Mungkan Kandju National Park should remain a park due to its high conservation values and many popular sites for visitors. That means the park will continue to protect the Archer and Coen River corridor and associated wetlands and wildlife. I hope the measure we are taking today goes some way to easing the hurt many Indigenous people felt on that day in 1977 and have felt ever since.

Archer Bend, Return of Land to Wik Mungkan People

Hon. KJ JONES (Ashgrove—ALP) (Minister for Climate Change and Sustainability) (9.50 am): The Premier's announcement this morning that our government will finally return the lands at Archer Bend to the rightful Indigenous owners is one of Australia's most significant Indigenous land justice breakthroughs. It is a breakthrough that has been achieved as a result of working closely with the Indigenous communities in the cape, to right the wrongs of the past and chart a new path for Aboriginal land rights in Queensland.

When this land was taken away from the Wik Mungkan people by the National Party government of the 1970s, it left deep scars in the local and national Aboriginal community. Today's announcement is a great example of how far we have come since then. We are now in a new era where traditional owners, government departments and conservation groups now work together to ensure traditional lands are protected for the future.

I would like to thank the Wik Mungkan people, the Balkanu Cape York Development Corporation and the Cape York Land Council, the Australian Conservation Foundation and the Wilderness Society for negotiating constructively with the government during the past three years to reach agreement on the future of this area. The Mungkan Kandju revocation is the latest achievement of the state government's Cape York Tenure Resolution Implementation Group.

Through this process our government has delivered $24 million on voluntary land acquisition for the dual purposes of protection of conservation values, including new protected areas, and the continued return of homelands to traditional owners to enable them to live on country and develop an

economic future. Since it was established by our government in 2004, CYTRIG has delivered Aboriginal freehold declarations over more than 600,000 hectares of land in Cape York. More than 570,000 hectares of cape land has also been declared national park, as well as around 90,000 hectares declared nature refuge—all to be jointly managed by our rangers and local traditional owners.

As will be the case with the land involved in the Archer Bend revocation, the QPWS works closely with traditional owners following the land handover to ensure the conservation and management of these special parts of Queensland and the transfer of skills between the local Indigenous community and our rangers. This is because we know that by working together we can achieve better outcomes for our environment, for economic development and new Indigenous business enterprises, and for the protection of the cultural and social values of Indigenous lands.

We should never forget how the Liberal Party and the National Party walked all over Indigenous land rights in Queensland. This is not the kind of Queensland the Labor Party believes in. Our government has, for the first time, brought Aboriginal elders, conservation groups and government agencies together at one table to deliver a new era of land justice for Queensland.

Cancer Treatment

Hon. PT LUCAS (Lytton—ALP) (Deputy Premier and Minister for Health) (9.54 am): We have one of the most complex, expensive, growing and successful health systems in the world. The ultimate illustration of this success is, according to the World Health Organisation, that Australia's life expectancy is now 81.4 years—second only to Japan's at 82.2 years. According to the federal treasury's intergenerational report, by 2050 the number of people aged 65 to 84 years will more than double and the number of people aged 85 and over will more than quadruple.

As our population ages, the nature of health care changes too. As we live longer we are seeing more cancers diagnosed. Take, for example, prostate cancer—the most common form of cancer diagnosed in males and the second largest cause of cancer death for males. Approximately 20,000 new cases of prostate cancer are diagnosed each year, and one in nine men will develop prostate cancer in their lifetime.

In Queensland, prostate cancer incidence is 19 per cent higher in advantaged compared to disadvantaged areas and prostate cancer incidence was 75 per cent higher in major cities compared with very remote areas. Despite a 5.3 per cent rise in rates of new cases each year between 2000 and 2006, probably as a result of testing, mortality rates have fallen by 2.1 per cent per year in the same period. In the 10 years between 1994 and 2004, across the board, the number of new cancers diagnosed each year increased by 25 per cent. However, the quality of health care is also improving. So people are living longer because health care is also keeping people alive.

The intergenerational report indicates that more than half of all cancers diagnosed in Australia today are successfully treated. That is a 20 per cent increase from 20 years ago. The cost of treatments is increasing as quality improves, technology advances and new treatments become available.

The Royal Brisbane and Women's Hospital is elevating cancer treatment to a new level of sophistication. Late last month Australia's first radiotherapeutic CT machine began operating at the RBWH. The $4.1 million system uses advanced guidance mechanisms to target tumours more efficiently and deliver a more effective radiation treatment to patients. It is essential we continue to invest in world-class cancer services and technologies for Queenslanders.

This new system will allow radiation treatment to be controlled with a degree of accuracy never before seen in Australia. It enables doctors to target the tumour and spare normal tissues. The new system will be used largely to target head and neck cancers, as well as areas with complicated and deep tumours. While the overall incidence and mortality rate associated with head and neck cancer is declining, it is estimated that this year alone there will be 2,062 new cases of head and neck cancer in Australia.

The good news is that equipment such as this will allow us to continue to deliver on improved health outcomes for people diagnosed with cancer. The system can produce daily 3-D CT images of tumours to ensure accurate dosages of target radiation are delivered. Patients are placed onto a treatment couch which slowly moves them through a ring in which the radiation beam is housed and the beam rotates around the patient allowing tumours to be targeted from all angles. The more we use different angles the less we radiate the tissue through to the point of focus.

The accuracy of the system will enable more precise treatment of some cancers which were previously difficult to treat through conventional methods. As well as head and neck cancers, this includes some brain tumours and spinal tumours where previously the potential for peripheral damage rendered treatment unviable.

The Bligh government is investing in new and expanded cancer services across the state. This new system further underlines our commitment to providing the best care to our patients around Queensland.

National Week of Deaf People

Hon. A PALASZCZUK (Inala—ALP) (Minister for Disability Services and Multicultural Affairs) (9.58 am): Next week is National Week of Deaf People. This is a week-long celebration which recognises the achievements of the deaf community. I would like to acknowledge here in the gallery today representatives from Deaf Services Queensland and the state's deaf community. I am also very pleased to see interpreters in the gallery translating today's parliamentary proceedings. I look forward to meeting representatives of Queensland's deaf community at a morning tea here at Parliament House.

The Bligh government provides Deaf Services Queensland with $1.4 million to support deaf and hearing impaired Queenslanders. Deaf Services Queensland provides them with vital resources, including computers, specialised fire alarms and in-home accommodation support. It also delivers learning and life skills development and a state-wide information and referral service.

In April this year I officially launched Deaf Services Queensland in Townsville. The local deaf community sent us a very clear message about the need for a local service. We listened, and we delivered. We now provide Deaf Services Queensland with $147,000 a year to employ a full-time community worker and a part-time translator in Townsville, and I want to thank all of the Townsville members of parliament for their very strong advocacy to deliver this service. Earlier this year I announced an extra $300,000 for interpreting and translating services in Queensland's deaf and multicultural communities. The SWITC program helps to link these communities to government and community services through braille, Auslan and language interpreters. Members of Queensland's deaf community can also use Auslan online through the Department of Communities website to have their say on the government's draft 10-year plan for disability services. The deaf community has been well represented at the 18 Shared Visions conferences so far held across the state. Each of these forums has featured an Auslan interpreter, giving deaf people a chance to have their say on our 10-year plan. We practice what we preach.

In conclusion, I want to encourage Queenslanders to celebrate National Week of Deaf People and ensure the local deaf community of the Bligh government's ongoing support.

Every Dollar Counts Initiatives

Hon. KL STRUTHERS (Algester—ALP) (Minister for Community Services and Housing and Minister for Women) (10.00 am): The Bligh government is determined to create a fair Queensland. From helping Queenslanders in need meet mortgage payments when times are tough to helping people keep electricity connected, the Bligh government is doing what it can to help. At the Every Dollar Counts forum I attended at the invitation of the member for Broadwater on the Gold Coast last Friday I was surprised to see the number of people who did not know about what help was already available. I was able to explain the wide-ranging rebates and concessions that Queenslanders have access to under this Labor government.

Under our mortgage relief scheme, the Department of Communities is able to grant home loans of up to $12,000 for Queenslanders who are experiencing tough times due to unemployment, accident or illness. No repayments are required in the first year and recipients have 10 years to pay the loan back. The interest-free loans helped 29 Queensland households last financial year, including one family where the breadwinner suffered a stroke resulting in permanent disabilities. The department organised a mortgage relief loan of $12,000 for the family to help clear home loan and rates arrears and get their finances back on track. The assistance allowed the family to stay living in their home, which had been modified to meet the affected family member's special requirements.

Under our home energy assistance scheme, we help eligible low-income earners who may be facing electricity disconnection. In the last financial year we helped almost 3,400 Queensland households keep electricity connected, with $1.7 million worth of grants. In the first two months of this financial year we have already helped more than 750 households keep electricity connected, with more than $380,000 worth of grants. That is the sign of a fairer Queensland. On this side of the House we know that every dollar counts. That is why we committed more than $1.3 billion in concessions and rebates in this budget to help Queenslanders in need. We do not want to do what the LNP says it will do, and that is follow the lead of the Western Australian Liberal-Nationals. What did that government do over there? It cut $17 million this year from concessions and it has not allowed for the home energy assistance scheme in future budgets. We are delivering what we said we would—a fairer Queensland for all Queenslanders.

Gold Coast Suns

Hon. PG REEVES (Mansfield—ALP) (Minister for Child Safety and Minister for Sport) (10.03 am): In 2011 the AFL will welcome its 17th franchisee into the premiership race, the Gold Coast Suns. This will provide Gold Coasters with their own team to support and also result in an AFL fixture being played in South-East Queensland each weekend. Construction of the Gold Coast stadium at Carrara continues at pace, with the $144.2 million facility on schedule for completion in mid-2011. Not only will this stadium

be home to the Gold Coast Suns; it is a Queensland first. This stadium will use the power of the sun as a major source of its energy. I am pleased to announce that the solar panels have arrived and are ready to go up. Contractors will soon install the first of around 450 metres of full solar panels around the inner edge of the stadium's roof. This inclusion of the solar panelling will generate around 275,000 kilowatt hours of electricity per annum or more than 20 per cent of the stadium's total electricity needs. This is equivalent to powering more than 250 homes in Queensland. This will ensure that we make the best use of the sun's energy to generate power and help reduce the venue's overall carbon footprint.

Stadiums Queensland has a strong record of introducing green initiatives across all of its venues and will maintain this record in the future. The Sleeman Sports Complex sources energy for the Brisbane Aquatic Centre from landfill generated gas. At Suncorp Stadium 180 recycling bins collected some 80 tonnes in the year 2009 alone. Water consumption across Stadiums Queensland's Brisbane venues has decreased by close to 54 per cent compared to 2004-05. While environmental impact is decreased, the economic impact on the region is significant. The redevelopment of the Gold Coast stadium at Carrara is providing employment for more than 1,100 people during construction, providing much needed work for people in a variety of trades. It is estimated the stadium and the introduction of the Suns will contribute $340 million to the local economy over the next 10 years. This is in addition to the $308 million that Stadiums Queensland venues already pump into the state's economy each and every year. The Bligh government is committed to delivering world-class and environmentally friendly sports infrastructure.

Transit Oriented Development Guide

Hon. SJ HINCHLIFFE (Stafford—ALP) (Minister for Infrastructure and Planning) (10.05 am): I rise to advise the House that a comprehensive transit oriented development guide will be released today. Transit oriented development, or TOD, is a land use planning concept that promotes the creation of well-designed urban communities supported by public transport. These communities incorporate a mix of residential, commercial and retail uses, including affordable housing, shops, offices and other facilities all within a comfortable 10-minute walk of established or planned rail and bus stations. TOD is a key policy of the South East Queensland Regional Plan and supports the delivery of a range of government priorities relating to climate change, housing affordability, traffic congestion alleviation, liveability and health and physical activity. It supports the government's *Toward Q2: Tomorrow's Queensland* green and healthy aspirations by reducing car dependency, easing pressure to clear native vegetation for urban development by creating more compact communities, and promoting more healthy lifestyles by encouraging walking and cycling.

Key characteristics of transit oriented development are a rapid and frequent transit service; high accessibility to the transit station; a mix of residential, retail, commercial and community uses; high-quality public spaces and streets which are pedestrian and cyclist friendly; medium- to high-density development within 800 metres of a transit station; and reduced rates of private car parking.

Opposition members interjected.

Mr HINCHLIFFE: The TOD guide is designed to build understanding of the concept and promote good practice in the Queensland context by urban planners and designers, transport professionals and developers across government and the private sector.

Opposition members interjected.

Mr HINCHLIFFE: Currently there are 20 state and local government TOD projects underway including Yeerongpilly, Varsity Station and Woolloongabba. The Milton, a 30-storey TOD to be built adjacent to the Milton train station and opposite the Castlemaine Brewery, was further progressed on 9 September with the release of units for sale to the public.

Opposition members interjected.

Mr HINCHLIFFE: The Bligh government through Growth Management Queensland is leading the way with a focused approached to growth management to help shape tomorrow's Queensland focused on a sustainable future.

Shen Neng 1, Miller Report

Hon. RG NOLAN (Ipswich—ALP) (Minister for Transport) (10.07 am): The opposition's total failure to grasp transit oriented development is notable. I rise to inform the House of the favourable finding and important lessons contained in an independent report into the grounding of the *Shen Neng 1* bulk coal carrier on the Great Barrier Reef. I am pleased to table a report today that was prepared by Graham Miller, an independent consultant specialising in organisational review.

Tabled paper: Shen Neng 1 Incident Response—Independent review of the response to the Shen Neng 1 grounding and associated pollution response, Slingshot Consulting, 7 September 2010 [3301].

Mr Miller's report contains a full and frank analysis of how the response was conducted, what went right and where we could improve. The report provides important lessons for future marine casualty responses, both in Queensland and nationally. Queenslanders can be proud of how they worked together to avert a more serious environmental crisis, and the independent review of the response confirms that our response was timely and effective. The 230-metre fully laden bulk carrier, the *Shen Neng 1*, ran aground on Douglas Shoal at about 5 pm on 3 April. It was salvaged, lightened of coal and towed out of Australian waters on 31 May, ending a two-month operation.

Mr Miller's report concludes that the response, which was led by Maritime Safety Queensland in conjunction with the Great Barrier Reef Marine Park Authority, the Australian Maritime Safety Authority, the Department of Environment and Resource Management and the salvage company Svitzer, was well resourced and well executed. Nevertheless, whilst favourable, the report also warns that incidents like this may occur again and we must be vigilant in our preparations.

The lessons and recommendations of the Miller report will be incorporated in our plans and response arrangements for future contingencies. My department is already responding to the report's recommendations by conducting a major desktop exercise next month to test multiagency readiness to respond to a remote area oil spill in Far North Queensland; liaising with local government and district and local disaster management groups to improve understanding of roles in joint operations; and investigating new technologies to provide communication capability in the first hours of response, especially in remote locations. The full report will be posted on Maritime Safety Queensland's website at www.msq.qld.gov.au.

Department of Transport and Main Roads, Cassowary Protection

Hon. CA WALLACE (Thuringowa—ALP) (Minister for Main Roads) (10.10 am): Main Roads is doing its bit to help protect one of our endangered species. It is two-legged, about six foot tall with a horny helmet and, if cornered, has a kick that can kill. No, it is not the leader of the LNP; it is the cassowary. There is a trial underway at Mission Beach in the Far North that is helping to save cassowaries' lives. Too many were being killed on the roads up there so we sat down with the local council, conservation and community groups to work out a strategy to save them. We built an underpass on the Tully-Mission Beach Road with fencing and food trees to encourage cassowaries to use the underground pathway to cross the road. Then we installed special line marking, rumble strips and electronic signs on the Tully-Mission Beach Road to remind motorists—

An opposition member interjected.

Mr WALLACE: No, we do not taser them, like you are going to do with students—to slow down as they entered known cassowary territory. Local conservation groups have also placed signs on the roadside to alert motorists of recent cassowary sightings in the area. Our strategy is working well. Today, I can report that midway through the 12-month trial there have been no cassowary deaths on the roads in the trial zone.

It has been an ongoing problem in the Far North. Indeed, I nursed a cassowary chick when I was up at Mission Beach earlier this year with community cabinet.

Honourable members interjected.

Mr WALLACE: I ask for your protection, Mr Speaker.

Mr SPEAKER: I am at a loss to respond.

Mr WALLACE: It was a rare moment of male bonding and appropriate in the circumstances, because cassowary chicks are raised by their fathers, not their mothers. The adult cassowary had been struck by a car on the Tully-Mission Beach Road where our trial is underway—a sad story. I said at the outset that, if our strategy is successful, we would look at rolling it out in other cassowary hot spots in the Far North, such as the Daintree. Despite all the laughs in this chamber and the 'jestations', this is a serious matter.

Honourable members interjected.

Mr WALLACE: Our cassowaries are at risk. They are an endangered species and Main Roads will do its best to ensure that we have them for future generations to enjoy, just as I did with that young chick.

Identity, Directory and Email Services Program

Hon. RE SCHWARTEN (Rockhampton—ALP) (Minister for Public Works and Information and Communication Technology) (10.13 am): As usual, the member for Currumbin has excelled herself in half-truths and lazy research over the Identity, Directory and Email Services—IDES—program, which is a new whole-of-government communication system. It is completely stupid to compare the implementation of the IDES system to the recent health payroll system. IDES is a communication system, not a payroll system. It is also total stupidity—

Opposition members interjected.

Mr SCHWARTEN: The voices opposite give effect to that statement. It is also—

Honourable members interjected.

Mr SPEAKER: Order! I ask the minister to pause and I will wait for the House to come to order so that he can be heard with some dignity.

Mr SCHWARTEN: It is also total stupidity to say that there could be a major disruption to government emails. Where is the evidence to support such an absurd claim?

Mrs Stuckey: Why the delay?

Mr SCHWARTEN: I will get to that in a minute if the member would just be quiet and have a bit of dignity herself.

An honourable member interjected.

Mr SCHWARTEN: She is going to get plenty back, too.

Mr SPEAKER: Order!

Mr SCHWARTEN: As everyone in government knows, as everyone who deals with government knows and as anybody who knows anything about IT knows—which does not include any of those poor unfortunates who sit opposite—there is a fully functioning email system in the government and it is operating well. IDES is consolidating email services on to one platform to allow a significant upgrade to functions and to make savings. Currently, departments are on different systems. They will be brought together on a Microsoft platform. This is a cost-saving and sensible agenda agreed to by most people who have any idea about the consolidation of government services and saving money.

There is no secret that delays have occurred in the full implementation of IDES. I am informed that this delay was due firstly to lengthy negotiations with contractors and machinery-of-government changes, which are the most significant changes in the past 20 years. After the MOG changes, we had to go back to every agency to negotiate their requirements and to sign a new memorandum of understanding. This took significant time and could not have been planned for when this program was first scoped three to four years ago.

An honourable member interjected.

Mr SCHWARTEN: I am pretty smart, but I am not a Nostradamus. I cannot tell the future.

Mr Horan interjected.

Mr SCHWARTEN: Go back to robbing money from the poor people of Rockhampton. The department has also undertaken a comprehensive tranche review to ensure that the technologies proposed by the contractors are sound. Again, that is a precaution to ensure that the technology is fit for purpose. The Department of Public Works has undertaken extensive and lengthy negotiation with the contractors to ensure that the contracts are based on performance and deliverables. Again, it is vital that this step is taken and time is taken to deliver outcomes with contracts.

In negotiations with contracts, Public Works also went to great lengths to ensure that there was minimal risk to the Queensland government, including specifying that contractors would be paid only on results. Again, that is protecting the taxpayers of this state and is in line with what the Auditor-General expects of us in this regard. If any member had read what the Auditor-General had said, they would not be critical of us taking the time to do this.

If the *Courier-Mail* journalist did the most basic of research, she would have been told that the ongoing cost of operating this system over 10 years is $300 million, which represents a saving of $123 million to taxpayers as opposed to running the current system as it is. If we had kept doing what you would expect us to do—just keep doing the same thing—the taxpayers of this state would be up for $123 million as a result. I am informed that the IDES has not cost more than the anticipated budget in the approved business case, authorising loan funding of $40 million. So again, the member for Currumbin is wrong, wrong, wrong—just lazy, indolent and stupid. I repeat, because the honourable member is too stupid to understand—

Mr SEENEY: I rise to a point of order. Mr Speaker, I ask you to make a ruling on what is appropriate in a ministerial statement. This House allocates a full hour every morning for ministerial statements—for the executive to come in here and inform the people of Queensland of the policy positions and the achievements of this government. So bereft are they of policy positions and achievements that the member for Rockhampton has to come in and use his allotted time to engage in unending personal abuse. I think that is an offence of this House and I ask you, Mr Speaker, to make a ruling that that sort of thing is inappropriate in ministerial statements.

Mr SPEAKER: I would ask the honourable the minister to respect the fact that it is a reporting of the executive back to parliament.

Mr SCHWARTEN: I will, Mr Speaker.

Mr SPEAKER: You can give the honourable the member for Currumbin a right of reply if you want to have your statement noted.

Mr SCHWARTEN: That is fine.

Mr SPEAKER: I will listen further to the honourable the minister.

Mr SCHWARTEN: As long as they do not interject I am happy to stick with it. I will give as good as I get. I repeat, this is a saving to taxpayers, but I doubt we will see any clarification from the journalist who it seems is incapable of getting accuracy into a story. It is not good enough to simply recycle media releases with no attempt to evaluate alarmist claims. The majority of delays have occurred to ensure the system is delivered correctly. The Auditor-General recommended the strengthening of governance for ICT projects and the rollout is evidence of that occurring.

I will delay the introduction of systems again and again to ensure that they are right. I make absolutely no apologies for taking this position. If necessary, I will delay every project if it means that programs are right to go live. This is my responsibility and I am sure that the people of this state expect no differently of me in that regard. The IDES implementation will commence early next year. Full implementation of IDES is scheduled to be completed by December 2012.

The member for Currumbin again displays how unfit she is to shadow the IT portfolio. She is clearly supported in this role by the *Courier-Mail*'s Anna Caldwell, who is a photo finish with Tuck Thompson for cut-and-paste stories.

Opposition members interjected.

Mr SCHWARTEN: The journalists of this state have a responsibility. Democracy depends on having journalists who are well informed, not simply repeating the alarmist and lazy claims made by those who sit opposite.

Mr SEENEY: I rise again on a point of order. No longer is the minister now just attacking the opposition members; he is using ministerial statements in this House to attack the media. I contend that that is a completely inappropriate use of the time allocated in this House for ministerial statements and I seek a ruling from you to that end.

Mr SPEAKER: Order! I would refer the honourable gentlemen to standing order 62(1) where it says—

A Minister during the time allotted by Sessional Orders, or any time during Government Business so as to not interrupt a debate of a matter, may make a statement relating to matters of Government policy or public affairs.

Mrs Stuckey interjected.

Mr SPEAKER: Order! Member for Currumbin, I gave you pretty free latitude before. Just be respectful of the fact that, while I have been asked to make a ruling, I will make a ruling.

As I understand it, the honourable member for Callide asked for an interpretation. My view of these things is that a ministerial statement should be a statement where the executive is reporting back on its actions to government. Accordingly, I would ask ministers to ensure that they are respectful of that standing order. It is within the parameters of a minister, if they feel that the matter is one where the opposition should be given some time to speak, to move that the House take note of the statement in which case the opposition or those on my left can be given the opportunity to reply.

I would ask, in any instance, that ministerial statements be conducted in a way that is courteous of the House and that the language be temperate at all times.

CARERS (RECOGNITION) AMENDMENT BILL

SENIORS RECOGNITION (GRANDPARENTS PROVIDING CARE) BILL

Cognate Debate; Suspension of Standing and Sessional Orders

Hon. JC SPENCE (Sunnybank—ALP) (Leader of the House) (10.23 am), by leave, without notice: I move—

(1) That, in accordance with standing order 129, the Carers (Recognition) Amendment Bill and the Seniors Recognition (Grandparents Providing Care) Bill be treated as cognate bills for their remaining stages, as follows:

(a) second reading debate, but with separate questions being put in regard to the second readings;

(b) the consideration of the bills in detail together; and

(c) separate questions being put for the third readings and long titles.

(2) That, notwithstanding anything contained in the standing and sessional orders:

(a) debate on the bills shall be considered during government business; and

(b) the time limits and order for the reply to the second reading debate shall be: Leader of the Opposition (or nominee) in reply—30 minutes, followed by minister in reply—30 minutes.

(3) That, not withstanding anything contained in the sessional orders, government business shall take precedence over general business this Wednesday evening from 7.30 pm until the abovementioned bills have been dealt with.

Mr SEENEY (Callide—LNP) (10.23 am): The opposition will not oppose the motion that has been moved by the Leader of the House in the parliament this morning. However, the motion cannot be allowed to pass without some comment so that the people of Queensland and the people observing this parliament, wherever they are, understand clearly what is happening here.

Here again this morning we have another example where the government has copied the opposition's policy ideas. Again the government has come into this parliament and sought to copy an idea that has been introduced into this House by a member of the opposition. Again a shadow minister has had to show the way to a minister of a government that has failed. This government is bereft of ideas and bereft of policy positions. The best those opposite can do is come in here and copy the opposition time after time after time.

The member for Burdekin introduced her bill into this parliament as a private member's bill. The people of Queensland need to appreciate that it was the member for Burdekin who instigated the changes that will happen with the passage of this legislation. The motion that has been moved by the Leader of the House today will mean that the bill that was introduced by the member for Burdekin will be considered in a cognate debate with a bill that was subsequently introduced by the government because it could not find any grounds on which to oppose the bill that was introduced by the member for Burdekin. They are the facts of the matter.

Mr SPEAKER: I would ask the honourable member to round it up.

Mr SEENEY: That is why this House is considering a motion for a cognate debate. That is why the motion is before the House. It is before the House because the government has run out of ideas. The government is bereft of any policy position.

Mr SPEAKER: This is getting on to repetition.

Mr SEENEY: Those opposite seek to follow the opposition's policy positions and we are pleased to provide the lead. We will continue to provide the lead. We will continue to provide the policy ideas and the initiatives that the people of Queensland want.

Mr Lucas: You can't say that with a straight face!

Mr SEENEY: The Minister for Health seeks to interject. No minister in this government better typifies the point that I am trying to make about why this motion is before the House today. No minister in this government has failed to the extent that the Minister for Health has.

Mr SPEAKER: I would ask the honourable member to come back to the question before the House.

Mr SEENEY: The question before the House is the motion that the Leader of the House has moved. That is the question before the House. In considering the question before the House, in considering the motion that was moved by the Leader of the House, we need to clearly understand why that motion has been moved. It is a motion that seeks to piggyback the government's bill on an idea that was introduced into this House by the member for Burdekin on behalf of the opposition. Time and again that has happened and time and again it will happen in the next 18 months. Every time that the government uses its numbers in this House to steal the policy ideas of the opposition, to copy the policy ideas of the opposition, I will make the point.

Mr Fraser: Why don't you put some out?

Mr SEENEY: The Treasurer now seeks to interject. The only minister left in the government with any initiative is the Treasurer. He is a one-man band who does not quite have the courage to take the next step.

Mr SPEAKER: Order! I would ask the honourable member to round off his statement.

Mr SEENEY: He sits there all alone.

Mr SPEAKER: Order! The honourable member for Callide.

Mr SEENEY: It's time you grew up.

Mr SPEAKER: Order!

Mr SEENEY: The little man with a big voice is not quite game to make the next step.

Mr SPEAKER: I ask the honourable member for Callide to round off. We are now descending into personality issues.

Mr SEENEY: As I understand the rules of this House, I have 20 minutes to talk about the motion that has been moved. The motion that has been moved by the Leader of the House clearly illustrates the extent to which this government has failed. I appreciate this opportunity to point out the extent to which this government has failed. If the Leader of the House wants to move such a motion every morning, I will take the opportunity every morning, because there is no shortage of illustrations when we look at the cabinet ministers who sit opposite. There is no shortage of illustrations of the extent to which the government has failed.

The shadow ministers who sit on this side of the House will continue to introduce private members' bills. We have no doubt that the Leader of the House will continue to introduce motions calling for cognate debates when the government seeks to piggyback its bills on those private members' bills. We are happy to provide the ideas and initiatives to the people of Queensland. However, everybody in this parliament and everyone who watches this parliament needs to understand that that process is the right process for this parliament, as you ruled this morning, Mr Speaker. It is the right process for this parliament. However, it is a process that illustrates beyond any doubt that this government is in its death throes. This government is devoid of ideas, devoid of positions—

Ms SPENCE: I rise to a point of order. The contribution of the member for Callide is going well beyond the terms of the motion.

Mr SPEAKER: Order! Member for Callide, you are becoming repetitious. I will sit you down very soon.

Mr SEENEY: Perish the thought, Mr Speaker. I will conclude my contribution, even though I have 15 minutes left. I think the point is well made. The people of Queensland, the grandparents and the carers need to congratulate and thank the member for Burdekin. The people of Queensland and everyone who takes an interest in this parliament need to congratulate and thank the opposition for the continual stream of ideas and initiatives that we introduce into this parliament. They will realise that this government is bereft of ideas and nothing illustrates that better than what we are seeing here in the parliament this morning.

Mr WELLINGTON (Nicklin—Ind) (10.32 am): I rise to speak in support of the motion to have a cognate debate. I thank the minister for the detailed briefing she provided yesterday to the Independents in relation to both the government's bill and the opposition's bill. It is very timely that as a parliament—be it as Independents, opposition or government—we are able to change the law in Queensland for the benefit of our grandparent carers. That is what this is about. I support the motion. I look forward to it proceeding to a debate and to the law being changed in Queensland after tonight.

Hon. JC SPENCE (Sunnybank—ALP) (10.32 am): I thank the Independents and the opposition for their support for the cognate motion.

Mr SEENEY: I rise to a point of order. At the risk of being repetitious, I think the Leader of the House knows full well that the comment she made is misleading. The opposition is not supporting the cognate motion; we are simply not opposing it. There is a huge difference.

Government members interjected.

Mr SPEAKER: Order! Resume your seat and I will wait for the House to come to order. Those on my right will cease interjecting.

Mr SEENEY: The point of order is particularly pertinent given the misrepresentation that the Minister for Natural Resources and I referred to earlier. It needs to be made clear that we will not oppose the passage of the motion. We will not oppose the cognate debate. However, we do not support the government constantly piggybacking on our legislation and confusing the people of Queensland as to who has the ideas, who has the initiatives and who has the ability to govern.

Mr SPEAKER: I am not sure there was a point of order.

Ms SPENCE: There used to be a school subject called logic that some people around this place would do well to study. As the leader of opposition business has reminded people of so many points, I would say this: this House and the people of Queensland should remember that it was a Labor government that changed the standing orders of the House to allow opposition bills to be debated—

Mr Lucas: At all.

Ms SPENCE:—every Wednesday night, at all. Prior to Peter Beattie introducing that change, any member could introduce a bill into parliament but it was never debated. It just sat on the *Notice Paper*.

Opposition members interjected.

Mr SPEAKER: Those on my left will cease interjecting.

Ms SPENCE: As we seem to be having a history lesson this morning, I would add that the member for Nicklin was instrumental in working with the Labor government of the day to ensure that the Queensland opposition has its bills debated and is given time to be heard in the parliament.

Mr Lucas: Long before Tony Abbott thought of it.

Ms SPENCE: Absolutely. The reforms now being suggested in the federal parliament were introduced long ago by the Queensland Labor government. Again I thank everyone for their support for the motion.

Mr SPEAKER: Now that we are in furious agreement, is the motion agreed to?

Question put—That the motion be agreed to.

Motion agreed to.

NOTICES OF MOTION

Byrnes, Mr GV

Mr LANGBROEK (Surfers Paradise—LNP) (Leader of the Opposition) (10.36 am): I give notice that I will move—

That this House calls upon the Attorney-General to swiftly restore confidence in Queensland's justice system by acting on behalf of families across the state and immediately appeal the manifestly inadequate sentence handed down to serial paedophile and rapist Gerard Vincent Byrnes.

Climate Change

Mr MESSENGER (Burnett—Ind) (10.36 am): I give notice that I will move—

That this House notes that:

1. In the course of world's existence, the average world temperature has been significantly higher and colder than the present figure because of factors other than 'man made carbon'.
2. Those factors are well known by scientists, but are rarely recognised because there is little government grant funding attached to studies of climate change caused by cyclical variations in the earth's orbit or the ever-changing strength of the sun's radiation and magnetic force.
3. Queenslanders being forced to pay more money to a federal government in the form of carbon tax will not stop the world's climate from changing but will significantly increase power, fuel and food prices.
4. Overseas business competitors in America, China, India and Brazil, who will never pay our carbon tax, will benefit from an Australian carbon tax by making our farmers, manufacturers, miners and tourism operators less competitive and productive.
5. An Australian carbon tax will increase the likelihood of the building of nuclear power reactors in Queensland and decrease the resources spent on more important social issues, including the abnormally high rate of child suicide and the crisis in living affordability for the elderly and disabled.

And calls on the Premier to reallocate all government funds and resources earmarked for 'climate change' to significantly increasing pensioner rate rebates, patient travel and accommodation subsidies for sick regional families and finding solutions to help decrease the obscene child suicide rates.

Mr SPEAKER: Leader of the House, we have two notices of motion. Which one will be debated?

Ms SPENCE: We will accept the opposition's motion.

Mr SPEAKER: In that instance, those on my right have indicated that the Leader of the Opposition's motion will be the one accepted. The rule of anticipation will apply to the Leader of the Opposition's proposed motion.

SPEAKER'S STATEMENTS

Microphones in the Chamber

Mr SPEAKER: Order! Honourable members, I have been made aware that one of the microphones in the House has jammed and, therefore, has been disabled. I assure the House that it will be attended to at lunch time today. Nevertheless, if there is a problem I would ask the House to understand if a member has to use another microphone.

School Tour Groups

Mr SPEAKER: During the session of parliament this morning, we will be visited by St Sebastian's Catholic Primary School in the Yeerongpilly electorate, Junction Park State School in the South Brisbane electorate, Farnborough State School in the Keppel electorate and the Robina State High School in the Mudgeeraba electorate. Question time will finish at 11.39 am.

QUESTIONS WITHOUT NOTICE

Public Service Appointments; Griffiths, Ms B

Mr LANGBROEK (10.39 am): My first question without notice is to the Premier. To safeguard against cronyism and corruption in the public sector, the Fitzgerald report specifically said—

There does not appear to be any reason why there should be power to make exemptions from the requirement to advertise public service vacancies, and why all vacancies should not be advertised.

I ask: will the Premier now explain why she blatantly contravened the Fitzgerald report and allowed her former staffer and personal wedding guest, Bronwen Griffiths, to be appointed to a $320,000 a year job without advertising and without a merit based selection process?

Ms BLIGH: Yes, it is only Wednesday and we have hit the bottom already. Thursday is going to be a cracker. Once again in his question, the Leader of the Opposition makes a false allegation. Neither the Premier nor the ministers of our government make any decisions in relation to the appointment of public servants other than me when I appoint CEOs. Decisions about appointment of staff in every agency are then the responsibility of those appointed CEOs, quite appropriately and as per the practice in every other Westminster system.

In relation generally to appointments, permanent appointments in the Queensland Public Service can and are only made after a full merit selection process. Let me repeat: permanent appointments to the Queensland Public Service are only made after a full and open merit selection process. That was a reform of the Goss Labor government. Under those opposite—

An opposition member interjected.

Ms BLIGH: I take the interjection from the member opposite, because that appointment, like every other permanent appointment, was made with a full and open merit selection process. It is simply not possible to run an organisation like the Queensland public sector without the flexibility to appoint people to acting positions on a reasonably flexible basis, and there are practices to guard against those acting positions going on and on without them becoming permanent and without them being subject to a merit process. There is nothing that happens in relation to acting appointments in the Queensland Public Service that does not happen in every other public service of Australia, including the Commonwealth Public Service.

Mr Robertson: And the private sector.

Ms BLIGH: And, indeed, the private sector. If the member opposite was running the show, if a principal got sick you would have to have the school run without a principal because you would have to advertise it and you would have to wait for the selection process. Under the proposal of the member opposite, if the chief health officer resigned for some reason, you would just leave the position vacant. You would not have a chief health officer. It is ludicrous to go down the path being suggested by the member opposite. If you read the comments of Tony Fitzgerald in the context in which they are made you will find that they were fully implemented by a Goss Labor government actively reforming the corruption of the National Party and fully recognised and implemented by this government.

Queensland has a public sector it can be proud of. It is constantly traduced by those opposite, who are no doubt compiling a hit list, as they have in the past. There is no other opposition in Australia whose members regularly insult the public sector workers of this state as much as those opposite. It does them no credit whatsoever.

(Time expired)

Griffiths, Ms B

Mr LANGBROEK: My second question without notice is also to the Premier. The code of conduct for employees of the Department of the Premier and Cabinet states that all staff must (1) 'keep personal political allegiances outside the workplace'; (2) 'ensure that personal ... interests do not improperly affect your official capacity'; and (3) 'serve the government of the day ... in an absolutely unbiased and apolitical manner'. Bronwen Griffiths gave an interview that said—

Anna Bligh winning the state election was "absolutely fantastic to see her do that".

I ask: is this another example of how personal friends are exempt from the rules that apply to everyone else?

Ms BLIGH: I would say in relation to the reported comments by Ms Griffiths that she was simply making a statement of fact. There is nothing in the code of conduct that prohibits or denies public sector employees the ability to be involved in the democracy that they are citizens of or denies them appropriate freedom of speech. There are a number of public servants in Queensland in all parts of the public sector who either are members of political parties, and they are entitled to be, or are active supporters of a particular party—people like Jake Smith, who worked for the department of primary industries, and Craig Sherrin, who was a former National Party minister. People are entitled to have political views. They are entitled under the law of this land to participate in the political process.

I do not intend to do anything that would deny public sector workers their democratic rights as citizens of Queensland and citizens of Australia. But I will expect every public servant to conduct themselves in a way that is apolitical and unbiased. As I said before, I stand by Queensland public sector workers. There are a number of people in senior positions who I know are involved in one way or another with the conservative side of politics, and to their credit they serve Queensland in their positions in a way that they can take credit for and similarly people who support the Labor side of politics or indeed others.

These questions today go directly to the heart of the comments from the member for Gympie. What did he say in relation to the member for Surfers Paradise? 'If we had a leader, I would still be on the frontbench.' It is these sorts of tactics, it is this sort of low attempt to bring other people down, that diminish the member for Surfers Paradise.

Mr LANGBROEK: Mr Speaker, I rise to a point of order. This staff member made these comments in her capacity as cabinet secretary. Therefore, it goes to the heart of the code of conduct for employees. It is not about whether she is a public servant and appropriate for the job; it is about whether she is fulfilling the code of conduct as required by the government.

Mr SPEAKER: There is no point of order.

Ms BLIGH: I thank you for that ruling, Mr Speaker. Public servants under our government are entitled to their opinion. They are entitled to their democratic rights. We know that on the other side people get black-listed by members of the National Party. There was a time when the Liberals would stand up against that sort of thing. But, no, the capitulation is complete. Under the leadership, or so-called leadership, of the member for Surfers Paradise, the capitulation to the National Party is complete. All I can say is that the member for Surfers Paradise must have been feeling very unpredictable this morning.

Papua New Guinea Hydroelectricity Project

Ms NELSON-CARR: My question is also to the Premier. Can the Premier update the House on the plan for a hydro power project in PNG which would provide renewable energy to Queensland?

Ms BLIGH: I thank the member for her question. There are few members of this House who know as well as the member for Mundingburra the importance of improved energy supply into North and Far North Queensland. It is for that reason that our government is committed to investigating and fully pursuing the multibillion dollar proposal for a hydroelectricity project in Papua New Guinea that would plug directly into the national electricity grid at Townsville. As members know, we signed a memorandum of cooperation to begin these investigations with the Papua New Guinea government and with Origin Energy.

Just to refresh the House, this is a project that could supply 1,800 megawatts of renewable baseload electricity, travelling via undersea cable to Weipa from PNG in a very similar way as reliable hydroelectricity flows via underground cable from Tasmania to Victoria. So there is no doubt about the technology. Victoria is using it right now and has for a number of years.

While I am governing from North Queensland next week, I will be joining with the CEO of Origin Energy to speak at a business breakfast of Townsville business leaders about this project. The people of Townsville, the business leaders of Townsville, have been pursuing better sources of baseload power for a number of years, and this presents them with a real opportunity.

There is a real and legitimate interest in the community of Townsville about this project and I look forward to having the opportunity to explain it in more detail, hear their interest, hear their questions and hear their concerns. As I said, Townsville Enterprise and the Townsville Chamber of Commerce have been great supporters of both additional power sources for that region and the potential for renewable energy to fill that gap. Townsville is in fact one of the communities that has led the way nationally with the Solar Cities program. The work happening on Magnetic Island is a leadership program that could and should be followed by many other smaller communities around Queensland.

I will also be travelling to Papua New Guinea with representatives of Origin Energy in December. This is about our efforts to ensure that we are working actively in partnership with the PNG government. Later today, I will be joining with the member for Mount Isa and meeting with the federal member for Kennedy, Bob Katter, who has expressed an interest in not only the CopperString project but these sorts of issues, and I will be talking with him and briefing him as well. On a big project like this, there will always be cynics and knockers, and what have we had from those opposite? Cynicism: 'It can't be done', 'Oh, dear', 'It's all too hard.' What you will get from us is a big vision for a big state, making things happen.

Public Expenditure, Advertising

Mr SPRINGBORG: My question without notice is to the Minister for Transport. I refer the minister to this brochure for the Inala electorate which features the member for Inala in her capacity as the local MP, and it relates to the Darra-Springfield transport corridor stage 1. Is the minister aware that this brochure contravenes state government advertising guidelines? Will the minister explain why taxpayer funds are being used to promote Labor MPs in their local electorates?

Tabled paper: Advertising flyer regarding the Darra-Springfield transport corridor, Stage 1, Issue 10, October 2010 [3302].

Ms NOLAN: This is a tremendous project being built by the Labor government, being financed by the Labor government, because we—

Mr Lucas: It connects to the rest of the system, too.

Ms NOLAN: That is right. We are doing this because we have a clear economic strategy that is delivering transport infrastructure for Queenslanders. The remarkable thing from the opposition's point of view about the extension of rail now under construction to Richlands and, as we announced in our

budget last year, which is being brought forward by two years to go all the way out to Springfield is that this railway line connects into the broader network. The other remarkable thing about this piece of transport infrastructure is that the Labor government is delivering it like we said we would, not with an asterisk and the words 'subject to global financial crisis' in the way that members of the opposition have tended to promise transport infrastructure in the past.

This is a critical piece of transport infrastructure which will open up public transport to the growing communities of the western corridor. It is in fact the first new rail spur line to have been built since at least the Second World War, although I think it is probably longer ago than that. Richlands is the first stage and Springfield is the second, but this railway line will ultimately connect—

Mr SPRINGBORG: Mr Speaker, I rise to a point of order. I suspect that the minister is answering a totally different question. Would she like me to actually read it again? It relates to whether there has been a breach of the state government advertising guidelines. It should be something which is very clear to the minister because the Premier has pointed out these guidelines only recently.

Mr SPEAKER: There is no point of order.

Ms NOLAN: As I said, the project will connect to Springfield and then it will go further, connecting the growing Ripley Valley back into the main line at Ipswich, making Ipswich the only regional centre in the country that has the benefit of a rail loop line, with all of the public transport benefits that that provides.

The member for Inala has been a strong advocate of this project and is part of a government that is delivering this critical project. This brochure simply provides information about the project to the community and it invites people to find out further information about it. That strikes me as essentially unremarkable. This is a great piece of community infrastructure for those growing communities.

Solar Energy

Mr FINN: My question without notice is to the Premier. Can the Premier update the House on the government's plan to increase Queensland's use of solar energy and help cut the cost of energy for Queensland families?

Ms BLIGH: I thank the honourable member for his question and for his interest in renewable energy. This government has consistently advocated, as the member knows, for a cap on emissions and a price on carbon as the most efficient means of reducing emissions. A price on carbon will drive long-term market investments in the emerging technologies that are needed to achieve deep cuts in emissions. There is a growing global consensus that this is an efficient way to tackle climate change. Indeed, a number of other nations have taken the step to implement some version of this outside of a formal global agreement.

However, because of the procrastination and delays by the Liberal National Party in Canberra, Australia is yet to deal with this on a national level. Queensland will not delay our own actions and we will not stand by and let other states get further ahead of us in the renewable energy sector. That is why we have considerably ramped up our activity in the solar space.

I am very pleased to advise the House that we have recently reached a new milestone when it comes to solar energy in Queensland. In April this year we made a commitment to double our solar power, from 250 megawatts to 500 megawatts. We anticipated that that would take us approximately five years, and we conceived of it as a virtual solar power station—that is, house by house, business by business, community by community, people who put solar PVs on their roofs, people who invested in solar hot water would one by one be contributing to a 500-megawatt effort of solar power. I am pleased to advise the House that we had 250 megawatts in April and we have now hit the 300 megawatt mark. We now have 240,000 households in Queensland with either a solar hot-water system, a solar PV on their roof or a solar hot-water pump. This is almost one-quarter of a million Queensland homes now being solar powered in one way or another.

We are well on our way to doubling our solar energy capacity over the next five years. In fact, at this rate we will reach our target in just over two years, so we may have to revise that target if we hit it that early. We now have 4,000 households and small business customers signing up to solar photovoltaics every single month. That is a thousand a week. That is a remarkable achievement. Queenslanders are going solar in their droves. Queenslanders are doing the bright thing, accessing government support and programs so that they can go solar.

I note that the member for Callide was seeking to run the line earlier that this government has run out of ideas. It is this government that is driving renewable energy at a rate faster than any other state in Australia. This is something every one of you should be proud of.

Water Supply

Mr SEENEY: My question without notice is to the Minister for Natural Resources. I refer to the water crisis caused by this government's failure to plan that has produced grossly inflated water bills—

Government members interjected.

Mr SEENEY: Would you like to debate that issue?

Mr Lucas: Oh, precious!

Mr SEENEY: Would you like to engage in a debate? You cannot wait for the question.

Mr SPEAKER: Order! I would ask—

Mr Schwarten: Get off your horse. We'll pick up your saddle.

Mr SEENEY: Go back to sleep, old fella.

Mr SPEAKER: The member for Callide will ask the question.

Mr Schwarten: Even if I'm asleep, I'm smarter than you.

Mr SEENEY: Dribble and snore. Dribble and snore.

Mr SPEAKER: Just ask the question.

Ms Spence: That's a cruel thing to say. It's his birthday.

Mr SEENEY: And can't we tell.

Mr SPEAKER: The member for Callide will ask his question. Those on my right will cease interjecting.

Mr SEENEY: My question without notice is to the Minister for Natural Resources. I refer to the water crisis caused by this government's failure to plan that has produced grossly inflated water bills and water restrictions that still apply yet water is being released from Wivenhoe Dam. Isn't this release of water from Wivenhoe Dam, when it is holding only 40 per cent of its available storage capacity, a clear indication that the government has learned nothing from the water crisis and is still failing to plan for the next inevitable drought?

Mr ROBERTSON: On the contrary, because it is actually the honourable member who has learned nothing in relation to how the South-East Queensland water grid operates. I will give a history lesson to some of the members who may not remember what happened back in—

Mr Rickuss: You cancelled Wolffdene Dam.

Government members interjected.

Mr SPEAKER: Order! Those on my left and right will cease interjecting. I call the minister.

Mr ROBERTSON: I will give the members opposite a bit of a history lesson. Back in 1974 we had a thing called a flood come through Brisbane—a devastating flood. As a result of that, when Wivenhoe Dam was built, it was built for a capacity to service the drinking water needs of the people, in the first instance, of Brisbane but also to provide for flood mitigation measures. When water is released, as it is currently being released, it is because it has reached capacity for its drinking water supply standards, but it retains a flood mitigation capacity. If we saw a return of the events that occurred in 1974, its flood mitigation role would be brought into play and it would be able to store more of that floodwater and not have to release it in a way that caused such devastation in 1974.

This is not the first time the member for Callide has made this allegation. From my memory, it is now the fourth time. We can only suggest that what this is about is the formation of a new LNP policy: the flood mitigation role that Wivenhoe has played now for over 30 years will no longer perform that role under an LNP government. The member for Callide on behalf of the LNP suggests that Wivenhoe should not be used for flood mitigation purposes. The result is that the safety of people in Brisbane and surrounding areas will be put into jeopardy. This is grossly irresponsible from a member who is a self-admitted tactical liar. Mr Speaker, I withdraw.

Mr SEENEY: Mr Speaker, I rise to a point of order. I find the minister's comments about me offensive. That is clearly not what I am suggesting. I object to being verballed by the minister in his answer. I find his comments offensive and I ask that they be withdrawn.

Mr ROBERTSON: Mr Speaker, I withdraw, but this is the second time today that the member for Callide has tried to rewrite history.

Mr SPEAKER: Order! Can I say—

Mr ROBERTSON: He has tried to rewrite history in terms of wild rivers. He now seeks to rewrite history in terms of—

Mr SPEAKER: Order! The minister will resume his seat. Minister, that is the second time today I have had to bring you to order for being unparliamentary. There will not be a third time.

Mr ROBERTSON: Mr Speaker, I withdraw, but this is the second time today that the member for Callide has sought to rewrite history, firstly in terms of wild rivers and now in terms of his stated commitment to use the flood mitigation capacity of Wivenhoe for drinking water supplies. He is on record repeatedly. He has been caught out yet again trying to rewrite history, as he does on a daily basis.

Health, Infrastructure Projects

Mr SHINE: My question is to the Deputy Premier and Minister for Health. Can the Deputy Premier and Minister for Health inform the House how the government's $7.33 billion health infrastructure program is delivering a stronger, healthier and greener Queensland?

Mr LUCAS: I thank the honourable member for the question. The Bligh government is committed to building a stronger, healthier and greener Queensland for the future. I note that in a motion moved this morning there was some discussion about climate change funding. We know from a report tabled in Australia a couple of years ago by McKinsey's—which did a similar report in the United States—on the Australian greenhouse debate and cost curve that in both the building and transport sectors money spent on greenhouse reduction or emission reduction is actually a positive economic benefit. So one would do that even if one did not believe in climate change. That is why it is a very important thing for us to do.

That is why our $7.33 billion hospital infrastructure program will look at not only building for services but also how we might build in a more environmentally appropriate way. In Mackay, the hospital is designed to maximise shading and control humidity. It includes a rainwater-harvesting system with a potential to harvest more than 1.2 million litres of rainwater per month, which is a significant alternative source of non-potable water to reduce the hospital's reliance on town water. In Ipswich, solar powered air conditioning produces around 30 per cent of the hospital's peak cooling energy requirements. At peak demand, when the sun is at its highest and cooling requirements are too, this system along with other energy-saving initiatives is taking the load out of the grid at peak times.

In Prince Charles, a 1.6-megawatt co-generation plant delivers 70 per cent of the hospital's energy needs including electricity, steam and hot water through natural gas. Normally there might just be generation, but hospitals need hot water supplies as well. So the cooling of the generation generates a hot water supply. That is an economic benefit the member for Burnett might want to consider. The benefits include saving 6,906 tonnes of greenhouse gas emissions each year, less gas consumption in individual boilers and lower levels of air pollutants. Co-generation plants are a proven reliable form of technology, and on-site generation means the hospital is less reliant on conventional forms of energy. They do not have to rely on the distribution network. Water tanks collect and provide water to maintain gardens and landscaping. Planning of the new paediatric ED will also include further water harvesting.

Redcliffe Hospital has introduced similar water-harvesting mechanisms as part of its efficiency management plan. It is reducing water consumption by more than 30 per cent and saving two megalitres a month. Similarly, Caboolture has reduced its reliance on mains water usage by 45 per cent, and the Gold Coast University Hospital will be a wholly new project and a standout in environmentally sustainable design. Overall, the design efficiency of the building will provide energy efficiency up to 25 per cent greater than what is currently required by Australian building codes. I will start where I finish: McKinsey's Australian greenhouse cost curve document says that in the building and transport sectors you can actually invest and save.

Tourism Queensland, Website

Mr STEVENS: My question is to the Minister for Tourism and Fair Trading. Last week the minister helped launch the Queensland government's 'Queensland, Where Australia Shines' campaign. The minister is aware an effective Tourism Queensland campaign requires an effective Tourism Queensland website. Will the minister explain why a person cannot book a Queensland holiday on the Tourism Queensland website because the 'select a location' and 'select a destination' options simply do not work?

Mr LAWLOR: I thank the member for the question. Certainly the launch of the new brand name 'Queensland, Where Australia Shines' was an absolute success and acknowledged by media all around Australia. In fact, there was both international and local publicity including digital publicity. The 60-second audiovisual had nearly 13,000 hits on YouTube on the day it was launched. This was the most viewed video in the travel and events category in Australia. On the day the brand was unveiled, Tourism Queensland's holiday website had more than 23,000 visits. Nearly 34,000 people liked 'Queensland, Where Australia Shines' on Facebook. We were able to tell nearly 11,000 Twitter followers about it.

The Tourism Queensland publicity value generated is a conservative estimate of what it is worth to the industry. In determining the advertising value equivalent and weighted by the target market—

Opposition members interjected.

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

Mr LAWLOR: The Bligh government is extremely proud of the campaign. We are supporting the 220,000 Queenslanders who rely on the tourism industry for their livelihoods. We are fighting very hard for each and every one of those jobs.

As members are aware, the last 18 months have been tough for Queensland tourism and Australian tourism generally. In fact, tourism worldwide is down four per cent. Queensland tourism has done far better than the worldwide average.

While we are on the subject of websites, a couple of months ago I looked at the LNP website to try to find out whether there was even an inkling of a policy. Can you believe there was a policy from the LNP? The policy was to get Kiwis to come. When I looked up the website the extent of the LNP's policy was 'Get Kiwis to come'. That has been your policy for several months. Getting Kiwis to come was your policy.

Mr SPEAKER: Order! The honourable minister will direct his comments through the chair.

Mr LAWLOR: On your own website when—

Mr SPEAKER: The minister will direct his comments through the chair.

Opposition members interjected.

Mr SPEAKER: Those on my left will cease interjecting.

Mr LAWLOR: When you look under the section 'Policy details' there is nothing whatsoever. So embarrassed was the member that he took it down and put up another section which said 'Raise race tips'. That is where he is putting his efforts—that is, into his race tips, not into policy formulation.

(Time expired)

Honourable members interjected.

Mr SPEAKER: The House will come to the order.

Business Investment

Mrs SULLIVAN: My question without notice is to the Treasurer and Minister for Employment and Economic Development. Can the Treasurer update the House on the ways the government is supporting business investment in Queensland?

Mr FRASER: I thank the member for Pumicestone for her question and for her continued advocacy on behalf of the many small businesses that work and operate and provide employment in the Pumicestone electorate. Like all members of this government, the member of Pumicestone supports the government programs to support employment. One of those key programs aimed particularly at smaller and medium enterprises is the Business and Industry Transformation Incentives scheme, or the BITI scheme. It is open for applications from today through to 5 November. It is a great scheme that assists small business to be innovative as we seek to drive reform and drive innovation in the Queensland economy to create jobs in areas like aviation.

Previous businesses that have received the benefit of this scheme are operating on projects such as the refuelling tanker that is being built at the airport at the moment, operating on the joint strike fighter project and operating in tourism areas like Cairns. This is about our commitment to invest in innovation, to invest in the jobs of tomorrow and to drive the economy forward.

Of course that stands in stark contrast to what the people of Queensland can expect from the LNP under the leadership of the shadow Treasurer. In direct contrast, the shadow Treasurer wants to stop everything. He wants to cut the building program. He wants to pull it up and then he wants to begin to cut the Public Service, to cut the services and to cut the programs that are the incentives to grow jobs.

We know that the train has left the station. At the front of the train of course is the member for Gympie. The member for Gympie is on board with the shadow Treasurer's quest. The member of Gympie has just learnt the tough lesson at the Springborg graduate school of loyalty. He was brought in, promoted, cajoled, puffed up, given a run to the front. The minute anyone shows any ability, what happens? Yelarbon straight in the back and punted down to the back bench.

We know that the member for Gympie has learnt the lesson that the member for Callide knows well. We know that the member for Gympie has learnt the lesson that the member for Toowoomba South knows well. Both of them have been uniquely 'Yelarboned' before as well.

We know that the train has left the station. It has swung by Lockyer and picked up old man Rickuss on the way. He is on board. He is there to say that he is on board with the shadow Treasurer.

Mr SPEAKER: Refer to the honourable member by his correct title.

Mr FRASER: The member for Lockyer is a well-known supporter of privatisation and the asset sales. At least someone is prepared to stand up and tell the truth.

We have a couple of truth tellers now. The member for Gympie has got out and told the truth. The member for Lockyer has got out and told the truth. What have the rest of these bed pressers done? They have sat on their hands. They have sat on the hammock and done nothing about it. We know that this will not last forever. It is time for the leadership change and to bring on the real debate. Will the real Leader of the Opposition please stand up.

The Greens; Proportional Representation

Mr HOBBS: My question is directed to the Premier. I table a response from the Premier to question on notice No. 808 in which she states that she has had no meetings or discussions with Drew Hutton or any other representative of the Greens regarding introducing a proportional representation voting system for either local or state government in Queensland.

Tabled paper: Answer to question on notice No. 808 asked on 15 April 2010 [3303].

I now table a leaked minute from the north Brisbane Greens prior to the state election which clearly states—

The party through Drew Hutton has said to Anna Bligh that she will not get preferences unless we have proportional representation.

Tabled paper: Draft minutes, dated 21 October 2008, of meeting of North Brisbane Greens [3304].

Will the Premier now come clean on what has been discussed as part of her backroom and secret deal with the Greens?

Ms BLIGH: I stand by, and am happy to put on the parliamentary record again, the answer I gave to the question on notice. I have had no discussions with Drew Hutton on this issue—

Mr Springborg: Or anyone else.

Ms BLIGH: Or anybody else. I can certainly assure members of that in relation to Drew Hutton because I cannot remember the last time I spoke to Drew Hutton, not because I am not speaking to him but because I have had no conversations with Drew Hutton about anything. If the north Brisbane branch of the Greens have a view about something that somebody said to somebody's cousin at their aunty's wedding—

Mr Lucas: And I hope that he is going to put through a bill to get proportional representation up.

Ms BLIGH: Yes. It also talks about what Ronan Lee will be doing.

Honourable members interjected.

Mr SPEAKER: Order! Both sides will come to order. I call the Premier.

Ms BLIGH: There is no secret about the fact that the Greens—and it is no surprise as a minor party—

Mr Hobbs: You've done a deal with them.

Mr SPEAKER: Order! The member for Warrego, you have asked your question. Allow the honourable Premier the courtesy to answer.

Ms BLIGH: There is no secret nor any surprise that the Greens, as a minor party, have supported the idea of proportional representation. Frankly, it is not an idea that I find particularly attractive or workable in the Queensland context. But it is an idea that, in my view, should only ever be considered if it has been the subject of wide public consultation. There is an opportunity to do that through the local government considerations that the parliamentary committee is making.

As I said, I am very happy to take this question. I do not know what goes on at the north Brisbane branch of the Greens. I am sure they are very interesting meetings. I can assure the member that I gave him a correct answer to his question on notice.

I was very interested yesterday when a number of members opposite asked me questions about the ALP's view on LNP policy in the law and order space. Those opposite claim to have a policy to introduce an independent judicial commission and a policy to give juries the power to advise on sentencing. I have now looked at their website, done a search of media releases by the opposition and checked the private members' bills. Guess what? Nothing. There is no policy on any of the things they claimed in question time yesterday.

So those opposite came into question time and just made it up. They just said, 'Will you agree with this thing that we are just making up?' There is no bill, no policy, nothing on the website, nothing costed—another taser for children effort.

Public Buildings, Sustainability

Ms GRACE: My question without notice is to the Minister for Public Works and Information and Communication Technology. Can the minister outline how the Bligh government is helping to make our public buildings greener?

Mr SCHWARTEN: As everybody knows, including the local member, we are absolutely committed to the green agenda in Queensland as part of our agenda for the future. To not be green is to be not very sensible about our future ambitions. I am very delighted to advise the House that our department has tackled this front-on in that everything we have done in the last 12 months has been about ensuring that the footprint we make through our buildings is as light on this earth as it can possibly be. That is why we have two of the six-star green star rated buildings in Australia right here in Queensland—delivered by the Department of Public Works, delivered under our policy!

One of the other policies we introduced in the last 12 months relates to the recycling of mobile phones, which I announced the other day, which is going absolutely gang busters. I notice that the receptacle for the phones at the public works department building is almost chock-a-block, as it is down here at the parliament. I encourage honourable members to get behind that program. I know that Labor members have, but I doubt that the tories have.

Other policies include the opening of stairwells. Mr Speaker, I have provided you with a number of brochures which I hope you will put up around the building to ensure that people use the stairs, as we are doing in the Public Works building and in the Executive Building, which is saving energy on the use of lifts and ensuring that people use their own energy for a greener outcome.

With regard to end-of-trip facilities, the local member and I were present at a couple of those facility openings in the last 12 months. Another policy is the green tree award, where public servants in our buildings bring along those green bags. They place them on the tree and re-use them over and over again and keep putting them on. It is a great initiative. Other policies, such as the recycling of building materials, are excellent examples of what we are doing, and in that regard we lead Australia. Water efficiency, retro-fitting of buildings—you name it, we do it.

But what have we seen from members of the opposition during that time? Not one policy! Not one policy! Here we had them this morning saying that we were a government out of ideas. I just rattled off 10 policies that I have introduced in the last 12 months, and what have we got from the opposition? Not one policy on government buildings! What has the shadow minister been doing during that time? I will tell you what: just listening to gossip and making up stories about things that did not happen. Instead of actually getting down and understanding what people in this state want, what does she do? She continues to put out stories that somebody tells her as gossip and does not show any policy framework whatsoever.

(Time expired)

Police Service, Interpreters for Deaf People

Mr Gibson asked a question using Auslan, Australian sign language.

Mr GIBSON: Mr Speaker, firstly can I say thank you to the parliament for inviting the deaf community here today and for all of the work that your staff have done in making this a good day. My question is to the Minister for Police. In 2009-10 it was reported that Queensland police expenditure on Auslan interpreting had dropped by over 64 per cent. Recent media reports revealed that a deaf male was charged by the Queensland police. With no interpreter provided, he was frustrated and agitated, which resulted in the Queensland police using pepper spray in his eyes. He was then taken to the police watch-house. Still no interpreter was provided and apparently he was not fully aware of what he was being charged with nor of his human rights. He could not communicate with the police to ask for water to wash his eyes, which were hurting from the pepper spray. I ask: why does this government continue to ignore the basic human right of a deaf person to have an interpreter?

Mr ROBERTS: Obviously the circumstances of that case as outlined by the member are of concern, if they are the facts of the case. The Queensland government does take seriously its responsibilities to provide those people who are less able to represent themselves with appropriate support, and that includes not just through the Police Service but through a range of agencies to provide interpretive services. Certainly I will make inquiries about that. I am obviously concerned to hear about that particular matter and will look into the detail of that. I am happy to get back to the member on that issue.

As the member is aware, as I have indicated, the government does take seriously its responsibilities about supporting those people who are less able to convey their views than others. The member would be aware, particularly through the Queensland Fire and Rescue Service, as an example that we initiated a scheme whereby those with hearing impairment can get access to specialised smoke alarms which provide strobe lighting and/or vibration.

I will look into the circumstances of that case. I assure members of the hearing impaired community who are in the chamber and outside the chamber that the Police Service and indeed all of the agencies that I am responsible for—all government agencies—have an obligation to ensure that we support people in such circumstances. I will look at the particular circumstances and get back to the member with a response.

Solar Hot Water Rebate

Ms DARLING: My question without notice is to the Minister for Natural Resources, Mines and Energy and Minister for Trade. Will the minister provide the House with an update on the government's Solar Hot Water Rebate Scheme?

Mr ROBERTSON: If I were to point to one of many stark differences between this government and the opposition, it would have to be the complete absence of a policy for alternative energy initiatives from the opposition, certainly since the last election, compared to our performance where just recently we issued the 5,200th solar hot water subsidy since the scheme commenced. That shows, in my view, just how committed we are to ensuring that Queensland is doing the bright thing.

Mr Crandon: Would you qualify for one?

Mr ROBERTSON: I am sorry? What was that?

Mr Crandon: Would you qualify for one?

Mr ROBERTSON: Mr Speaker, we started paying the rebate on 1 July 2010 and, as I said, within the first three months we have achieved over 5,200 rebates being paid to Queenslanders who are prepared to do the bright thing.

Dr Flegg interjected.

Mr ROBERTSON: That is 5,200 Queensland households that now benefit from significant—

Dr Flegg interjected.

Mr SPEAKER: Order! The member for Moggill will cease interjecting.

Mr ROBERTSON: Over 5,200 Queensland households are now enjoying the benefits of solar hot water and lower electricity bills. Let us compare this to the opposition. When one goes to its website and looks at its pronouncements over the last 18 months, one finds that there is not one initiative when it comes to alternative energy initiatives, whether it be at household or commercial level. The rebates—

Dr Flegg: Have you got one?

Mr ROBERTSON: Sorry?

Mr SPEAKER: The member for Moggill will cease interjecting.

Mr ROBERTSON: Have I got solar power? It is being installed within the next couple of months.

Dr Flegg: Do you get the rebate?

Mr ROBERTSON: Mr Speaker, honestly! The interjections from the member for Moggill become more and more inane. I have to say that if there is one thing the member for Callide and I agree on it is how low we both hold you in our opinion.

Honourable members interjected.

Mr SPEAKER: Order!

Mr ROBERTSON: Mr Speaker, every time right throughout that whole debate when you—

Mr SEENEY: Mr Speaker—

Government members interjected.

Mr SPEAKER: I want to hear the point of order.

Mr SEENEY: Mr Speaker, I think I am being verballed again and I know it is offensive. I find the minister's comments offensive and ask that they be withdrawn.

Mr ROBERTSON: Mr Speaker, I withdraw. But when I was making the challenge of the member for Moggill being the most ethically 'deft', ethically challenged—

Mr Schwarten: Bereft.

Mr ROBERTSON:—bereft member of this chamber—

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

Mr ROBERTSON:—all the member for Callide could do was nod in agreement.

Dr FLEGG: Mr Speaker, point of order.

Mr SPEAKER: Stop the clock. I will hear the point of order.

Dr FLEGG: I find the minister's personal reflection offensive and I ask for it to be withdrawn. It is particularly offensive coming from someone like him.

Mr ROBERTSON: Mr Speaker, I withdraw. But once again what we see from this member—

Mr SPEAKER: Sorry, but I did not hear the withdrawal.

Mr ROBERTSON: I withdraw.

Mr SPEAKER: Thank you.

Mr ROBERTSON: Once a harsh word is spoken, what is the next call he makes? It is to his mates in the *Courier-Mail*—like the sook you are!

Health Practitioners, Enterprise Bargaining

Mr FOLEY: My question without notice is to the Minister for Health. Is it true that there are over 1,000 health practitioners with appeals pending from enterprise bargaining EBHP1 2007?

Mr LUCAS: I thank the honourable member for the question. I do appreciate him asking about this issue because it gives me an opportunity to outline what the government has done in relation to health practitioners. One of the things that we committed to as part of our last enterprise bargain with our health practitioners—and by that I mean not doctors or nurses; all of our allied health professional staff, physiotherapists, dentists and the like—was to not only give them a very generous pay rise of 4½ per cent, four per cent and four per cent, which was in excess of what was offered in the private sector, but also reclassify many of them. Many of those reclassifications were pay rises of around $30,000 a year. As a result, over half of our health professionals earn packages of more than $100,000 a year.

At the highest pay point our health practitioners earn more than $30,000 more than their New South Wales counterparts and more than $50,000 than their Victorian counterparts. I will give members an example. A base grade physiotherapist in Queensland earns $58,136. The only state that exceeds that figure is Western Australia, with $60,489. If we look at the top pay point for Queensland Health, HP8, it is $164,885 compared to that pay point in South Australia of $114,000—$50,000 more. In New South Wales it is $132,000—$32,000 more. In Western Australia it is $140,000—$24,000 more. In the Northern Territory it is $101,000—$63,000 more. In Victoria it is $109,000, and that figure is just under $60,000 more. So the government has sought to be very generous when it comes to pay offers in past enterprise bargains.

We have reclassified a very significant number of these workers. I will give the honourable member the exact number in terms of those positions that are still to be reclassified. If you reclassify someone's position and you have thousands and thousands of staff then, of course, the outcome of that is that it takes a considerable period of time to do it. As well, people are voting with their feet when it comes to working in Queensland Health and allied health. I will give members an example. In January 2007, there were 680 vacancies in allied health. In January 2008, there were 423. In January 2009, there were 342 vacancies. In January 2010, there were 224 vacancies. As at the end of August 2010, there were 218 vacancies. So we have seen a very considerable increase in the number of people who are wanting to work in Queensland Health and a growth in the allied health workforce.

I truly trust that we will be able to continue the negotiations with our allied health staff, whom we value very highly, to make sure that we come up with an outcome that is appropriate for them. The 2½ per cent offer is the same that is being offered in relation to others who are subject to the current round of enterprise bargaining.

(Time expired)

Gold Coast, Road Infrastructure

Mrs KEECH: My question is to the Minister for Main Roads. Hot on the heels of the Premier's visit to Delhi to lead the bid for the Gold Coast to host the Commonwealth Games, I ask the minister: how will international visitors to the Gold Coast be easily able to find that great Aussie icon, a meat pie?

Mr WALLACE: We are going for gold and, if our bid is successful, all roads will literally lead to the Gold Coast. And we are ready. We have already invested hundreds of millions in roads on the Gold Coast. This year alone we are spending $370 million. That means 3,100 jobs on roads on the Gold Coast. What we are building on the Gold Coast now will meet the needs of motorists well into the future.

But there is more. Today, I can announce new tourist road signs to highlight Queensland's most loved icons. The first sign of the times is already up, clearly showing the way to the famous Yatala Pie Shop. It is one of 15 icons chosen by 30,000 Queenslanders.

Mr Lucas: What about the Wynnum IGA?

Mr WALLACE: I will put the Wynnum IGA on the list. These icons were chosen as part of Queensland's Q150 celebrations and I am told that the good member for Albert was right behind the nomination of the Yatala Pie Shop, as was the Premier. There are great pies at the Yatala Pie Shop. Indeed, pulling up at the Yatala Pie Shop to buy a meat pie while travelling to or from the Gold Coast has become a travelling ritual for hundreds and thousands of Queenslanders over the years. Indeed, those Delhi athletes will be able to sink their teeth into one of Yatala's famous curry pies.

New tourist signs to highlight our icons make sense. It is not pie-in-the-sky stuff or one of those flaky policies that you get from the LNP when they tell porkie pies; it is about putting our much loved icons on the map. The Yatala Pie Shop is right up there with the Australian Stockman's Hall of Fame, the Brekky creek hotel, the Tree of Knowledge in Barcaldine, the Bundy rum distillery, the Big Pineapple, Lone Pine Koala Sanctuary, Paronella Park near Innisfail and the Great Dividing Range.

But there is another great divide in Queensland and it is across the other side of the chamber in the LNP. They agree to disagree on almost everything from leaks to leadership. We have some signs that we can erect for the LNP. They say that they are a dead-end street, they are a no-through road, there is a traffic hazard ahead, there is danger—

Mr FOLEY: I rise to a point of order. How can we be reasonably convinced to listen to this proposition if we have not tasted them yet? The minister should bring some up.

Mr SPEAKER: Order! There is no point of order.

Mr WALLACE: The member for Albert tells me that she will make sure that there are some pies available at the next sitting. Those signs for the LNP say that there is a traffic hazard ahead, there is danger, wide load. Let us face it: if you cannot govern yourself, you are not fit to govern Queensland.

Child Suicide

Mr MESSENGER: My question is to the Minister for Child Safety and Minister for Sport. I refer the minister to the fact that the commission for young people's annual report 2009-10 states that, on average, 16 children and young people suicide each year in Queensland—a figure which places Queensland's rate almost twice that of the national average. OECD figures show that Australian child suicide rates are already some of the highest in the developed world and total approximately nine children per 100,000 each year. I also refer the minister to the fact that his department figures show that our state's yearly suicide rate of children known to his department is now more than 10 per 10,000 per year. Can the minister detail for the House why the Queensland child suicide rate is almost twice that of the national average, why children under the protection of the Bligh government are approximately 10 times more likely to die from suicide than other Australian children and how many children have suicided while he has been minister?

Mr REEVES: I thank the honourable member for the question. We would all say that for a child to commit suicide is an absolutely tragic event. As a father myself, I could not think of anything worse, particularly when we are talking about children who have been in care and who have gone through tragic circumstances throughout their lives. To come into this House and try to make a political point on that, I think that says a lot more about the person who is asking the question than the House itself.

Mr MESSENGER: Mr Speaker—

Mr SPEAKER: Is this a point of order?

Mr MESSENGER: I find those words offensive and I ask that they be withdrawn. I have simply stated facts and asked a question.

Mr SPEAKER: Do not debate the case. You have asked for a withdrawal.

Mr REEVES: I withdraw. Obviously, I would not have those figures with me. The member referred to the annual report of the commission for children and young people. It highlighted quite clearly that a survey showed that 98 per cent of children and nearly 99 per cent of young people who are in care felt safer today than they did when they were living at home. To me, that proves without a shadow of a doubt that foster carers and other people who accept the placement of children with them do an enormous job.

Mr Lucas: What would it have been if we had not intervened?

Mr REEVES: I take that interjection. Unfortunately, there are too many children and young people in care. But that also shows that Child Safety is doing a terrific job. Once again, I would like to recognise those carers who have put up their hands and opened their hearts and homes to receive these young people who have come to them in some very difficult circumstances, who have led very complex lives and who, quite frankly, have had the parents who nobody would deserve. But those carers open their hearts and their homes to accept these children.

I would like to emphasise once again that this annual report illustrated that 98 per cent of children feel safer today than they did before coming into care. That is a testament of not only the foster carers but the child safety officers who do difficult jobs and who make those difficult decisions. I do not think that highlighting the issues that the member for Burnett has does anything for their cause.

MINISTERIAL STATEMENT

Further Answer to Question; Public Expenditure, Advertising

Hon. AM BLIGH (South Brisbane—ALP) (Premier and Minister for the Arts) (11.40 am), by leave: I rise in relation to advertising material that was tabled earlier in question time by the Deputy Leader of the Opposition. Now that I have had an opportunity to look at the material in detail it is my view that it does constitute a clear breach of the guidelines. I am advised by the minister that she did not approve the material herself. Nevertheless, in my view it is unacceptable. I have directed that no more of these are to be distributed and that the material is to be withdrawn from the Department of Transport website.

I will also be issuing a reminder today to all ministers, chiefs of staff and directors-general outlining the requirements as specified in the guidelines and my expectation that the requirements will be upheld. I thank the member for Southern Downs for bringing it to my attention.

Mr Seeney interjected.

Mr SPEAKER: The member for Callide will cease interjecting.

PRIVATE MEMBERS' STATEMENTS

Bligh Labor Government

Mr LANGBROEK (Surfers Paradise—LNP) (Leader of the Opposition) (11.41 am): The people of Queensland know that Labor has been in power too long. If anything exemplifies that it is the performance in question time this morning and the acknowledgement by the Premier of the breach of advertising guidelines enforced on the opposition but breached by her own government. This toxic Labor government has lost all sight of proper governance. Amongst the most senior public servants are long-term personal friends, some appointed in cosy arrangements by other personal friends. They have been appointed not after an advertising process as recommended by Fitzgerald but by a nebulous merit selection process touted here in this place by the Premier this morning. This is not the way Queenslanders expect their government to behave. It is these close personal friends whom my office is supposed to accept as the arbiters of our expenditure.

Labor mates have prospered after nearly 20 years of Labor government. The promotion of Labor mates to high-paying positions of power is not because of talent; it is because of allegiance. Personal alliances, friendship and loyalty to Labor ministers and the Premier are the hallmarks of the hierarchy of the Department of the Premier and Cabinet. Labor's cronyism stinks. Labor's nepotism has polluted the Public Service. Labor's favouritism for mates is out of control. But the Premier's jobs-for-wedding-guests program is a new all-time low. The Public Service has many talented people who are disillusioned by a culture of promoting Labor loyalists over hardworking and independent professionals. Plum Public Service jobs should not be the reward for the personal loyalty of friends. This kind of preferential treatment is distasteful, unprincipled, unethical and demonstrates a government that is bereft of the slightest inkling of decency, honesty and integrity. This toxic Labor government is dishonest. This toxic Labor government is crooked. This toxic Labor government is dodgy. This toxic Labor government is more concerned with looking after its mates than looking after Queensland.

Townsville, Performing Arts Community

Ms JOHNSTONE (Townsville—ALP) (11.43 am): I wish to speak on an issue that is of importance to me. I have been working closely with the visual and performing arts community in Townsville, working with both individual organisations and with the sector broadly. I have said before that a key measure of a community is how strong its art community is—in other words, what creativity and innovation is there within a community. Richard Florida's book *Rise of the Creative Class* identifies the value of cities that have a diverse mix of creative workforces—that is, the traditional arts, architects, biotechnology, educators, small business and others. Florida also identifies that choice of city to live in is more and more being determined by values, relationships and how people want to structure their work and recreation time and how this leads to depth of creativity within a city.

There are many examples across the world of the creative class and how the creative class and economy is driving and thriving progressive cities. There are two excellent Australian examples of how this creative class is being nurtured and developed through the use of places of local historical importance: CarriageWorks in Sydney opened in 2007 and the more recent Midland Atelier redevelopment in Perth. Both are housed in historical railway buildings. Townsville's arts community has a vision for how we too can create a hub for creativity and innovation.

I believe in this vision for the further development of the creative class in Townsville and can also see the benefit of using places of historical significance such as the old North Yards Workshops in Flinders Street. Next week Vicki Salisbury, Director of Umbrella Studios, and I will have the pleasure of hosting a reception for the Premier to meet with the arts community and share this vision which will have the potential to create innovation, employment and economic opportunities, provide current and future generations of artists and performers with training, exhibition, rehearsal and performance spaces, provide a centre for capitalising on multimedia technology to project the achievements of participants globally, to be a small business incubator and to provide permanent, long-term accommodation for arts organisations and artists in Townsville.

Shen Neng 1, Miller Report

Ms SIMPSON (Maroochydore—LNP) (11.45 am): The Bligh Labor government has learnt little from its mistakes with a report into the *Shen Neng 1* catastrophe revealing that disaster management was plagued by uncertainty and disorder. The independent review revealed that in the 13 months since the *Pacific Adventurer* oil spill in Moreton Bay, the long-term Labor government had failed to fix holes in the state's disaster response. This report shows the government sat on its hands for more than a year. Rather than learning from the biggest oil spill disaster to hit Queensland's coast, disaster management agencies were still unaware of their role and reporting arrangements required when the *Shen Neng 1* hit the Douglas Shoal. Maritime Safety Queensland is supposed to be the lead agency in the time of an oil spill, but the report indicates that joint arrangements had still not been finalised and formalised and local governments lacked sufficient guidance on their role in the disaster.

If we look at the *Pacific Adventurer* report, it states that the command and control arrangements used in the *Pacific Adventurer* incident were a hybrid model that evolved over time resulting in role ambiguity, and it goes on to talk about lack of certainty and clear control which was a hallmark of that incident. The report into the *Shen Neng* incident states that there was some confusion regarding the role and reporting arrangements for disaster management agencies. The role, command and control and reporting arrangements for disaster management agencies were initially uncertain and evolved as the incident progressed.

It is simply not good enough that there was 12 months between one incident and the next and that there were the same hallmarks of a disorganised government putting our coastline and environment at risk. Those in Maritime Safety Queensland should have known that there was a clear line of control and command in place through to the land based agencies in relation to coordination. That had not been done. Queenslanders deserve better, the environment deserves better and this report reveals yet another disgrace.

'Walk a day in my shoes' Program

Ms DARLING (Sandgate—ALP) (11.47 am): On Wednesday 22 September I woke up at 4.45 am very excited about working my shift as a kitchenhand at Eventide Brighton. I met my buddy Gillian at her house in Bracken Ridge and Gillian very patiently guided me throughout our shift as I walked a day in her shoes. The Bligh Labor government's 'Walk a day in my shoes' initiative reiterates our focus on jobs, training and improving the lifestyles of Queenslanders. I had many jobs before entering parliament: child-care worker, travel agent, recruitment consultant, TAFE teacher and public servant. But working a day with the dedicated healthcare staff of Eventide was a real eye-opener. The team works very hard and very collaboratively. Doctors, nurses, physiotherapists, nutritionists, wardspeople, laundry staff, cooks and kitchenhands are just a small number of the vocations that I encountered on that day.

I thank all of the staff at Eventide for welcoming me and for sharing their views honestly. Thanks especially to my buddy Gillian. She worked constantly and happily chatted to residents while completing her tasks. She was truly inspirational. I have visited Eventide many, many times to discuss its future potential and witnessed the transformation of the transition care and rehabilitation units that work alongside the aged-care, acquired brain injury care and community health services. I know that future development at Eventide Brighton will position it as a premium northside healthcare facility. My experience as a member of the Eventide staff has assured me that the people of the Sandgate electorate, and indeed the whole of the north side of Brisbane, can expect quality care at the facility and I pay tribute to the dedicated team. I look forward to following up on a few suggestions. I have a few more meetings to attend and I plan to keep volunteering at the site.

Caloundra South, Development

Mr McARDLE (Caloundra—LNP) (11.49 am): Yesterday we again witnessed the arrogance of this government as the Premier stood in the House and stated that Caloundra South will be placed under the control of the Urban Land Development Authority. That will be done over the wishes of the Sunshine Coast Regional Council and the desires of the people who live on the Sunshine Coast. Once more, this is a grab by the government to control the destiny of people it has left destitute by its lack of policy and lack of initiative. For years to come the people of Caloundra South and Caloundra will rue the day that the government took away the right of their elected officials to direct their future.

The development of Caloundra South will see 22,000 homes built and 45,000-odd people accommodated. The biggest disaster is going to be the Pumicestone Passage. Approximately 40 kilometres of some of the most pristine waterways in the whole of Queensland will be destroyed because this arrogant government's grab for power has removed the right of the Sunshine Coast Regional Council and the community to make their own determinations for the future.

The government has released figures that, at very best, are rubbery. The Sunshine Coast and indeed Caloundra have experienced growth, especially in places such as Palmview, Pelican Waters, Ivadale Lakes, Creekwood, Meridan Plains, Kawana Waters, Beerwah and Bellvista. Thousands of homes have been built since the South East Queensland Regional Plan was launched by then Premier Peter Beattie in 2005. However, this government does not take into account those thousands of houses when looking at the total number of houses required to make the Sunshine Coast sustainable.

Members should make no mistake: the Sunshine Coast wants a development at Caloundra South, but this development will ruin the Pumicestone Passage. There is no infrastructure in place. No study has been done to determine the economic capacity or growth of Caloundra South and its impact on the region's economy.

(Time expired)

Morayfield Electorate, Public Transport

Mr RYAN (Morayfield—ALP) (11.51 am): A few months ago I officially opened the new car park at the Burpengary train station and a few weeks ago I provided even more good news about how the Labor state government is delivering for the people of the Morayfield state electorate. Accordingly, I was very pleased to be able to officially open the new car park at Morayfield train station, which was constructed ahead of time and on budget. It is a welcome new resource for local commuters.

Morayfield train station passengers now have an additional 87 car-parking spaces on the western side of the station. The car park extension is fully fenced, covered by CCTV and has good lighting. In addition, a number of other station and go card infrastructure improvements have been carried out at the station. The total number of car-parking spaces available at the Morayfield train station is now more than 320. With the new car-parking extension now open, people from Morayfield in particular have 87 more reasons to use public transport.

More importantly, the people of the Morayfield state electorate have 87 more examples of how this state Labor government is delivering better public transport infrastructure and more public transport services for Queenslanders. In total, $1.1 million worth of improvements have been delivered at the Morayfield train station. Not only will those improvements make the journey to and from the station a lot more comfortable for commuters; the improvements also give local people even more reasons to catch public transport and they give local people something to be proud of.

The focus for local infrastructure investment will now move to the Narangba train station, where a full upgrade will be carried out during the next 18 months. At the last election I made a commitment to get more car parking installed at Burpengary and Morayfield train stations and to get a full upgrade of the Narangba train station. Whilst I am pleased that this Labor state government is delivering on those commitments, I remain committed to fighting for more public transport services and infrastructure for the people of the Morayfield state electorate.

Interstate Migration

Mr NICHOLLS (Clayfield—LNP) (11.53 am): There is an issue that should be sounding alarm bells for every Queenslander. The issue is that this long-term Labor government has done more than go bust in a boom; it has effectively killed the goose that lays the golden egg. I am not talking about the resources industry, although it has suffered under Labor. I am not talking about tourism, although it has suffered under Labor. I am not talking about the retail sector, although it continues to suffer under this long-term Labor government. I am talking about people.

Figures released by the ABS last week reveal that Queensland's net interstate migration for the three months to March 2010 was just 1,430 people. For the year to March 2010 net interstate migration was 11,000 people, which is 45 per cent lower than the previous year and the lowest annual rate of net migration since 1984. For the first time in more than a decade, more Queenslanders left to go to Victoria than Victorians moved to Queensland. No longer can the government claim that southerners are heading to Queensland in droves, because quite clearly they are not. What is more concerning is that Queenslanders are heading south and west.

One significant driver of interstate migration is the availability of affordable housing. There was a time when southerners came to Queensland because of the availability of houses that they could afford to buy and look after. One key factor behind increasing house prices in South-East Queensland is the

failure of the supply of new housing to keep up with demand. Blame for the supply shortfall rests squarely with the Labor government and its increasingly complex and heavy-handed planning rules, as well as uncertain and increasingly unrealistic local council approval processes. Add to that the Bligh Labor government's significant increases in land tax, infrastructure charges and fees of all types—

Mr DEPUTY SPEAKER (Mr Hoolihan): Order! The member's time has expired.

Mr NICHOLLS:—and the reality of affordable housing has rapidly become a myth.

Mr DEPUTY SPEAKER: Order! Member for Clayfield, would you kindly refrain from trying to speak over me. When your time has expired, you will cease and sit down.

Whitsunday Coast Airport

Ms JARRATT (Whitsunday—ALP) (11.55 am): On several occasions I have risen in the House to inform members of the Bligh government's commitment to supporting tourism in the Whitsundays through a planned $7 million upgrade of the Whitsunday Coast Airport terminal building. Until recently, the project was on track to deliver a more functional and much better looking welcome statement for locals and visitors arriving at the airport. The design work has been completed, the tender process for the construction contract has been completed and we are ready to appoint the successful bidders to undertake this important infrastructure upgrade.

Unfortunately, this process has had to be put on hold while the Whitsunday Regional Council and Qantas come to an agreement on some technical issues in a contract connected to the process. I do not intend to go into the detail of those negotiations or even attempt to apportion blame for tardiness. However, I will put on record my frustration and the frustration of the community that this process has now caused significant delay to a critical piece of tourism infrastructure.

I am aware that both parties are continuing to negotiate today. All I ask is that both parties lock themselves in that metaphorical room until the job is done, because the penalty we pay for continued delay includes more businesses closing their doors and the unemployment queue growing as we risk losing our tourism market share. A new airport is not a panacea for success, but it is one important plank in a suite of actions that we as a community are undertaking.

I am working hard with various ministers to secure funding for the Airlie revitalisation project and soon we will unveil the new tourism branding campaign for the Whitsundays. The last thing we need is to drag our heels on the airport redevelopment. Therefore, I sincerely appeal to both the council and Qantas to get on with the negotiations so that we can appoint a builder and get on with the job of redeveloping the airport.

Local Government, Rates

Mr HOBBS (Warrego—LNP) (11.57 am): Today I refer to the enormous rises in council rates that we have seen throughout Queensland and the fact that council debt is skyrocketing. At present, many ratepayers are being hurt. I say to those ratepayers that, at the end of the day, rate rises and increasing local government debts have been caused by the state government. It has caused this particularly as a result of the forced amalgamations and cost-shifting to local governments. There was never a full investigation into the impacts of the government policy, and the model that the government used to forcibly amalgamate councils was not supported by anyone who knew anything about local government. Where was the due diligence? Where was the cost-benefit analysis? They were not done at all. You made sure that the councils had to equalise rates across the amalgamated councils, which was not necessary. The amalgamations cost roughly $200 million, but you gave them about $45 million.

Mr DEPUTY SPEAKER (Mr Hoolihan): Order! Member for Warrego, please direct your comments through the chair. You are aware of the Speaker's rulings in relation to the word 'you'.

Mr HOBBS: In addition, $45 million in state subsidies were taken from local government and $100 million will be slashed from local government funding which, of course, now is impacting on the water authorities and council planning for the future.

I refer to newspaper articles which provide third-party endorsement of what I am saying. An article in the *Gladstone Observer* proclaims 'Council debts skyrocketing'. An article from the *Sunshine Coast Daily* states 'Council mergers forcing debt up'. An article in the *Warwick Daily News* is headed 'Rate petition in the state's hands'. This is an issue for the whole state. I say to the ratepayers: do not blame the councils; blame this incompetent government that cannot get anything right. Whatever it touches seems to go up in price and then it passes the costs on. The government is making ratepayers pay for its mistakes.

(Time expired)

Sexual Violence Awareness Month

Hon. MM KEECH (Albert—ALP) (11.59 am): I was very honoured to be a guest speaker last Monday at the Logan Centre Against Sexual Violence to recognise Sexual Violence Awareness Month. The very moving ceremony was also attended by deputy mayor Councillor Russell Lutton and the member for Coomera, Michael Crandon.

In our lifetime we have seen great progress for women. In politics women lead our state government and Logan City. Since August a woman, for the very first time, now leads our federal government as the Prime Minister of Australia. But, as a society, can we really congratulate ourselves on our great gender equity when the statistics for sexual violence against women and girls are so very alarming? By the age of 18 years one in three women will have experienced some sort of sexual assault. Only one in 10 of these will be reported. Less than five per cent of these cases are likely to result in any form of conviction.

On Monday I heard absolutely heart-wrenching stories, poems and songs of outrageous abuse and neglect, betrayal and injustice. But the courage of Tracey, Rachel, Vicky and Sam in sharing their journeys of recovery through sexual assault gave us all reasons to be hopeful. We heard that, with a lot of compassion and professional support from CASV, women can become not only survivors but thrivers. In lighting our candles we gratefully recognised, on behalf of Logan, Beenleigh and Beaudesert families, the caring dedication of staff members at the centre.

As a former First Lady of the United States Eleanor Roosevelt once said, 'It is better to light a candle than to curse the darkness.' My hope and prayer is that as a government and as a society our passion for preventing sexual violence burns even more brightly and that the candles burn out long before our fight ever does.

Seniors

Mrs MENKENS (Burdekin—LNP) (12.01 pm): Many times I have stood in this House and spoken about the lack of government attention paid to seniors. Last Friday was the International Day of Older Persons—an annual celebration of the diversity, contributions and participation of our seniors. It was an anniversary that sadly was not marked by any positive action from this government.

Queensland seniors are no closer to having an effective advocate within this Bligh Labor government. There are ample words, publications, websites and a nice big glossy booklet, but nothing has changed for seniors. The cost of living is still going up, mature-age employment is still unattainable for many and transport problems preclude many seniors from participating. The list of issues facing older Queenslanders remains.

The minister's insistence that the Office for Seniors is serving the needs of seniors across the state rings very hollow. For three years under this Labor government, up until the minister finally remembered in July last year that there used to be an Office for Seniors, an Office for Seniors was not so much as mentioned in this House. Worse, for five years, up until March this year, there was not one, not a single media release from the Labor government mentioning the Office for Seniors. That is how big a priority the Office for Seniors has been for the Bligh Labor government and the minister—five years in the wilderness without a single acknowledgement.

Seniors do not rate a mention in a portfolio title under this Labor government. The Office for Seniors is not even worth a budget line item. The office itself does not even have a nameplate on its own door. The only place the Office for Seniors was even mentioned in the Communities annual report was under the heading of Office for Women.

It is beyond time that seniors—40 per cent of the adult population in our state—were recognised by this government, not as a single group of people with one set of unified needs but as the generations that they actually are. The minister rises in this House now and again to talk about seniors as a generic group of people who are infirm or dependent. She does not recognise the contributions seniors make, their participation, their diversity or their independence. The minister and this government are not listening to seniors. They are expert at compiling booklets saying what a wonderful job they are doing.

(Time expired)

Queensland Audit Office, 150th Anniversary

Mr WENDT (Ipswich West—ALP) (12.03 pm): I do not know if many members had an opportunity to listen to the Premier yesterday when she talked about the first Auditor-General and the introduction of the Queensland Audit Office back in 1860. In 1860—one year after Queensland became a state, having separated from New South Wales—the first Auditor-General was appointed, and his name was Henry Buckley.

To celebrate that event, 150 years, we had two formal functions last week—the first in Parliament House which the Governor, Penelope Wensley, attended, as well as the Premier, and spoke to a number of invited guests about how well the Audit Office had gone in the last 150 years. I attended that

function as chair of the PAPWC. On Friday we then had a less formal function at the QAO's new offices, which are on the corner of Albert and Mary streets. There I spoke again to the staff members involved. They actually have a QAO alumni, and they had a number of ex-QAO auditors who attended on the day. Unfortunately, as some here would know, I am not a member of the QAO alumni. I was offered a job there many, many years ago—and I spoke about that on the day—but the reality was that I took up a job as an external auditor with the federal auditors at that stage.

Mr Finn: Worked it out with pencils.

Mr WENDT: We worked it out with many pencils and slide rules in those days. I congratulate the QAO on their 150 years. They are one of those important offices which create an enormous amount of assurance for this parliament. Without the QAO and their independence—their fierce independence can I say—I believe that the way the Queensland public sector is perceived by the public generally would not be to the standard that it currently is. I would like to take this opportunity to congratulate Glenn Poole, who is the current Auditor-General. There were other former auditors there on the day as well—Len Scanlan, Barrie Rollason and Pat Nolan. Congratulations to the QAO. I think they will be there for another 150 years at least, and I think they are doing a fabulous job.

School Closures

Dr FLEGG (Moggill—LNP) (12.05 pm): I take this opportunity to talk about yet another example where effective and vigorous opposition can work to the benefit of Queenslanders. When this government tried to close 15 of Queensland's smaller schools—schools that all had hundreds of thousands of dollars of federal BER money allocated to them—I took this challenge up to the minister. In the estimates committee on 14 July 2010, I accused this government of making small schools an endangered species in this state. The minister attempted to justify the planned closures by saying that they did not have the 'breadth of curriculum' and could not deliver the quality of education. He said that it would be 'negligent not to consider' closures and that he 'would not pre-empt' the community consultations.

Those schools are vitally important to the fabric of small communities around Queensland, their teachers and the ability for families to be able to keep their children at home and attend a local school. So I was delighted when the government, because of effective opposition, was forced to back down on each and every one of those closures and announce a moratorium on the closures of small schools. So embarrassed was this government and the education minister that they decided to sneak out the announcement of their backdown on the day that NAPLAN results were released. As a result, schools like Goovigen, Gogango and others—which were in some cases growing schools, which had enough students to fill a classroom and which had had fabulous results at NAPLAN—were spared this government's closures.

Gold Coast Suns

Mr FINN (Yeerongpilly—ALP) (12.07 pm): The entry of the Gold Coast Suns AFL team into the national competition sees the beginning of the next exciting chapter for Australian football in Queensland. Based at the new stadium in Carrara, the Suns will be in the heart of one of the fastest growing and most visited regions of Australia.

The Bligh government committed to the Carrara stadium development, and we are on schedule and on budget for completion in mid-2011. We have invested almost $72 million into the stadium construction, which is delivering 1,100 jobs through some tough economic times. When the club is up and running at full capacity, it is estimated that it will generate 440 ongoing local jobs.

These are exciting times for the AFL in Queensland, with the national draft, a major event on the AFL calendar, being held on the Gold Coast in November—the first time it has been held outside of Victoria. At the same time we will see the opening of the new AFL headquarters in Yeronga that brings with it local jobs and new sporting fields in my local community.

Richard Griffiths, the CEO of the AFL in Queensland, and his team do a great job in developing the Australian game here in Queensland, and the Gold Coast Suns will play their part in developing the sport throughout the state. Recently the Suns announced that they will play a game each year in Cairns which will be great for Far North Queensland, and the Suns recently signing Jarrod Harbrow will—along with his brother Mark, who is doing it already—develop a passion for AFL and a sporting discipline among young Indigenous people in Cape York and the Far North.

As a Western Bulldogs fan, I was a bit disappointed to see Jarrod leave the 'Dogs', but there is only one way to deal with that—and that is to get on board. So today I announce that I am the Suns latest recruit. I have signed up for membership and I will be at the Suns games supporting the club and backing them in. The Suns will be great for the Gold Coast and great for Queensland, and the development of this Australian sport will be great for young people in Yeerongpilly and in the regions.

Matters of Concern

Mr MESSENGER (Burnett—Ind) (12.09 pm): The mother of the victim of convicted Bundaberg child sex offender John Greenalsh has contacted me and asked that I table her de-identified letter and associated documents so that her voice and warnings are heard in this place in the hope that no other victim and family will suffer.

Tabled paper: Letter, dated 4 October 2010, described as John Greenalsh's victim's mother's letter [3305].

I have written to the Police Commissioner and requested that his officers investigate whether Dr Fitzgerald, the former chief health officer, committed a crime by not suspending Patel after he investigated allegations made by nurse whistleblower Toni Hoffman and other medical professionals in March 2005. I table that letter.

Tabled paper: Complaint from Rob Messenger MP, member for Burnett, regarding matters in relation to Dr Gerald Joseph Fitzgerald [3306].

The royal commissioner stated that with the information in Dr Fitzgerald's possession he should have immediately suspended Dr Patel but failed to do so.

Ann Maitland is the mother of a young girl, Michelle Maitland, who suffered massive head injuries and died after her head struck exposed concrete while doing gymnastics in Townsville. Ann has asked that I table these documents so that her story is heard, that the truth of the matter is exposed and that there is some justice for her much beloved daughter, Michelle. Ann wants the lessons of her daughter's death properly understood so that such a preventable accident never happens again.

Tabled paper: Document titled 'Justice for Michelle Maitland' attaching letters, dated 3 February 2010, from Mr Messenger to the Attorney-General and the Deputy Premier [3307].

I have written to the Ombudsman requesting an investigation into a GP medical crisis which has developed on the Discovery Coast. I table the letters.

Tabled paper: Letter, dated 27 September 2010, from Mr Messenger to the Queensland Ombudsman relating to the Gladstone Regional Council's decision concerning GP medical services to the Discovery Coast communities [3308].

The Gladstone Regional Council owns the only development approved medical centre building on the Discovery Coast and also receives in government grants $1.277 million from both the federal and the state governments to deliver HACC services. It has failed to answer this question: why did the Gladstone Regional Council choose to lease the Agnes Water community's medical centre to someone who has never run a GP doctor's surgery and who does not have a GP in its management structure when there were plenty of highly experienced applicants with proven track records who wanted to do the job? The Gladstone Regional Council is also responsible for delivering palliative care services, which it has reduced.

(Time expired)

JUSTICE AND OTHER LEGISLATION AMENDMENT BILL

Second Reading

Resumed from 16 September (see p. 3449), on motion of Mr Dick—

That the bill be now read a second time.

Mr DEPUTY SPEAKER (Mr Hoolihan): I call the member for Southern Downs.

Mr SPRINGBORG (Southern Downs—LNP) (Deputy Leader of the Opposition) (12.11 pm): Thank you, Mr Deputy Spill—sorry, Mr Deputy Speaker.

Mr Robertson: What's on your mind?

Mr SPRINGBORG: A combination of the two—bill and Speaker. It is nowhere near as sinister as what might be occupying the mind of the Minister for Natural Resources.

The Justice and Other Legislation Amendment Bill amends some 37 acts across not only the Attorney's portfolio but several others. I will speak to the key amendments that are proposed in the bill which are of some substance, considering the omnibus nature of the overall bill. The first significant amendment deals with the Acts Interpretation Act 1954, which will seek to confirm a decade old Court of Appeal decision regarding Queensland waters and jurisdiction of the state over such waters. It is not clear why this amendment is so necessary, and I would seek a proper explanation of why it is so important to have it legislated at this particular time. That is my question to the Attorney: can the Attorney explain to the House why it is so necessary to actually legislate this matter now when this issue has been identified over a particular period of time? Does it relate in particular to any matters of concern or advice that he may have with regards to the legitimacy of legislative or regulatory processes which have been undertaken by this Legislative Assembly and the government?

The second significant amendment that I want to talk to is the amendment to the Bail Act which, according to the explanatory notes, is—

... to allow for watch house bail to be granted 'where the defendant is charged or held in custody' for a Bail Act offence.

This amendment raises some serious concerns about the importance of bail and could diminish the powerful effect that granting bail can have on a defendant appearing in court and abiding by the conditions of that particular bail. Current figures on matters relating to breaches of bail indicate that 22,106 breaches of bail were recorded between 2007 and 2009, yet only 2,708 offenders were sentenced to actual terms of imprisonment during the same period. Bail should be considered a privilege and not a right, yet granting bail on Bail Act offences could create a slippery slope, and then what? We could have bail upon bail upon bail, and we would end up with the same situation we face with fine dodgers who are loaded up with fine upon fine. It would be very interesting to hear the Attorney's defence of this amendment and how he thinks this will strengthen the bail laws. I have read the explanatory notes—and I thank the Attorney for the briefing which he offered through his department—but I would like some further clarity because I still struggle a bit with actually understanding completely and absolutely the motivation behind this.

When someone is picked up on a breach of bail offence, they will be granted what is in effect watch-house bail. How many times can this go on and on and on? For some of these people who may be recidivist offenders, it may be more appropriate to have these matters dealt with by a higher court or a court. The Attorney may be able to allay those particular concerns because there is an amount of community concern about this—not only in this area of people breaching their bail but also when people who are on bail for actually committing serious offences get charged with committing very similar offences after having a whole string of convictions against them for very similar offences. So there is some community concern—and it is justifiable community concern.

I do concede, however, that when we are dealing with these Bail Act breaches they are probably considered to be in the 'lower' area when it comes to risk to the community. Nevertheless, we are dealing with people who may be recidivist offenders. I question whether this is the appropriate way to go about it and I would like to have that clarified by the Attorney.

The next amendments deal with allowing researchers access to Children's Court information. I do not want to go into much detail, other than to say that this government's secretive nature with the way in which it deals with juvenile offenders and issues of child protection do nothing to instill confidence in the system from the broader Queensland community. Hopefully, this amendment will open that door a little to constructive evaluation. I do think this is a very important point. We all understand the importance of making sure that an appropriate system is in place to protect the identity and the interests of these young people who may be subject to the care and protection of the state; however, we have to make sure there is an appropriate balance there, and I think there has not been that appropriate balance to date.

Whilst the Minister for Child Safety is here, I would like to indicate that one of the things that has concerned me in more recent times—and this predates the minister as well—is the fact that when a member of parliament tries to deal with these issues it can be very difficult. When a person comes to you, they give you full authority to act on their behalf in making representations to the minister. I have never abused that particular trust or raised a matter inappropriately or indeed even in this particular place because there are a whole range of issues which we may not necessarily have access to. It can sometimes be a little bit less than encouraging when a letter comes back from the minister assuring you that everything is in order but the information, which may be useful to actually assuage the concerns of the parent or the foster carer who actually contacted you, cannot be relayed to you. I would say to the minister, through you, Mr Deputy Speaker, that it is probably far too closed compared to what it was a number of years ago.

I encourage the minister to consider that fact, because I believe most members who deal with these issues do so with proper authorisation and a genuine interest in understanding and getting to the bottom of the matter and are able to assure the person who raises the matter. I understand that they are complex matters. I understand that there are privacy matters. I understand that there are extraordinary emotional matters involved in this, but it can be somewhat difficult in relaying information and getting finality with constituents if you are not fully aware of particular matters. My view is that anyone who breaches those confidentialities or who seeks to abuse them should be dealt with very harshly. I do not think most decent MPs, whether they be from the opposition or the government, would be prepared to do that to start with, because it would be a major breach of faith and trust.

Further amendments are proposed to the District Court of Queensland Act. This will see a change to the way in which judges' associates are appointed. This change will do away with a more traditional approach that involves recommendation to the Governor in Council. I believe this is a very sensible amendment because, as I understand it, since about 1880 judges have recommended their associates who have had to go through the process of appointment by Governor in Council. I am certainly not aware, and in questioning the minister's departmental officers no-one was aware, of a situation where a judges' associate recommendation had been declined by Governor in Council. Therefore, I think we all

accept that, if a judge makes a recommendation, that recommendation is going to be for the most appropriate person who is going to service the needs of that particular judge. I think this is a sensible way of reducing an unnecessary burden. It does away with what, in effect, has been a rubber stamp to something which is inevitable.

There is a minor amendment to the Drugs Misuse Act that will allow the minister to delegate the appointment of drug analysts to the chief executive. Has an issue arisen that requires this to happen? I would be very keen to hear from the Attorney how this amendment will change the existing process.

Changes being proposed to the Electoral Act seem sensible and, based on information provided during the briefing, make sense with regard to how the electoral roll can be used in making sure that an enrollee's privacy is appropriately protected from abuse, particularly from those people who may seek to purchase that information for telemarketing purposes. I have been assured that there will be nothing in this which will impinge on the capacity of a member of parliament to properly access the electoral roll or to do what they have to do in keeping in touch with their constituents, or indeed a member of the community in reviewing the roll being able to take some notes but not being able to purchase that particular information.

There is a series of amendments to the Family Responsibilities Commission Act which will iron out some duplication in process. The work of the Family Responsibilities Commission received bipartisan support at its inception. It is something which the opposition has been keeping a watching brief on to ensure that it is meeting its initial objectives. We are again being asked to support extending the time for which providers have to become compliant with the use of restrictive practices. I am talking here about a recommendation made by former Justice Carter for the use of non-government organisations when it comes to restrictive practices which can be applied against persons who may need to be restrained either chemically or physically because they are a harm to themselves or they could potentially be a harm to other people in the community.

Based on figures provided by the department, it would seem that there have been significant improvements in bringing providers into line, but there is still quite a number to reach compliance and there is a need to prepare a restrictive practices plan. These amendments promise, though, that the extension is no more than six months and are to ensure these particular organisations which are yet to comply have legal protection during this period. I think we were encouraged to believe last time that those amendments were going to allow this transitional stage and at the end of it everyone would be compliant. Another six months is now being asked for. As I understand it, there are a handful which are yet to be compliant. I would ask the Attorney, or the minister directly responsible in her contribution, to indicate to the House how many of these organisations are non-compliant. We cannot get into a situation where we extend one six-month extension by another six months.

The next series of amendments I want to touch on is that being proposed to the Industrial Relations Act. It seems that many of the commissioners have a lot of time on their hands now that they have nothing to do since the long-term Labor government has ceded residual private sector IR matters to the Rudd-Gillard Labor government. It would seem that they are all keen to embark on other adventures by doing part-time work. I hope that the commissioners are not becoming lame ducks, and I wonder if this is the best model to ensure professional and competent industrial commissioners.

I still think that the government is struggling—and maybe this is also the case in other jurisdictions around Australia—with the centralisation of industrial relations matters of a non-public sector nature to the Commonwealth. The government is still trying to come to grips with how best to put these industrial commissioners, or in this case an amendment which allows for a part-time Workplace Rights Ombudsman, to work to ensure that they are contributing something and that we can have those skills on hand.

One of the concerns I have is whether part-time commissioners devalue the role. We have to make sure through this process that we have the best people, that they are appropriately skilled for the job, that they are abreast of the particular issues and that they are not just seen as an add-on to what they would otherwise do. There could still be a range of contentious issues that need to be dealt with from time to time, particularly within the public sector purview and the Workplace Rights Ombudsman, which was established as a consequence of this government in its previous manifestation wanting to take on Work Choices to give it a reason to be. I am not sure what its reason to be is, but it has had investigation in some areas. We have to make sure that it is appropriately tasked and that the person is appropriately qualified, particularly when the Workplace Rights Ombudsman operates within an office of a budget of $1 million.

This brings me to probably the most contentious issue of the entire bill, and that is the changes to the retirement age for magistrates. Longer tenure for magistrates also brings with it a greater responsibility on the part of the government in assessing their qualifications and qualities before appointing them. This has to be viewed through the prism of lifetime appointment—that is, people who may hold these positions will do so for 30 years or more continuously from the time of appointment. The fundamental tenet of our justice system in appointing members of the judiciary is that, when appointed, they hold the position until they reach the age of compulsory retirement, resign or are removed, which

rightly can only happen in the most extraordinarily limited and exceptional circumstances. Indeed, the effect of lifetime appointment imposes a great obligation on those magistrates in their conduct, their professional duties and their awareness of community expectation.

It is no secret that some serious questions have been raised as to the professional conduct or judgement of some magistrates recently. One such matter was raised in this House by the member for Toowoomba South only a fortnight ago. Whilst I would expect the Attorney to exercise his own discretion in commenting on the conduct of individual magistrates, I would be surprised if he was less than impressed by the happenings in that case. I note that apparently that magistrate has been relocated. This is not the first time it has happened. If there are issues which concern one community, there needs to be an appropriate process to ensure that they can be dealt with so they are not still manifestly obvious and come to concern another community into which a magistrate may be relocated.

Mr Shine: It is called an appeal by the police.

Mr SPRINGBORG: The issue of appeal does not necessarily address all of these issues. If it were simply a matter of appeal, then a magistrate would not be relocated. If it were simply a matter of appeal, then we would not have these issues of community concern.

It is not always about the appropriateness of someone's judgement and whether it is consistent with legal principles and precedent but the comments or the actions taken by a magistrate or judge which are outside that which would otherwise be able to be appealed. That is what I am saying. Various jurisdictions have ways of dealing with this. It has to be external to the process in this chamber.

We really must ensure that we have the best people in the roles of magistrates and judges to ensure that we have full confidence in their ability to deliver justice and maintain the confidence of every Queenslander. By and large, I think there is probably little reason for the majority of Queenslanders to question the conduct of the majority of our judicial officers. Having said that, I think we would be blind to reality to say there are not some issues with regard to the sentencing history and professional conduct of some who hold these offices. I think we need a better way of dealing with that when it does happen.

This government should seriously consider, as the LNP is, the establishment of a judicial commission, such as that which operate in other states, to oversee judicial education, selection and conduct. I note the Premier's comments in the House this morning that she was concerned that we have not previously expressed such a view. I take the Premier back to 1999 when I again was the shadow Attorney-General and I indicated that we needed a better process to ensure that we could oversee judicial education, selection and conduct.

The establishment of a body such as a judicial commission—as I understand they have in New South Wales—would be the appropriate way of dealing with this. After discussions with New Zealand judicial officers and senior officers of its justice department in 1999 I raised that issue. I looked at its system when it comes to these matters. This is something which I have previously commented on and previously called for. I have also previously indicated that the government should seriously look at this.

As I understand it, at the moment people charged with possessing a thing such as a bowl or scissors associated with personal drug use are ineligible for inclusion in a drug diversion program. These amendments will allow them to be eligible for participation. We are talking here about people who are charged with possessing these particular instruments but only when it is associated with their personal use. If we look to the drug diversion program, it is about making sure that those people who have drug dependency and turn to crime to feed that particular personal dependency get help. If it is not of a trafficking, distribution or very serious nature then that person can be eligible for referral to a drug diversion program.

I think this is very sensible. If it works and if it is properly resourced it will ensure that those people have the appropriate treatment to break their addiction which, in many cases, is the cause of their criminal behaviour. It is actually about breaking the addiction and getting to the nub of the problem. It is about making sure that we can get people off drugs and get their lives back on track.

The amendments to the QCAT Act seek to ratify dual appointments which have obviously already occurred and correct an oversight in the original drafting. Further changes are again being proposed to the State Penalties Enforcement Act. This is becoming the most amended act. That indicates to me that the scheme is being badly managed and is out of control.

The most concerning thing with the whole SPER process is the fact that offenders are still being loaded up with fine upon fine. Many are reaching ridiculous levels. It is ultimately setting many people up to fail because they have huge debts. They can have bigger debts than people with personal loans have. We are seeing that some people just do not have the means to be able to pay.

Whilst the SPER system is an extremely important system and something that I proposed in this House going back as far as 1999, it is the administration of it and the rules that it operates under which ensure its success. No-one argues against the discretion, capacity and obligation of the government to change that from time to time. It is obviously its responsibility to do so. I am wondering whether we are now seeing too many piecemeal amendments to it.

There is an amendment which will actually see the minimum amount that a person has to owe before the state penalties enforcement agency can register an interest in their motor vehicle being reduced from $1,000 to $500. I would be very interested to hear from the Attorney how many people would be in that category, if he has that information to hand.

The opposition generally supports the amendments before the House. They are mostly machinery in nature. There are some that we do need some additional clarification on. I will wait to hear the Attorney's clarification in his summing-up.

Hon. A PALASZCZUK (Inala—ALP) (Minister for Disability Services and Multicultural Affairs) (12.35 pm): I rise in support of the Justice and Other Legislation Amendment Bill 2010. The bill seeks to amend various pieces of legislation, including the Disability Services Act 2006 and the Guardianship and Administration Act 2000. I say at the outset that I welcome the fact that the opposition is supporting these amendments.

The Disability Services Act 2006 includes provisions introduced in 2008 in response to the recommendations of the report by the Hon. Bill Carter QC. These recommendations moved to protect the rights of people with an intellectual or cognitive disability who exhibit severely challenging behaviour and to regulate the use of restrictive practices for this group.

The legislative framework promotes a positive behaviour support approach and regulates the use of restrictive practices by disability service providers to ensure transparency and accountability. The legislation has been scheduled to commence in two stages—firstly, the transitional period and, secondly, the full implementation of the legislative scheme.

The transitional period aimed to provide service providers and other relevant parties with time to undertake preparations to comply with the full requirements of the legislative scheme. Currently, the transitional period ends on 30 September. Under this legislation, a positive behaviour support plan must be prepared and the use of a restrictive practice approved before the restrictive practice can be used.

Through their tireless efforts, disability service providers have made great progress and are well advanced in the development and approval of positive behaviour support plans. This has resulted in a significant reduction in the use of restrictive practices right across the state. Service providers had initially estimated that up to 1,500 behaviour support plans would be required. As service providers have acquired knowledge through the process and have implemented alternative strategies, the number of behaviour support plans now required is around 600.

The main purpose of the scheme is to protect the rights of and provide a better quality of life for adults with an intellectual or cognitive disability. This is achieved through promoting positive behaviour support and reducing or even eliminating restrictive practices. These are groundbreaking reforms. They are transforming both people's lives and also the disability sector.

Many people have benefited from comprehensive multidisciplinary and health assessments and professional therapeutic intervention. It is clear that a number of Queenslanders with disabilities have gained important outcomes through the positive behaviour support scheme and enjoy a better quality of life as a result.

Disability Services has provided considerable support to service providers over the past two years. This has included the allocation of non-recurrent funding totalling $4.2 million to support NGOs to meet their legislative requirements, access to more than $650,000 of support from departmental clinicians in the development and implementation of positive behaviour support plans and the provision of education and information courses attended by 2,100 people across the state to assist providers in understanding and implementing the legislation.

Combined with this has been the expertise provided by the centre of excellence through Dr Karen Nankervis. The centre has provided both the research and expertise which is informing best practice and training to hundreds of people across the sector. We have to remember that this is new legislation. It is the first time that Queensland has implemented it. It is the result of the Carter review, and the government responded to that Carter report and is investing over $200 million to ensure that people with a disability—sometimes the most vulnerable in our community—are safeguarded with the protections that are necessary.

Notwithstanding these significant gains and the incredible efforts across the sector, some providers have expressed concern about their capacity to obtain authorisation within the current transitional period. The government has listened to these concerns and in recognition proposes these amendments before the House today to ensure that people with a disability can receive effective and timely support.

The bill seeks to extend the transitional period for the restrictive practice scheme for a further six months, until 31 March 2011. The extension of the transitional period provides certainty and support for those NGOs working hard to implement this new legislative scheme. As of 1 October there were about 30 plans where approvals had not been obtained. Most of these 30 are Endeavour clients where Endeavour had made a decision to commence medication reviews.

The bill also makes amendments to provide for short-term approval to use restrictive practices in circumstances where a restrictive practice guardian has been appointed but has not yet given or refused to give consent to use a restrictive practice. For example, a person with a disability may be residing with Endeavour but their parents remain their legal guardian. There is a current gap in the legislation which means that Endeavour could not obtain a short-term approval for this client because a guardian exists. Experience gained over the last few months has shown that it often takes time for proper assessments and plans to be developed and for a guardian to make a decision under the full scheme. This amendment provides for a short-term approval by either the Adult Guardian or the chief executive, even where the person has an appointed guardian for restrictive practices. This short-term approval would provide sufficient time for a comprehensive assessment and subsequent decision making by the guardian.

Disability Services has been working closely with service providers, families and guardians, and there were relatively few plans outstanding when the transitional period ended on 30 September. I am actually very pleased with the progress that has been made. I congratulate all of the service providers in doing their utmost to meet the requirements. I also want to thank the Office of the Adult Guardian, which put on extra staff to meet these requirements, the chief executive officers from the non-government organisations, and also my own department for their dedication and determination to meet this legislative requirement. I also want to thank my director-general, Linda Apelt, who has been meeting regularly with the CEOs to ensure that the plans have been put in place.

This legislation is a significant new investment, and the very substantial efforts of staff and organisations are making a real and significant difference to people's lives. The department will continue its effort to assist providers to move to full compliance as soon as possible. I commend the bill to the House.

Hon. D BOYLE (Cairns—ALP) (Minister for Local Government and Aboriginal and Torres Strait Islander Partnerships) (12.43 pm): When Premier Anna Bligh introduced the Family Responsibilities Commission legislation into this parliament on 26 February 2008, she described it as a groundbreaking trial unique in the world. The Family Responsibilities Commission has been up and running for two years now, delivering on our promise to change social norms and to create safer communities for men, women and, most importantly, the children of the targeted communities of Coen, Mossman Gorge, Hope Vale and Aurukun. Between July 2008 and the end of March this year the commission referred over 1,110 people to services, with nearly 450 getting help with family relationship, anger management and alcohol treatment issues.

To strengthen the commission's operations, minor amendments are now required to the act, and I thank the Attorney for including the amendments to the family responsibilities provisions in the bill before the House. Significantly, these amendments recognise that local Indigenous authority is being restored. What the proposed amendments do is ensure that the commission's efforts and resources stay focused on benefiting and supporting community members while maintaining the integrity of the Cape York Welfare Reform trial.

The amendments are procedural and administrative in nature. The first amendment will enable three local commissioners to hold a conference on their own without the commissioner present in cases where clients are referred to services. This is direct evidence that local authority is being restored in the four trial communities of Aurukun, Coen, Hope Vale and Mossman Gorge. It is an option, nonetheless, that at this stage will only be applied in certain prescribed circumstances and under the supervision of the commissioner.

The second amendment will reduce administrative duplication by recognising that where there are sufficiently detailed Family Responsibilities Commission orders and agreements a case plan will no longer be needed, as this in these circumstances would be duplicating effort. The third amendment will make sure alleged breaches of orders are identified earlier, getting clients back to services sooner, with the show-cause period being reduced from at least 28 days to at least 14 days. A rapid response and turnaround in the circumstances of these communities is essential for the commission's effectiveness.

The fourth amendment gives the commissioner the power to dismiss a frivolous or vexatious application to amend or end an agreement or order instead of it having to go to the conference stage. The commission tells me that there have been times when some people who are on income management, for example, as part of their order have at a moment of realising need for funds applied frivolously, one might say, to have the orders overturned. Those kinds of impulsive moves need to be recognised and not unnecessarily use up the time of the commission.

The fifth and final amendment will expand the act's confidentiality provisions to cover people engaged by service providers. The wellbeing centres that are part of this trial, substantially funded by the federal government and which provide all kinds of services to the community but including much of the counselling that may be part of orders to the commission's clients, have a range of staff and it is staff such as these, as well as those of schools or other health organisations, who similarly need to be covered by the act's confidentiality provisions.

Giving local commissioners the power to constitute a commission without the commissioner is a significant development in this groundbreaking trial. I do recognise what a hard job it has been for the commissioners in these first two years to step forward to take on the role of beginning to reassert the authority that elders had in the system. As well as recognising the skills and expertise of the local commissioners themselves, it speaks volumes about the restoration of authority in the trial communities. For example, Aurukun local commissioners say that they are finally on the right path to making their communities better and they tell of more people attending conferences with smiles on their faces because they now see the commissioners as there to support them and encourage them in assisting them to sort out their problems rather than, as was apparent at the beginning of the Family Responsibilities Commission, fearing it and avoiding it. In fact, local commissioners in the trial communities report that their confidence continues to grow.

I pay my respects today to all of the commissioners as well as, of course, to Commissioner David Glasgow for the groundbreaking work that has been done by the commissioners and the staff of the Family Responsibilities Commission and the related state and federal government services in a new day for these communities. The Family Responsibilities Commission is delivering results, and I commend the amendments to the House.

Mr DEPUTY SPEAKER (Mr Wendt): Order! Before calling the member for Kawana, I recognise in the gallery this afternoon teachers and student leaders from Mabel Park State High School, which is represented in this House by Desley Scott, the member for Woodridge.

Mr BLEIJIE (Kawana—LNP) (12.48 pm): I rise this afternoon to make a contribution to the debate on the Justice and Other Legislation Amendment Bill on behalf of the people of Kawana. I would like to endorse the sentiments and contribution of the Deputy Leader of the Opposition who, along with the Leader of the Opposition, is clearly leading the way in this place on issues of justice and sentencing that reflect general community expectations. Unlike the common view of those opposite, who would prefer to focus on the rehabilitation of offenders, the LNP is more interested in protecting the collective safety of the majority of residents who obey the laws that govern society as opposed to those few who do not.

The Justice and Other Legislation Amendment Bill amends some 37 different acts of parliament. Predominantly, they are minor or consequential amendments. One would say that the Attorney-General has been asked to consolidate his department or fix all the issues before he moves on to bigger and greater things in the government.

I would like to confine my comments to the major changes that are proposed, namely, those amendments to the Bail Act, the Criminal Code, the Electoral Act, the Guardianship and Administration Act, the Judges (Pensions and Long Leave) Act, the Penalties and Sentences Act and the State Penalties Enforcement Act. I would also like to address some broader law and order and justice issues that impact on Queensland. The general community has had enough of Labor's weak approach to sentencing and revolving-door prison system. As I have stated previously, I want to address the major changes that are contained in this bill before the House. For ease of reference, I will address each of the acts that the bill amends.

The Bail Act 1980 contains an amendment that will allow for watch-house bail to be granted where a defendant is charged or held in custody for a Bail Act offence. These foreshadowed changes highlight this government's attitude towards criminal law, in particular for breaches of the Bail Act. Research indicates that between 2007 and August 2008 there were 30,971 warrants issued from Queensland courts for offenders who failed to appear. Between 2007 and 2009, 22,106 offenders were charged with a breach of the Bail Act. Of those, fewer than 15 per cent were sentenced to terms of imprisonment for Bail Act offences.

One such example on the Sunshine Coast occurred in 2008. One of the men accused of murdering Josh Mills near a Caloundra taxi rank was granted Court of Appeal bail on a charge of murder and two counts of assault occasioning bodily harm in December 2007. In May 2008, he appeared in the Maroochy Magistrates Court and he pleaded guilty to two counts of breaching bail. One of the bail conditions required the offender to appear for daily urine samples. In the time between the granting of the bail and his appearance in May, the offender missed 85 daily urine tests because did he not have time. Another condition that was imposed on the offender was a curfew from 6 pm to 5 am at his Bokarina home and that he must not consume liquor or drugs. But at 10 pm on 3 May he was caught on video at the Caloundra RSL purchasing and consuming alcohol. These serious breaches to the bail of the offender, who was on a charge of no less than murder, incurred a fine of just $750 and, astonishingly, bail was still not revoked. Clearly, these stringent conditions were of no detriment to the offender. This case illustrates the contempt that is often shown to the Bail Act.

I remember another situation in terms of bail. I had the mother-in-law of a constituent in my office. Her son-in-law was granted bail. He had held up a local Liquorland store. He was then granted bail. While he was out on bail for that offence he then held up the Caloundra IGA with, I believe, a knife. His mother-in-law came to see me, not pleading with me to assist her son-in-law; it was more that he should not have been given bail in the first place for such a serious crime.

Clearly, the system is not working and much more is required, such as tougher penalties and more stringent follow-up. The message has to be sent to the community that bail conditions should be adhered to and, if not, then certain punishments will be imposed. If the penalties are being continually snubbed, then they need to be tougher. It is like telling your child that if they misbehave then they will have to sit in the naughty corner but then, upon the child misbehaving, you do not sit them in the naughty corner. What kind of justice system has that process as its cornerstone?

The State Penalties Enforcement Register is another example that everything this Labor government touches it seems to manage to stuff up. The register had huge amounts of outstanding fines that were going unpaid and offenders were loaded with more and more fines rather than having a stricter scale of punishment imposed on them for not paying the initial fine. A slap on the wrist and another fine is the way justice is served Queensland Labor style. The amendment in this bill further weakens the register by giving more flexible conditions under which debtors can pay back the fine or fines that are outstanding.

The Queensland Civil and Administrative Tribunal—or QCAT, as it is commonly referred to—has continued to have major implementation problems since its introduction in December 2007 by the Bligh Labor government. A pattern is emerging with this government. The amendments in the bill in relation to QCAT are designed to expedite the process for a hearing. After having constituents of mine go through this process, I can attest on their behalf that the current scheduling process certainly needs to be amended to reduce the delay in arranging a hearing date in the first instance. Obviously, when major reform is implemented teething problems can be expected, but I hope that the amendments in this bill will fix the problem and ensure that the hearing dates can be arranged in closer proximity to the instigation of the process.

As has been highlighted by the honourable shadow Attorney-General and Deputy Leader of the Opposition, no doubt one of the most contentious parts of the bill from the perspective of the opposition is the amendments to the Magistrates Act 1991. To reiterate the sentiments of the Deputy Leader of the Opposition, the performance of magistrates should be reviewed, as is the case in most other professions. It is simply not good enough to offer guaranteed lifetime jobs to anyone if you are seeking a sustained period of high performance. For a job as important as a magistrate to uphold the laws of this state, the high quality of performance that is required cannot be understated. Clearly, as cases in Queensland would illustrate, we need to make sure that the judicial system and the accountability of magistrates in the justice system is at the forefront of our minds.

As the Leader of the Opposition said, Queensland should adopt an independent system similar to that of New South Wales, where an independent judicial system has been established to educate and discipline wayward judges. Certainly, many of the appointments that have been made by this out-of-touch, stale Labor government have made a mess of the sentencing system in Queensland. There needs to be a serious reflection of community expectations in terms of punishment for crimes that are committed in our society. The bill before the House contains amendments to the Magistrates Act that alter the retirement conditions. The last thing that Queensland needs is a generation of magistrates who are more interested in occupying chairs than upholding the laws of the state.

I would like to speak about the changes that the bill makes to the Guardianship and Administration Act 2000. Firstly, I would like to speak broadly about the processes with respect to the Adult Guardian and then, because of a pending QCAT hearing, I will speak more broadly about some of the concerns that have arisen during meetings with constituents in my electorate. In my view, the custodianship of the Adult Guardian should be initiated by the state only after incapacity has been determined by the relevant practitioner. The full ramifications of this process need to be explained clearly to the individual and next of kin. A certain level of understanding needs to be reached before custodianship is given to the Adult Guardian. For a multicultural society such as Australia, that is sometimes not an easy task. So the obligation of full disclosure has to be on the Adult Guardian and the state to ensure that due process is followed. This process needs to be far more transparent as the role of the state has an impact on the personal liberty of the individual under the order. I would appreciate the Attorney-General taking these concerns on board. I will continue to correspond with the Attorney-General in respect of pending QCAT applications.

I note that the bill also makes changes to the Electoral Act in terms of not allowing huge access to third parties, which I support. I note that justices of the peace in our community will have a level of confidentiality, if the register determines, which is also good.

In concluding my contribution to this debate, I want to state that there is only one party that is interested in maintaining a tough but fair justice system in Queensland, and that is the Liberal National Party.

Sitting suspended from 12.59 pm to 2.30 pm.

Debate, on motion of Ms Bates, adjourned.

NOTICE OF MOTION

Revocation of State Forest Areas

Hon. KJ JONES (Ashgrove—ALP) (Minister for Climate Change and Sustainability) (2.30 pm): I lay upon the table of the House a proposal under section 32 of the Nature Conservation Act 1992 and a brief explanation of the proposal.

Tabled paper: Proposal under the Nature Conservation Act 1992 and a brief explanation of the proposal [3309].

I give notice that after the expiration of at least 28 days, as provided in the Nature Conservation Act 1992, I shall move—

1) That this House requests the Governor in Council to revoke by regulation under section 32 of the Nature Conservation Act 1992 the dedication of protected areas as set out in the Proposal tabled by me in the House today, viz

	Description of area to be revoked
Mungkan Kandju National Park	Area described as lot 3 on plan AP20239 Lots 4 and 5 on plan AP20240 and containing an area of about 75,854 hectares as illustrated on the attached sketch.
Munburra Resources Reserve	Area described as lot 5 of plan CP893400 and containing an area of 6,730 hectares as illustrated on the attached sketch.

2) That Mr Speaker and the Clerk of the Parliament forward a copy of this resolution to the Minister for Climate Change and Sustainability for submission to the Governor in Council.

JUSTICE AND OTHER LEGISLATION AMENDMENT BILL

Second Reading

Resumed from p. 3619, on motion of Mr Dick—

That the bill be now read a second time.

Ms BATES (Mudgeeraba—LNP) (2.31 pm): I rise to contribute to the debate on the Justice and Other Legislation Amendment Bill 2010, introduced into this House by the Attorney-General. The bill seeks to amend some 37 different acts making minor or consequential changes, with more substantial changes contained in numerous other acts. Whilst this bill contains minor amendments in the main, there are hidden some questionable amendments put forward that deserve more appropriate consideration in their own right and not buried in yet another of Labor's 'superbills'. The bill is not in keeping with convention, as many of these proposed amendments are not even related to the portfolio of the Attorney-General, and is a further example of the arrogance of this Bligh Labor government.

I will address some of the proposed amendments, in particular those relating to the bail laws in Queensland. The bill changes the Bail Act, allowing a person to be granted watch-house bail after being detained for a previous alleged breach of the act. In the three years between 2007 and 2010, 390,971 warrants were issued through the Queensland courts for offenders who failed to appear in court. Between 2007 and 2009, 22,106 offenders were charged with breaches of the Bail Act. Of these breaches, only 2,708 offenders were sentenced and detained in prison during that same period.

The changes in the act demonstrates the arrogant, out-of-touch, bombastic attitude of a Labor government that is on the nose, with zero tolerance of the electorate at large. This is yet another example of Labor policy and further proof of Labor's reputation as being soft on crime. The amendment will further weaken existing bail laws that should be left in the hands of the judiciary to further grant bail and put an end to those criminals who think they can flout existing bail laws on a daily basis.

Residents in the electorate of Mudgeeraba have zero tolerance of crime and of repeat offenders. My area has six Neighbourhood Watch committees and two very active police consultative committees. I would like to take this opportunity to thank the members of these relevant committees for their unswerving support in assisting to stamp out crimes such as graffiti and hooning in our local suburbs. These local residents are sick and tired of this government's soft-on-crime approach and they, unlike this government, work very closely with our local police to ensure that important intelligence is passed onto the local constabulary. I would also like to thank Senior Sergeant Mark Anderson from Mudgeeraba Police Station and Senior Sergeant Andrew Frick from Robina Police Station for their continued commitment to arresting criminals in our area and doing their part to keep them in prison for their crimes and off our local streets.

Far and away the most contentious amendment in this bill is the changes to the retirement age for magistrates. The bill seeks to allow magistrates to retire five years later. This is merely a Labor government ploy to continue Labor appointed magistrates into the future and smacks of jobs for the boys. Currently in Queensland and South Australia, magistrates are subject to the supervision of the Supreme Court and the Attorney-General. Magistrates can be removed from office where there is proper cause as determined by the Supreme Court on the application of the Attorney-General. Proper cause includes such matters as mental or physical incapacity, conviction of an indictable offence, incompetence or serious neglect or other unlawful or improper conduct in the performance of their duties. The Queensland legislation also includes proved misbehaviour, misconduct or conduct unbecoming a magistrate and failing to comply with a transfer order. No magistrate should be guaranteed a job for life if they use poor judgement and/or questionable performance in the course of carrying out their duties. Members of a parliament have a performance review every three years. If we do not perform then the electorate ensures we are not returned. Jobs for the boys are in Labor's DNA.

I will now speak briefly on yet another amendment to the State Penalties Enforcement Act. This is the third amendment of its kind in 12 months. This is nothing more than a desperate Labor government trying to look tough on fine defaulters when it was under Labor's watch over the past decade that this occurred in the first instance. Labor's mismanagement has led to growing levels of unpaid fines and ensures that not only do we have criminals thumbing their noses at the public but also we have fine defaulters who have had years of unpaid debt with little or no compunction to pay. Queenslanders are not fools. They have had one practice swing at a Labor government in the recent federal election and I, along with all of my colleagues on this side of the House, cannot wait for the day that they actually get their eye on the ball and hit this arrogant government out of the ballpark.

Mr POWELL (Glass House—LNP) (2.36 pm): I rise to speak to the Justice and Other Legislation Amendment Bill, which deals with minor technical arrangements to various pieces of legislation. I appreciate the efficiency of an omnibus bill such as this, but it does require particular scrutiny given the complexity and range of acts it amends. One series of amendments that require some scrutiny today are those amendments to the Industrial Relations Act 1999, specifically those clauses which deal with the role of an industrial relations commissioner simultaneously holding another office and with the commissioner simultaneously holding the particular office of Workplace Rights Ombudsman. Clearly, with the transfer of IR powers to the Commonwealth there is an issue around the workload for IR commissioners and the Ombudsman himself. There potentially is a need to allow such individuals to perform their roles on a part-time basis, but the question is: can you perform the duties of both roles part time simultaneously?

The Scrutiny of Legislation Committee's *Legislation Alert No. 12* draws our attention to these clauses on the basis that they may make rights and liberties dependent on an administrative power which may not be sufficiently defined. But another concern here is the independence of ombudsmen as per section 5 of the Ombudsman Act 2001. The rationale underlying the role of the Workplace Rights Ombudsman is that it is to be wholly independent of the executive and other branches of government. Although it is acknowledged that measures such as these which are proposed to be included will secure independence on paper, there is no guarantee that this will happen in practice. The rationale for this position is the same one underlying section 72(a) of the Ombudsman Act in which ombudsmen will no longer be able to hold office if they nominate for election to a parliament. Namely, it is to avoid potential conflicts of interest. This is an important prescriptive measure.

Furthermore, it is submitted that these amendments could be in conflict with section 58 of the Ombudsman Act which states that the Ombudsman is not a Public Service employee, even though it is acknowledged that many ombudsmen actually do come from the Public Service.

Ms Grace interjected.

Mr POWELL: I take that interjection from the member for Brisbane Central. I look forward to further clarification from the Attorney-General himself. This is presumably done in order that the ombudsmen have a better grasp of the implications of their role and that they will be better suited to make decisions having regard to considerations which affect the Public Service. However, giving persons simultaneous access to the role of Ombudsman as well as a commissioner, in which the decision-making power and interests of the latter are significantly more onerous than that of a public servant, will only succeed in complicating the role of both offices and place unnecessary extra burden on the person who holds both offices.

Two administrative law scholars, Peter Cane and Leighton McDonald, have said that the office of the Ombudsman may be understood as part of a system of political accountability centred on parliament. They also note that the current nature of the relationships that ombudsmen need to cultivate with government agencies may seem problematic. Furthermore, and most importantly, they state that successful parliamentary scrutiny of the Executive depends on the maintenance of a degree of adversariness in the relationship between overseer and overseen, and that the current structure of the institution of the Ombudsman already seems to make this type of relationship difficult to develop and realise. Therefore, the consequences of this process of counter demarcation will undoubtedly take the

form of straining this already tenuous arrangement to the point of absurdity. The cumulative effect of burdening a person, in practice, with asymmetric responsibilities and goals of occupying both offices, despite the provisions seeking to prevent this, and the erosion of the principles underlying the current institutional arrangement will fall hardest on those who feel it necessary to complain about the executive. In conclusion, I ask the Attorney-General, in his summation, to give consideration to these concerns.

Ms GRACE (Brisbane Central—ALP) (2.40 pm): I rise to make a contribution to the debate on the Justice and Other Legislation Amendment Bill 2010. The bill makes mostly minor technical amendments to 33 pieces of legislation administered by the Attorney-General, which I think is a salutary reminder of the vast range of legislation for which he is responsible. In addition, there are amendments to a number of acts administered by other ministers, including the Payroll Tax Act 1971, the Family Responsibilities Commission Act 2008, the Disability Services Act 2006 and the Transport Operations (Passenger Transport) Act 1994. As I have already mentioned, most of the amendments are of a minor technical nature and they are eminently sensible amendments. Therefore, I will address the issues that are of some substance.

The bill makes a number of amendments—and I will stick to an area that I know fairly well—to the Industrial Relations Act 1999, particularly in relation to surrogacy in accordance with the excellent piece of legislation that this side of the House passed earlier this year and that, I might add, was opposed by those opposite. The amendment allows a person who becomes the primary carer of a child under an altruistic surrogacy agreement to apply for parental leave. The leave entitlements are modelled on the existing arrangements for parental leave for those who adopt children or have children naturally. I welcome the amendment to the bill, which enables people who become parents because of Labor's progressive surrogacy laws to avail themselves of the parental leave entitlements that are encapsulated under the existing IR laws.

Other amendments to the act allow for greater flexibility for members of the Industrial Relations Commission to work part time and the Workplace Rights Ombudsman can also work part time as both a commissioner and the ombudsman if the minister and the president of the QIRC approve it. There are safeguards in the legislation to deal with potential conflicts of interest. I am confident that those safeguards will invariably make sure that those conflicts are minimised. I note that the member for Glass House recently raised concerns about the Public Service. He referred those concerns to the Scrutiny of Legislation Committee, which asked for clarification in this area and rightly so. In my experience, these are independently appointed commissioners and ombudsmen. They are both independent officers performing a judicial service and I think the conflicts are minimised. I have had intimate experience in dealing with Commissioner Don Brown, who is an excellent ombudsman, and other commissioners. I know they will be able to carry out those functions in the professional manner that they have exercised to date.

The bill makes provision for enforcement and compliance arrangements in relation to a mandatory code of practice for clothing outworkers. I was involved in the campaign to obtain this code for outworkers. This area was completely unregulated and some very bad practices occurred. I fully support this code of practice. A code can be approved by the Governor in Council. The amendments allow the Industrial Magistrates Court to deal with breaches of the code and also allow authorised industrial officers to inspect the records required to be kept under the code. That makes eminent sense. As I said, this area was largely unregulated. The majority of people working in the outworkers area are women, and many are elderly women. It is fantastic to see that we are enacting powers so that this area can become more regulated than it has been in the past.

The bill amends a number of pieces of legislation allowing the responsible minister to approve leave without requiring the approval of the Governor in Council. Once again, that is an eminently sensible step in the right direction. This includes leave for the president of the QIRC and the Workplace Rights Ombudsman. Long leave for the Chief Judge and the Chief Magistrate will now be dealt with by the Chief Justice or the Chief Judge, rather than the Governor in Council. It is more important for those decisions to be made by the heads of the jurisdiction, rather than the Governor in Council. Once again, it is a sensible amendment. It will certainly assist in the day-to-day operations of those particular jurisdictions. The legislation will enable the minister, rather than the Governor in Council, to appoint associates to the QIRC. There are many of them and they do an excellent job. Once again, that is an eminently sensible step in the right direction.

One of the more significant amendments contained in the bill is the provision of a compulsory retirement age of 70 for magistrates. Previously, the compulsory retirement age was 65, although acting magistrates could be appointed beyond that age. That anomaly arose because magistrates were previously public servants who, at that time, had a retirement age of 65. It is interesting to hear the arguments from members on the other side of the House, particularly the member for Mudgeeraba. Every single day in this House it becomes clearer that those opposite have not learnt the lessons of the separation of powers. They have no idea of the importance of the judiciary obtaining its independence from tenure, and thus being able to make decisions fearless of losing their jobs or being sacked. Once they understand that, they will understand the separation of powers. Any grade seven student would

know about the separation of powers, but unfortunately those opposite, including the member for Mudgeeraba, have absolutely no idea. In recognition of the increasing professionalism of the magistrates bench, with more and more magistrates being appointed from the practising legal profession rather than public servants, it is only appropriate that the retirement age be consistent with the District and Supreme Court benches.

The bill contains amendments to make the appointment of judicial registrars in the Magistrates Court a permanent fixture of the judicial system. When the registrars were appointed from 1 January 2008, initially it was for a two-year trial period, which was extended for a further 12 months by regulation. The judicial registrars have proven to be a cost-effective and efficient way of disposing of minor matters in the Magistrates Court, thus freeing up the magistrates to deal with more complex matters in what is becoming, as we all know, a very busy jurisdiction.

The bill contains amendments to the Family Responsibilities Commission Act 2008. That legislation was introduced in 2008 and the commissioner has suggested a number of amendments that will improve the efficiency of the commission and ensure its resources are focused on achieving outcomes for members of the communities of Aurukun, Hope Vale, which I recently visited, Mossman Gorge and Coen, particularly for the children in those areas. At present, the commission must be constituted by the commissioner and two locally appointed commissioners. Where the expected outcome of a conference is a referral to services, the commission will be able to be constituted by three local commissioners. This enables the referral to services to be made in a more timely manner, without having to wait until the commissioner is available to constitute the conference.

The bill reduces the number of days required for notice of a show cause hearing from 28 days to 14. That is a practical and eminently responsible change. It means that if a person has failed to present for services and are issued with a show cause notice, the hearing will take place more quickly to ensure that the person receives the necessary services in a more timely fashion. After all, that is what it is all about.

Another amendment contained in the bill will allow the commissioner to dismiss frivolous or vexatious applications without convening a full hearing of the commission. A person will be given the right to provide further information in support of their application. However, this amendment will ensure that the commission is able to dedicate its resources to providing services for the members of the communities it is designed to assist.

The very nature of the justice system means that it is only when working with the legislation that it becomes evident that small, minor amendments will improve efficiency and reduce the burden on business in complying with legislative requirements. The justice omnibus bills will always, by their very nature, contain amendments to a very broad range of legislation. However, it is through bills such as these that the finetuning can occur. I commend the hardworking officers of the government departments who have bought their considerable skills to bear in preparing this bill. I also congratulate the minister. They are very broad changes. As I said, some of them are minor and some of them are more substantial. I commend the bill to the House.

Dr DOUGLAS (Gaven—LNP) (2.50 pm): This is one of those really busy bills that modifies 33 acts and makes minor amendments to another 35 acts. The genesis of these changes might be anything from the need to tidy up to right a wrong, to maybe some of the issues that I will speak on, demonstrating that two wrongs do not necessarily make a right.

In fairness, the courts have asked for consideration of changes on a few points, and they have been made. In contrast to that, the SPER changes seem draconian and potentially a significant liability for the government. I will cover only a few of those points via the amendments in the bill to a variety of acts, but possibly my examples might lead honourable members to question whether some of these proposed legislative changes are unfair in parts. The Attorney-General and his department have got SPER on their radar and are giving both them and the public all the wrong signals. The Labor government is giving SPER expanded powers, and no-one is quite checking whether there are safety mechanisms in place. Everyone has their favourite SPER moment of lunacy—

Mr Moorhead interjected.

Dr DOUGLAS: The member might enjoy this. But I recently found one complaint by a constituent to be the icing on the cake. Mr TC was fined 14 years after allegedly not voting in a state election. He did vote in his electorate on the day with his mother, and it was duly recorded as a normal vote, or so he believed. Over the last five years he has supplied three statutory declarations stating all of the above to the Australian Electoral Commission, stating that he had voted and he should not be fined. He forwarded the information to all other relevant authorities. The matter was still handed to SPER. The fine was increased from $60 to $164, and SPER were not backing down. In fact, they critically suspended his licence as well. After direct approach from ourselves to the Electoral Commission and SPER, we have had the fine removed and the charge withdrawn, and he has got his licence back. The constituent has breathed a sigh of relief and he has got on with his life.

I say to honourable members that this bill today gives SPER an interest in your car if you owe them $500 or more. If SPER wish to pursue that line, which is what I presume they wish to do, you could end up losing it. If SPER had added all of the additional fees on to my constituent for falsely being assumed not to have voted, SPER might have been able to put a caveat on his car too. Who thought this up? Did anyone take a moment to see whether they had taken their lithium that morning when this was drafted? For those who are uncertain, this relates to clauses 190, 192, 193 and 195. SPER also wants to ratchet itself up the list of debtor priority positions. This is the third set of amendments within one year to SPER, as Labor both desperately chases income and tries to improve its credentials regarding the management of fines, offenders, fines going unpaid and fine defaulters. Not only is it struggling; it is beginning to look beyond desperate and it is getting ridiculous.

How would members feel if this happened to them? Maybe while SPER could not get a caveat on your car, they could do the very next thing by putting wheel clamps on your car. If they cannot do that, they could suspend your licence—and, yes, you may have done absolutely nothing wrong. Then no-one wants to talk to you: you are routinely asked to communicate with them via the internet, and voila you are treated worse than a criminal.

I say to honourable members that SPER is on steroids, but they have not got steroid induced rage; they are just getting even. We are not talking about just getting the filthy lucre; they want to take your ability to earn a living away via your licence. Who gives them the right? This parliament does and it is about to do so via this bill. What justification does SPER have? None is provided by evidence that I can see. I believe in fairness, I believe in the principle of paying your way and I believe in a mechanism of enforcement, but I also believe in a fair go—and that means exactly that—and redress where unfairness has been done to a group or individual. This change goes too far, and it is now timely for SPER to be reviewed. For amounts probably worth under $5,000, SPER should have no capacity to register an interest in your car. SPER must be penalised for attempting to suspend a driver's licence for crossover trivial fines. The penalty needs to be substantial to deter an enthusiastic staffer or an imaginative computer programmer from engaging in cyberbullying.

The other amendments in this bill to other acts are quite a cosmopolitan mix. The shadow minister, the member for Southern Downs, has made quite a few points about each. I wish to state, as someone who is interested in the area of child protection, that the bill gags child protection staff from speaking out publicly. This is occurring at a time when evidence in the current domain overwhelmingly states that excessive funds spent along the lines of current department policy not only does not improve conditions for children in protection but makes them worse. I refer them to articles by the child protection research association, which is an Australian publicly funded institution that collects research.

This Bligh Labor government now wants to prevent staff from doing what they want to do for children—protect them from this rapacious government and its appalling policies. Fortunately, researchers will be able to access court files to conduct research in child protection, and that is detailed in this bill. What needs to be said is that governments must act on that valid research, and that is my major point on this subject.

There are plenty of sensible amendments and some technical changes in this bill to address previous drafting errors. I will not go through all of those. I think the amendments regarding judges' associates to be very appropriate, and removing the need for rubber stamping by the Governor in Council probably frees up the system a little bit more to allow for many of our younger legal minds to access a different forum in their paths to deliver a significant part of the holy trinity of structures that represents the core principles of the separation of powers, which has been mentioned this afternoon and which I would like to discuss further as we travel along. Associates have historically been critical players in our judicial system, and this partially recognises that they need simplicity in appointment to facilitate their progress.

In contrast to the points made by the member for Southern Downs about magistrates—and I feel that he has made those points well—I want to cover a few things in a slightly different way. The decision to raise the mandatory retiring age to 70, I believe, is fundamentally wrong. I have heard the points made this afternoon that the transition is to replicate that which occurs in both the District Court and Supreme Court. I believe it should be optional and it should be based on factors such as desire, health assessment, mental capacity and an independent review of performance.

We increasingly live in a society that is looking at seniors with very different eyes. As a GP, I share those views, since most of the care that is generally offered in general practice is towards this group. Indeed, some at 65 years old are not old and they do not need to retire; but there are some at 65 who do need to retire. Certainly there are some at 70 who are still very youthful and have much to offer. I think these points were well made by Michael Kirby, who recently retired from the High Court. He wrote a seminal piece on the matter. In summary, what Kirby said was that it was appropriate for him to retire at 70.

The transition of responsibility based on age criteria is not always wrong, nor is it all right. But, increasingly, where performance based criteria is commonplace and will be accepted, judicial officers need to be included in this group. They must not, nor cannot, demand that they are now exempt from

this process based on historical reasons. Times have certainly changed and we must move with the times. My family are deeply immersed in the law. My brother is a barrister in town, and I have many cousins and uncles who are judges in the courts here. In fact, my two great uncles were chief justices of the Supreme Court of Queensland. We certainly have a very strong interest in the judiciary. I believe that appointments to the judiciary under the Goss, Beattie and Bligh governments have not always been made on merit, and this has led in recent times to dreadful and, I would have to accept, often unintended consequences.

There has been for the first time a dreadful popularly referred to case of internal legal challenge within the courts that led to an incorrect incarceration after a conviction and which was subsequently reversed. The problem is vertical in the system. As a member of a family which really does care and honestly understands the implications of not only change but also the dangerous effects of politicisation of the process, we need to understand that abuses of process that do occur need to be corrected. I have actually faced the same issue of a breach of process in a Magistrates Court with my own wife in her defence of the rights of a victim of sexual intimidation. This was an appalling process.

Our life appointments to the Magistrates Court and higher courts need to be more widely discussed. I respect the difficulties members may have in leaving the role of both advocate or solicitor to the courts—and the point has been made today that magistrates overwhelmingly are more likely to be solicitors, although that has not always been the case—and I accept that returning to those prior occupations is not easy. Sadly, there have been too many examples of serious illness impeding capacity, a reluctance to retire and also, in parts, manifest incompetence. Those two words will cause great difficulty in my case with friends, immediate relatives and colleagues, but we all need to talk about these things.

In contrast to those who may feel that this argument is an issue of appointments based on political affiliations, friendships and such—when one party is in power, there is a feeling that appointments are made along these lines; there are too many examples of this both now and in the recent past—I respect that Queensland really is small and the pool is somewhat small, too. Outstanding legal minds have in the past and will in the future rise to the occasion, for the advocate is really the gun for hire and can easily prosecute—and often successfully—any argument that in fact they do not believe in. They do not always win for their client but they give it their best shot. By virtue of their training, their moral compass and their belief in the system, they want to impartially discharge their duties on the basis of evidence, law and common sense.

I have no reason to suspect that it will not always be so, but it has come time to ensure that it does occur. At a lower level appointment, we need to ensure there are adequate controls in place. This age change is inappropriate in its current form. The steps to 'proper cause' to removal need to be removed in such a manner that there is a graduated process that promotes excellence and guarantees impartiality. As such, the idea of setting the bar so high to lead to proper cause is a disincentive to the preventative action on behaviour where it is inappropriate and probably entrenches the very problems we currently are facing.

Honourable members, governments change, people die and political allegiances are fickle. 'One day friend, one day foe' is a truism in the history of man for we are all indeed flawed. I urge the Attorney-General to leave the age of retirement as it is in the Magistrates Court. It is also time to begin questioning the actions of our judiciary in such a manner that does not damage the independence of the judiciary.

There are appropriate measures that can be taken to both redress balance and renew the judiciary itself. Criticism is not always wrong, even if it is unwelcome. There appears to have developed a clear pattern of failure of appropriate review of a judicial officer that may have as its genesis a weakness in the appointment method. Collectively, this must be remediated and the parliament may have to have a role in that process. These matters are difficult but they must be discussed without resorting to cross-parliamentary personal abuse and facile arguments. It would be unworthy to the institution of parliament and it would reflect poorly in the public's perception.

I wish to highlight the simple point made by the member for Southern Downs when he correctly reflected on the diminished roles of the Industrial Relations Commissioner now that there has been a mass transfer of their roles to the Commonwealth but not a commensurate transfer of themselves, their staff and the costs of those processes to the Commonwealth itself.

Times indeed change, the rules do change, the needs of society change, and our Constitution recognises that evolution. Rather than blind adherence to simplistic ideals that ensure what you see is not always what you get, we need to ensure that our system reflects practicality and the time in which we live and has community acceptance.

Mr CRIPPS (Hinchinbrook—LNP) (3.03 pm): I rise to contribute to the debate on the Justice and Other Legislation Amendment Bill. The bill proposes amendments to a number of acts administered by the Attorney-General and Minister for Justice. It also proposes a number of amendments to acts administered by other ministers including the Disability Services Act, an act administered by the Minister for Disability Services and Multicultural Affairs. I intend to address issues concerning this amendment.

The bill proposes amendments to the Disability Services Act and the Guardianship and Administration Act to allow short-term approvals to be made for restrictive practices to be used where there is a guardian for restrictive practice matters appointed but where the guardian has not yet made a decision. These amendments are intended to clarify that the chief executive and/or the Adult Guardian may consider a short-term approval for certain restrictive practices even where a guardian for restrictive practice matters has been appointed but where no such decision has been made by that guardian. The bill also proposes to clarify that one circumstance when such a short-term approval would end is when a guardian for the adult concerned has made a decision.

The bill also proposes to extend the transition period for a further six months, until 31 March 2011. This proposal applies the extension of the transitional period retrospectively, as the previous extension to the transition period expired on 30 September 2010. The liberties of some adults with an intellectual or cognitive disability receiving a funded or provided disability service will be affected as a result of the further extension to the transition period for use of restrictive practices.

The proposed amendments also seek to clarify a situation and correct an unintended legislative consequence around short-term approvals where service providers may have been exposed to a legal liability. However, the relevant service provider will enjoy the benefit of the retrospective immunity provisions only if they have complied with the requirements of the Disability Services Act, which requires the service provider to have acted honestly and without negligence, to have demonstrated the restrictive practice was necessary to prevent the adult's behaviour causing harm to themselves or someone else and is the least restrictive way of ensuring their safety, and to have assessed the adult to identify the nature and causes of their behaviour and develop strategies to manage the adult's behaviour as well as strategies to meet the adult's needs.

The explanatory notes state that the amendments are aimed at providing appropriate safeguards for the individual who may be subject to the restrictive practice and provides legal certainty to individuals or relevant service providers. The LNP opposition will not be opposing the amendments to the Disability Services Act and the Guardianship and Administration Act in this bill. However, I will be expressing some concerns about this issue in general.

Since I became the shadow minister for disability services for the LNP opposition after the last state election in March 2009, I have been consistently pursuing the issue of the implementation of the recommendations made by Justice Carter in what has come to be known as the Carter report, which was released in May 2007, entitled *Challenging behaviour and disability: a targeted response*. My pursuit of this issue is clearly on the record in this place.

I asked questions about the Wacol accommodation during the hearings of Estimates Committee D on 17 July 2009. I addressed the issue again during the debate on the report of Estimates Committee D on 5 August 2009. The first extension to the transition period for the use of restrictive practices came to this parliament in the form of an amendment contained in the State Penalties Enforcement and Other Legislation Amendment Bill, which was debated in this House on 11 November 2009. On that occasion, I canvassed in detail the concerns of and challenges faced by non-government disability service providers who are really struggling to comply with the requirements contained in the recommendations that were part of the Carter report, not only in terms of the capital costs but also in terms of securing and retaining suitably qualified staff. Non-government disability service providers support wholeheartedly in principle the recommendations of the Carter report. It is recognised by all concerned that the lives of people with disabilities who require care that involves the use of restrictive practices will be significantly improved by the implementation of the Carter report recommendations.

On 23 February 2010 this House debated the Criminal History Screening Legislation Amendment Bill. That bill also proposed amendments to the Disability Services Act and the Guardianship and Administration Act to extend the maximum period for short-term approvals of restrictive practices and to clarify a further circumstance when the transitional period for the use of restrictive practices stopped applying. Again on that occasion I canvassed in some detail the concerns and the challenges faced by those non-government service providers who were being required to comply with the recommendations of the Carter report regarding the use of restrictive practices. I raised these matters on their behalf once again because, unfortunately, the issues that had concerned them and impacted on their operational capacity and financial circumstances had not changed and had not been understood by the Bligh government or, if they had been understood, were regrettably being ignored.

I pursued this issue again in my budget speech on 10 June 2010. On 16 July 2010 during the hearing of Estimates Committee D, I once again pursued the issue of the funding of the specialist accommodation infrastructure at Wacol and the implementation of the Positive Futures program. Again, on 3 August 2010 during the debate on the report of Estimates Committee D, I further canvassed the issue of the implementation of the recommendations of the Carter report because I continued to receive feedback from non-government organisations that they were under real financial and organisational pressure in respect of the need to comply with new restrictive practice regulations.

On a number of occasions over the last 18 months the Minister for Disability Services has suggested that I was misguided, suggested that I did not know what I was talking about and suggested that what I was saying about the difficulties being faced by non-government disability service providers and the problems with the Wacol accommodation and the Positive Futures program was wrong.

Now we come to 6 October 2010, and the House is considering the provisions of the Justice and Other Legislation Amendment Bill. For the third time now squirrelled away in a bill being carried through the parliament by a minister not responsible for the administration of the Disability Services Act comes a bill asking members to approve of a further extension of time for the use of restrictive practices by disability service providers caring for people with an intellectual disability exhibiting challenging behaviours. It goes to show that all the while that I was asking questions about this issue, time and again drawing the attention of the parliament to the difficulties concerning the implementation of the Carter report recommendations and asking where the money was going, I was actually raising legitimate points of concern; that I did understand what I was talking about; and that I was actually correct.

Indeed, the question may well be asked how much did the disability services minister actually know about how the non-government service providers were going as far as the implementation of the Carter report recommendations are concerned. I asked the minister several questions during the hearing of Estimates Committee D on 16 July this year about funding issues associated with the Wacol accommodation project and about the implementation of the Positive Futures program. I also asked the minister directly whether the expenditure being provided to the non-government service providers would be enough to support them for the purposes of implementing the recommendations of the Carter report. The minister said, yes, the non-government disability service providers have the support they need to implement the Carter report recommendations by the end of the transition period, which was 30 September 2010.

I asked specifically whether there would be any further extensions to the transition period and the minister said clearly and unequivocally 'no'. That answer—that statement—is in black and white in the Hansard record of this parliament from the Estimates Committee D hearing on 16 July this year. So what are we doing here today? We are doing something that the Minister for Disability Services specifically said we would not be doing, that being extending the transition period for the implementation of Carter report recommendations relating to the use of restrictive practices by disability service providers. Why are we doing today something that we have been told we would not need to do? The answer is simply because Disability Services Queensland has not been listening to the non-government disability service providers in this state who care for people with intellectual disabilities who exhibit challenging behaviour.

I have gone so far as to put on the record in this place an example of the non-government disability support sector crying out to be heard by the Minister for Disability Services in respect of this issue. In my budget speech on 10 June this year, I said that at the budget breakfast here at Parliament House the previous day jointly hosted by National Disability Services Queensland and the Queensland Alliance that the non-government service providers had belled the cat during the question time about funding issues.

A representative of the Endeavour Foundation—the single largest provider of disability support services to people with intellectual disabilities who exhibit challenging behaviours—asked a direct question of the minister about funding as it related to the serious problems facing non-government service providers in terms of meeting the costs of implementing recommendations in the Carter report. I am sure the direct representations to Disability Services Queensland and to the Minister for Disability Services from those non-government disability support service providers about these challenges and difficulties have been forthright, regular and persistent over the last two years. It is abundantly clear that not only has the minister not been listening to me on the numerous occasions that I have raised these issues over the last two years but, more importantly, she has not been listening to the non-government disability service providers who support clients who exhibit challenging behaviours and in doing so utilise restrictive practices, and that is of great concern.

Notwithstanding this concerning state of affairs, I have recommended to the LNP opposition that this proposed amendment not be opposed, because to do so would be to place non-government disability service providers at risk of being exposed to a legal liability that is not of their making. Non-government disability support service providers need to be protected and supported. They shoulder an enormous burden in this area of the disability support sector. It is a burden that I suggest would not be able to be shouldered by Disability Services Queensland should non-government services be forced out due to an inability to comply with overly restrictive regulation or due to it not being adequately financially supported to continue to deliver these support services. I would encourage the Minister for Disability Services to reflect seriously on that scenario.

The recommendations in the Carter report proposed a fundamental process of reform, renewal and regeneration of the way in which Disability Services Queensland and the disability sector responded to the demand for services delivered in an area with the aim of providing an efficient, cost-effective and financially sustainable outcome for the proper care and support of persons with an

intellectual disability and challenging behaviour across Queensland. Notwithstanding how necessary and overdue these changes are, it leaves many community sector providers of disability support sectors wide open to implementation costs at a time when they can least afford it.

Of most concern has been the real lack of financial assistance for community sector organisations to help meet the real costs of implementing the changes. This lack of financial assistance has contributed to the delays being experienced throughout the sector in implementing the Carter report recommendations in terms of both the capital costs of the changes and retaining and retraining staff, and it lends warrant to the implication that the state government, facilitating the extension of the transition period to accommodate those organisations, is more directly related to the lack of financial support provided to those non-government disability service providers than the inability of those service providers to meet the regulations themselves.

I have real concerns about the community sector, which delivers vital, on-the-ground services helping people with disabilities and their families in the community. The community based disability support sector is doing it rather tough. It faces ever-increasing costs to deliver services and operate the facilities. The existence of a community based disability support sector undoubtedly saves the state government an enormous cost from having to deliver the services to many more Queenslanders in the community in many more communities around the state. The sector deserves the support of the state government to at least meet the costs of implementing the changes relating to the Carter report, and I am not confident that at this point in time that is occurring.

Mrs SCOTT (Woodridge—ALP) (3.18 pm): This bill outlines many technical and minor changes within a number of ministers' portfolios, and I wish to comment very briefly on a small number of amendments within the bill. Over the years I have sometimes been troubled by the use that some members of the public have made of information contained in our electoral rolls. More particularly it has been those in certain professions who have used electoral rolls to further their commercial interests. Over the years more and more sales representatives have operated door to door as well as using telemarketing to the extent that we now have restrictions and laws relating to the hours householders may be approached, cooling-off periods and even the Do Not Call Register.

The amendments to the Electoral Act will ensure that electoral rolls are no longer available for purchase but are made available at Electoral Commission offices for inspection. Rolls will, however, be available to members of parliament and local governments, Public Service authorities, registered political parties and candidates seeking public office. Privacy of householders' personal details will offer a measure of protection from unsolicited offers which often turn out to be too good to be true.

There are many professions where workers are encouraged or even required to be a justice of the peace or a commissioner for declaration. For many reasons, this person may not wish their address to be disclosed. This amendment will allow for the registrar of justices to withhold contact details to protect either the person or a related person. Over the years I have sometimes felt uncomfortable when a document has required my personal address. Not that there was any threat, but there are times when we do not know who we are dealing with. It may be preferable if a work address was able to be used.

My own staff can deal with up to 30 or 40 JP signings in a day. While most documents do not require the JP to add their address to the document, there are times when it is a requirement. It would be naive to believe that all of those who call for signatures are upstanding citizens. Our JPs and commissioners for declaration offer a free and important service within our communities. I want to thank them all for that service.

Allow me to make a comment on the change in retirement age for magistrates and judicial registrars from 65 to 70. We live in an age when the new 60 has almost become 40. We are living longer, we are more active into our 70s and 80s and we are all being encouraged to work as long as we are able. However, the other factor to be considered is the wisdom and years of experience accumulated by our magistracy. When we consider that a magistrate may not be appointed until they have already been practising law for many years, it is an eminently sensible provision. Judicial registrars were originally appointed in a pilot program and have presided over many thousands of matters in Brisbane, Townsville and Southport. Due to the great success of this pilot, the positions in Southport and Townsville will be made permanent.

The final issue I would like to deal with is that of the Family Responsibilities Commission. At the present time, the commissioner is required to personally attend each conference. This has resulted in a prohibitive workload with the resultant delays. These amendments will enable three local commissioners, who I understand are performing well within their communities and gaining considerable respect, to constitute a commission where the expected outcome is referral to services. There will also be a reduction in the time for a show cause hearing from 28 days to 14 days, thus making for a more meaningful response. Confidentiality requirements will also be extended to support service workers who are the recipients of confidential client information.

Many of the provisions within this bill will enable more efficient service delivery and improved outcomes for many. I commend the bill to the House.

Ms DAVIS (Aspley—LNP) (3.23 pm): I rise to contribute to the debate on the Justice and Other Legislation Amendment Bill 2010, which was only introduced into this parliament during the last sittings. The purpose of the bill is to make minor or technical amendments to 37 acts administered by the Attorney-General and Minister for Industrial Relations, although more substantial amendments are made in several of the acts. Because of the number of acts being amended, I will confine my contribution to only four areas of the bill. Specifically, they are the changes to the Disability Services Act, the changes to the Childrens Court Act, the changes to drug diversion and the changes to the State Penalties Enforcement Registry.

In speaking to the changes to the Disability Services Act, I would like to acknowledge the Aspley Respite Centre which sits on the border of my electorate and has a proud 20-year history of service provision to frail older people, adults with a disability and the carers of these people. They aim with great success to provide compassionate, competent care to our community. Centre based respite and in-home support is available seven days a week to over 300 local clients. They provide community services for older people, adults with a disability and the carers of these people as well as access to formal services based on the assessment of each person's needs. They are a wonderful local provider under the stewardship of Elizabeth Steer.

Returning to the bill, the changes in it are a carry over from the changes brought down through the Carter inquiry and have placed a significant amount of reform on the disability sector. These changes have meant care providers have had to comply with new rules. The changes proposed deal with the extension of time for providers to comply with the new rules regarding the use of restrictive practices. These changes are not to be taken lightly. As advised by the Deputy Leader of the Opposition, the number of providers still needing to become compliant is close to 600, but that has come down by half.

I turn to amendments proposed to the Childrens Court Act. This government has put the cone of silence around child protection in Queensland making it an offence to talk about it. So these changes will hopefully go some way to ensuring robust research into the area of child protection.

Australia has made useful contributions to some of the current key areas of child protection research. These include, as noted by Dr Adam Tomison, the development and assessment of structured risk assessment measures, particularly Len Dalgleish's work in Queensland and that of the South Australian Department of Human Services; and wider investigation of the realities of professional decision making, including case-tracking studies completed by Monash University researchers.

As a mother and someone who is passionate about protecting children, I believe that research in the area of child protection is a valuable tool in the fight against child abuse. As Dr Tomison wrote—

> Research evidence is required to provide an alternative to crisis-led, 'quick fix' or innovation-led policymaking.
>
> Yet to obtain that evidence requires the development of a body of knowledge that can only eventuate if governments and/or departments invest in programs and research with timelines that allow adequate assessment and a slower approach to the implementation of changes to practice.
>
> Making that investment appears to be more likely when departments are not in crisis and governments do not have to make quick responses to child protection scandals.

So in considering these changes we should be mindful of the well-known saying that knowledge is power and that the more knowledge we have on the causes of child abuse the more capable we are of fighting it.

I want to turn to the changes being proposed to the rules surrounding access to court ordered drug diversion. Ensuring proper drug rehabilitation is vital to breaking the cycle of crime for drug addicts. The Australian Institute of Criminology reported in 2003—

> The overall impact of illegal drugs or alcohol on the lifetime criminal career is clear—of those who reported drug use, 51 per cent attributed all or most of their criminal offending to illegal drugs and alcohol.

We need to ensure that we do everything we can to ensure small time drug offenders are stopped from sliding into a life of crime. It is a sad fact that tackling drug related crime has become more of a headline or a stunt than actually following through with long-term strategies. These amendments will ensure that persons who are found with a thing that has been used in connection with a drug crime will be afforded the opportunity to access court ordered drug diversion only if personal use is at issue. On the contrary, we should never shy away from taking the toughest approach in tackling drug traffickers and the makers of these harmful illegal drugs.

I now touch on the changes to the State Penalties Enforcement Act which will now, among other things, allow the registrar to approve allowing persons to make payments to fines that are below the minimum standard. My concern with the State Penalties Enforcement Registry, which I know is shared by members on this side of the House, is that we are committing many people to debts that will never be paid. It has to be asked: where does it stop? How many fines can be imposed before enough is enough? The repeated loading up of offenders with fines absolutely devalues it as a credible punishment. Are these people finally incarcerated, bankrupted or evicted even not for the initial offence but for failing to pay a debt? The bill permits extensions of payment deadlines but otherwise totally ignores this difficulty.

In concluding, I support the contribution made by the Deputy Leader of the Opposition and shadow Attorney-General. I welcome the opportunity to have contributed to the debate.

Mr FINN (Yeerongpilly—ALP) (3.28 pm): I rise to make a brief contribution to the Justice and Other Legislation Amendment Bill, much of which has been covered by my colleagues and other members of the House. The objective of the bill is to provide a number of minor, technical and discrete-in-nature amendments to 37 pieces of legislation, to a range of statutes within the Attorney-General and Industrial Relations portfolios. The bill also amends statutes within the portfolios of Treasury and Employment and Economic Development, Local Government and Aboriginal and Torres Strait Islander Partnerships, Transport, and Disability Services and Multicultural Affairs. These amendments are intended to provide a more robust and efficient justice system, to clarify existing law and to remove any unnecessary and out-of-date provisions.

I will mainly focus on amendments to a couple of pieces of legislation—namely, the Industrial Relations Act and the Industrial Relations (Tribunals) Rules. Before doing so, I will briefly touch on some of the other amendments that the Attorney-General and Minister for Industrial Relations mentioned in outlining the extensive nature of this bill. Amendments include amendments to the Acts Interpretation Act which aim to clarify parliament's powers to extend to coastal areas; the Bail Act which allow for watch-house bail to be granted by police where the defendant is held in custody for a Bail Act offence; the Childrens Court Act 1992 which will allow the registrar or clerk of the Children's Court to gain access to court records or information for research purposes; the Electoral Act 1992 which ensure that electoral roll information is no longer available for purchase by any person; the Justices Act which allow a police officer to serve notice of intention in the same manner as a notice to appear; the courts acts which amend the Magistrates Act 1991 to extend the compulsory retirement age for magistrates and judicial registrars; and the Queensland Civil and Administrative Tribunal Act which give power to the Governor in Council to allow a person to hold both positions of adjudicator and member of the Queensland Civil and Administrative Tribunal.

Mr Wettenhall interjected.

Mr FINN: I take that interjection from the member for Barron River. That is a fascinating amendment and one that he has deep passion about, and I look forward to his contribution to this debate. There are also amendments to the Disability Services Act which allow for short-term approval to be made in certain circumstances should an appointed guardian for a restrictive practice matter yet have to consent to a plan.

Turning to the Industrial Relations Act, this act is amended to allow a person to apply for parental leave under an altruistic surrogacy arrangement made under the Surrogacy Act 2010. These amendments will provide that the intended parents under a surrogacy arrangement will be permitted access to parental leave to which any other parent is entitled.

The bill also amends the Industrial Relations Act to allow appointments to the Industrial Court of Queensland and the Queensland Industrial Relations Commission. These appointments can be made on a part-time basis and also allow existing members to work on a part-time basis subject to agreement from the minister. In addition, this bill allows for the Queensland Workplace Rights Ombudsman to be appointed on a part-time basis. Should the Ombudsman also be a member of the Queensland Industrial Relations Commission, they will be able to work in both positions on a part-time basis subject to the agreement of both the minister and the president of the QIRC.

The bill will also finalise the transfer of the vice-president's administrative responsibilities to the president and allow for the vice-president to be appointed as acting president if the president temporarily cannot perform his or her functions. Currently, the Governor in Council is required to approve all forms of leave exceeding one month for the president, the vice-president and the Ombudsman, with the minister approving leave for the vice-president. With these amendments, the minister will now be able to approve all forms of leave for the president and the Ombudsman, allowing the president to approve all forms of leave for other members of the QIRC.

The bill also outlines new compliance and enforcement arrangements in relation to a mandatory code of practice for clothing outworkers which is currently able to be made by the Governor in Council. These amendments will allow a code to be enforced in the Industrial Magistrates Court by enabling the Industrial Magistrates Court to deal with breaches for authorised officers to inspect records required to be kept by the code.

The second substantial amendment contained in this bill is to the Industrial Relations (Tribunals) Rules 2000. These amendments provide that vacations and holidays of members of the QIRC and the ICQ may be arranged with the approval of the president rather than the vice-president. For all of these extensive reasons, I support the bill.

Mr SHINE (Toowoomba North—ALP) (3.34 pm): It is a delight to speak, albeit briefly, in relation to the Justice and Other Legislation Amendment Bill 2010. The bill of course comes up every year or two because, as the Attorney mentioned, there are many statutes for which he has responsibility. I think he said there are 140. I recall that I used to say it was about 200, but that must have been because Fair

Trading is a portfolio with far more statutes perhaps than Industrial Relations. Nevertheless, the end result of that is that all of those pieces of legislation need to be reviewed for mechanical reasons or amendments need to be made or clarification needs to be made or results of court actions have to be taken into account in the terms of redrafting pieces of legislation, and of course some pieces of legislation are simply out of date for the 21st century. The department of justice and the Attorney's office do a tremendous job in supervising, if you like, the review of those voluminous pieces of legislation over that period of time.

Might I just make mention of several matters that the Attorney mentioned in his second reading speech and the subject matter of which is referred to in the bill, the first being the judicial registrar project. It was, as he pointed out, a pilot scheme in Brisbane, Southport and Townsville. The Southport and Townsville appointments have now been made permanent. In other words, the pilot scheme proved to be successful. Thousands—I think 7,000 or 8,000—of cases have been dealt with by the judicial registrars. In other words, these are cases that would have normally been dealt with by magistrates. It is pleasing that the pilot result has been successful. I would hope that the Attorney would give consideration to rolling out that judicial registrar scheme to other centres, particularly regional centres like Toowoomba and Ipswich, into the future, bearing in mind its success in Townsville and Southport.

The other matter I wanted to refer to was the work done by SPER. From time to time—usually on a yearly basis—we can rely on the *Sunday Mail* indicating that SPER has not collected X hundreds of millions of dollars which would go a long way to building a hospital or whatever. Those articles usually fail to point out the good work that SPER does. In recent years it has had a very good success rate in terms of recovery of debt—around 70 per cent. We have to bear in mind that these are fines that have not been paid in the first instance. They are overdue fines, so they are the hardest ones to collect. I would have thought that, given my work in my younger years as an articled clerk debt collecting, if you had a rate of recovery of 70 per cent you were doing particularly well. I am sure other practitioners in the House would agree with me in that regard. I congratulate SPER. I am familiar with the work it does and the people who work there and the enthusiasm and the common sense they exercise in the performance of their duties. I think they should be congratulated in this instance.

In his address today the honourable member for Southern Downs, the shadow Attorney, could not resist making some reference to the relocation of a Toowoomba magistrate. He seemed to imply that the magistrate was relocated as a result of a recent case and sentence which received a great deal of publicity. What he ignored, of course, was the fact that that magistrate was already, as I can recall, in that position for about two years. It is in the normal course after a period of about 18 months to two years that magistrates are moved from their initial appointment to do their country or regional service. I would have thought—the Attorney may or may not want to comment on it; I do not know—that that magistrate's transfer to another regional centre had more to do with the fact that she had already been in situ in Toowoomba for about that two-year period. What was clear to me from his remarks was simply this: under an LNP government, magistrates would be transferred if the decisions they made were not acceptable to the government of the day.

Mr Springborg: I didn't say that.

Mr SHINE: No, the member did not say that but that is the inference he made.

Mr Dick: The member for Mudgeeraba said that.

Mr SHINE: There you are. I was not here to hear that.

Mr Springborg: But I never said that.

Mr SHINE: No, but with respect, the honourable member implied that the magistrate was transferred because of her decision. As I have indicated, that could not be further from the truth. The inference that I drew from the honourable member's remarks was that this would be the type of action that the LNP would take. It shows a complete misunderstanding. I do not think it is deliberate; it is just a misunderstanding or a lack of legal knowledge in its basic form of what the separation of powers means. It means that you do not interfere with the judiciary. You do not threaten to transfer them to Woop Woop or Townsville if they do not give you the results that you want. It is just plain and basic. Some people can read the Fitzgerald report over and over and over again but not understand a word of it. With respect to the honourable member, I think he is in that category.

The other point that I want to make reference to is the retirement age of magistrates. In the past, magistrates over the age of 65 were appointed as magistrates on an acting basis. In other words, they had to retire at 65 and if they wanted to keep on working, they could apply to come back on a temporary basis to carry out their functions. Many of them have done so and have done so well. Over the past several years that is how the issue has been handled. I am aware that the magistrates organisation—if I can call it that—was keen to have the retiring age for magistrates the same as that of judges. I can understand why they would like to be treated in the same manner as judges in terms of their retirement

age. But I must say that it did occur to me that retirement at 65 but with the provision to allow acting magistrates up to the age of 70 achieved the best of both worlds in the sense that it enabled men and women with a great deal of experience and ability to continue to serve but it also was a safeguard against some who regrettably were finding the experience of ageing a challenge. Nevertheless, clearly, the retirement age applies to members of the High Court, the Supreme Court and the District Court and logically there is an argument that it should be extended to members of the Magistrates Court as well and I wish them well in that regard.

I simply make the observation that in the judicial arm of government that sort of rule applies. But when you look around at the legislative and the executive arm of this government, there would be probably only one minister over the age of 60 and probably only another one over the age of 55. So I pose the question: if it is good enough for members of the judiciary to be encouraged to work until they are 70, why is not the same logic applied to the executive arm of government in the legislature? That comment has nothing to do with the fact that yesterday I celebrated 62 years of being on this planet; I think it is appropriate that some members in this House at least stick up for the ageing baby boomers in our community. Therefore, I thought it was appropriate to make those rather temperate remarks.

Mr MESSENGER (Burnett—Ind) (3.43 pm): I rise to speak to the Justice and Other Legislation Amendment Bill. I always approach a government bill that amends 33 acts with caution. The problem is that I do not trust this government. I would not put it past it to slip something politically tricky or controversial into this legislation. It is quite a legislative haystack and I am always looking for needles. I think some may call it paranoia. As I tell people who ask me why I am so happy being a politician, the secret is finding an occupation that complements and matches your level of paranoia. I think, as a politician, I have managed to at least accomplish that in life.

As the minister said in his second reading speech, the Childrens Court Act 1992 and the Justices Act 1886 are being amended to allow access to court records for approved research into circumstances where the use of information will not lead to the identification of any persons. I agree with those amendments and I will have a little bit further to say about them. However, I would like to speak to the amendments to the Penalties and Sentences Act 1992. The bill amends section 15D(i)(b) of the Penalties and Sentences Act 1992 to allow offenders charged with an offence against section 10(1) of the act to be eligible for drug diversion. The explanatory notes to the bill state—

The Bill amends section 32 of the—

Penalties and Sentence Act—

to allow a magistrate to impose conditions on a recognisance order where a conviction is recorded.

It then goes on to state—

A recognisance is an obligation by the convicted person to keep the peace and be of good behaviour, and comply with any conditions imposed by the court.

I am quite intrigued by the conditions that can be imposed by the court, because I think we have an opportunity here to improve the recidivism rate and to improve the instances of youths treating the juvenile justice courts as a revolving door. We are really not addressing the key problem and that is addressing the attitude of those young people who continually offend.

The explanatory notes then go on to state—

Failure to comply may result in the convicted person forfeiting a sum of money ... However, under section 19 of the—

Penalties and Sentences Act—

a magistrate may impose conditions on a recognisance where no conviction is recorded. The amendment will address this inconsistency.

I would like to see the condition existing in Queensland where, as part of the conditions of recognisance, youths can be directed to courses such as a course that Bob Davies runs at Hervey Bay. I have spoken about this particular course. It is a course directed towards at-risk teenagers, young offenders and young adults. It is a course called Operation Hard Yakka. Today I would like to bring to the attention of the Legislative Assembly that Bob is going to hold a forum on the Fraser Coast this month to convince community leaders throughout Queensland to invest in this life-changing course. I believe that if courses such as the one that Bob Davies runs were available to magistrates then we could start addressing the juvenile justice problem that we have and which is ever growing.

I remember taking Bob to visit the communities minister here. He was seeking funding for this course. At that stage it was about $7,000 per person to do this course. Bob has run one course and it has changed lives and it has changed attitudes. Mothers and fathers have gone up to Bob after their children have done this course and wept at their gradation saying, 'You have given me back my child.' Yes, Bob does have a military history. He is an ex-SAS person. He takes these kids under his wing. He teaches them basic skills like simple listening skills. He also teaches them an appreciation of the Australian flag and how to work together as a team. Some people may describe his course as a boot camp, but there is so much more to it. He has discipline. At the end of the course the kids are

addressing ladies as 'ma'am' and taking their hats off to them and addressing their community leaders as 'sir'. One of the graduates of this course has gone on to join the military but many others have completed tertiary education. Once again, this course has been shown to have worked and to have changed children's attitudes.

I cannot sing highly enough the praises of this course. Bob is a strong advocate for helping to change the attitude of youth. Once again I would use this opportunity to simply note that while we were talking to the community services minister and she said that the government did not have money to fund this course, and Bob is still looking for funding, she did happen to mention afterwards that it costs $8,000 to transport one juvenile offender accompanied by two police officers from Bundaberg to Brisbane. The cost of this 28 days for one offender, who could be referred to this course by a judge acting on this legislation, is only $7,000. I really believe that these courses will work. We have to give them a chance to work.

Bob is going to be getting together with a group of community leaders on the Fraser Coast. I support Bob in this unique program. It has already proven itself to be successful. It is an incredibly worthwhile investment. The forum will be held on Tuesday, 19 October from 9.30 am to 12.30 am at the Susan River Homestead Adventure Resort, Maryborough-Hervey Bay Road, Susan River. I urge the community services minister who has come into the chamber now—she obviously was listening—to send along representatives. There will be plenty of community leaders and representatives willing to support this course and get it up and going. It is what we really need for our Bundaberg-Burnett-Wide Bay area.

The minister said in his second reading speech that amendments to the Acts Interpretation Act 1954 are to clarify parliament's powers to make laws extending to coastal areas as prescribed by the Commonwealth Coastal Waters (State Powers) Act 1980 and the Commonwealth Coastal Waters (State Titles) Act 1980. Then in the explanatory notes it says—

The State Title and Powers Acts were enacted by the Commonwealth Government with agreement from the States following the decision in *The State of New South Wales v The Commonwealth of Australia* (1975) 135 CLR 337, which held that State boundaries ended at the low water mark and that the States had no proprietary rights in respect of the territorial sea or seabed. Even though the decision in *Jones v State of Queensland and Another* 1998 AILR 1 provides authority for the application of the State Title and Powers Acts, it would be desirable for the law in this area to be clarified.

I am interested in the word 'clarified'. I still cannot make head nor tail of that and what this specific provision entails. It states—

Therefore, the Bill amends the Acts Interpretation Act to clarify that Parliament's powers to make laws extend to coastal areas as prescribed by the State Title and Powers Acts. Similar amendments have been made in New South Wales...

Once again that healthy paranoia kicks in. When it comes to coastal waters we have had fishermen and women restricted by state government laws to certain areas in which they can fish. I remember that there were a lot of fishermen, especially in the crabbing industry, who were told that they could no longer carry out their profession. There was no payment. They were stopped from fishing. This was unlike the federal initiative where the 30 per cent green zones were imposed. At least those professional fishermen who were fishing in those areas were paid out for the licences that they could no longer use.

On that point I wish to bring to the attention of the House the concerns of the residents of Woodgate. They do have a problem with beach netting. This particular provision will be relevant to them. I am going to have a community meeting next week in Woodgate to discuss that. There is a problem with beach netters who come in. Ostensibly they would have a licence to net mullet in that particular area, but they net around the mouths of creeks. Woodgate is a town where there is a lot of keen recreational fishers. People specifically go to Woodgate to wet a line and catch a fish. It is disappointing to see these net fishermen, who are not based in the local area, who travel from areas north and south of Woodgate. I think it is an issue that we have to deal with if we are going to try to stop those fishermen from netting in those areas where a lot of recreational fishers go and on which the tourism industry is dependent. I think that we should look at a buyback scheme for those particular net fishers. I understand that there are dead licences, so to speak. One of the traps that we would have to watch out for is that, if we do end up buying out these net fishermen and women, they would not be able to take the money and then go and buy a dead licence and continue on with their trade. That will be one of the issues that I will be advocating for on behalf of the people of Woodgate, particularly the tourism industry, retirees and recreational fishers.

Other members have mentioned the compulsory retirement issues relating to the Magistrates Act 1991. I have been thinking about their contributions. I have also at the same time been thinking about the compulsory retirement age of other public servants. I have a story from the *ABC* website headed 'Top Queensland policeman retires after 40 years. One of Queensland's top policemen, Detective Inspector John Harris, retires today after 40 years on the job.' That was on 25 January 2008. John was quoted as saying—

Some people's use-by-date arrives earlier than others. I say I am 60 years young. I still do my jogging and walking and other exercises and I have a passion for the police. I love my job.

Obviously it was a police officer who did not really like the compulsory retirement age that the police are subject to. I will stand corrected and I will take input from anyone but I think police are made to retire at 60 years of age.

Mr Roberts: From operational duties.

Mr MESSENGER: All I would say is that while we are discussing legislation here that extends the retirement age of magistrates to 65 and 70, I think that there is a strong case that we are discriminating against police officers by allowing magistrates to retire at the age of 70 whereas police officers have to retire at the age of 60. There is a case for extending the retirement age of police officers, especially if they are fit, still able to do the job and still want to do the job. I think in the media recently there have been other examples of police officers who have reached that compulsory retirement age and are upset at having to retire. As many speakers here have said, just because a person reaches 60 does not mean that they should be dead and buried and retired off. They still have so much experience and so much to offer to the Public Service.

The Childrens Court Act is amended with this legislation. It is amended so that a greater research capacity is available for academia. I think there has to be more research on the subject of child abuse. I do not think that we spend enough time in this place talking about the issues that matter. Certainly the first issues that we should be talking about are issues relating to child safety. It is my experience that the Department of Child Safety is dysfunctional.

Mr DICK: I rise to a point of order on the issue of relevance. I think the member for Burnett has travelled around the globe talking about buyback of commercial fishing licences and the retirement age of police. He is now delving into the issue of child safety. None of those issues are canvassed in the legislation. Much criticism was levelled at the government about management of the legislative program and this is a perfect example of someone speaking on matters completely irrelevant to the terms of the bill. So I raise the point of order on relevance and suggest to the honourable member that there are many other opportunities to speak on these issues in the parliament other than this bill, where none of those three topics are canvassed in the legislation.

Madam DEPUTY SPEAKER: Will the member stay with the provisions of the bill.

Mr MESSENGER: I understand why the Attorney-General does not want me to speak about the child safety department. However, he cannot escape the fact that this legislation amends the Childrens Court Act 1992. The explanatory notes state—

The Childrens Court receives information relating to children the subject of statutory intervention under the Child Protection Act. The provisions of the *Child Protection and Other Acts Amendment Act 2010* (yet to commence) authorise the chief executive (child safety services) to allow researchers access to material in the possession of the chief executive to perform the chief executive's function of promoting research into the causes and effects of child abuse under the Child Protection Act.

In the time remaining to me today I would like to speak, in this place, about the causes and effects of child abuse under the Child Protection Act, which is being amended by this legislation. As I have said before, this bill amends 33 pieces of legislation and one of those is the Childrens Court Act. The amendment that the legislation will facilitate—

Madam DEPUTY SPEAKER: Order! Will the member go back to the bill.

Mr MESSENGER: I am referring directly to the bill now.

Madam DEPUTY SPEAKER: Which provision?

Mr MESSENGER: The provision that amends the Childrens Court Act 1992. I was about to read directly from the explanatory notes of the bill, unless the explanatory notes to the bill are not relevant to the debate. The notes state—

The amendment will facilitate the registrar or clerk of the Childrens Court to allow access to court records or information for research purposes.

That is what this legislation will achieve, if it passes through the Legislative Assembly. I would like to speak to the amendment that would 'facilitate the registrar or clerk of the Childrens Court to allow access to court records or information for research purposes'. We need to be able to research the causes of child abuse, because as we have heard this morning the child safety minister is not the sort of person who asks his staff, 'How many children in my care have been harmed in the last 24 hours?' The bill will allow a researcher to access information available through the provisions of this bill and hopefully, motivated by the truth of that research when it is released, we will be forced to hold another royal commission into this department, which is not properly caring for its own workers and is not properly caring for the children it is supposed to be looking after. I know that many members opposite do not want to hear that, but we need academic researchers to study the harm caused to children by the child safety department, which is in denial—

Mr DEPUTY SPEAKER (Mr Ryan): Order! Member for Burnett, you have been asked a number of times by the Deputy Speaker to return to the provisions of the bill. You only have a few minutes to go. I ask you to return to the provisions of the bill and remain relevant to the bill.

Mr MESSENGER: Thank you for your direction, Mr Deputy Speaker. I return to the provisions of the bill that relate to the Childrens Court Act 1992, which will be amended to allow greater research into the harm and abuse caused to children. One of the reasons we need more research into that harm is that this government uses secrecy to cover up exactly what is happening in Child Safety. Any media organisation that starts reporting on the dysfunctionality of the child safety department is immediately threatened with legal action by this government, either through the Department of Communities or the department of child safety. Our only hope of getting to the truth of what is happening in the child safety department is through academic research. I hope that that academic research is published, is presented to this chamber and is able to be reported on because currently the Queensland child safety department is dysfunctional. We have a dysfunctional and incompetent minister who literally does not know how many children have been harmed on his watch. With those few comments—

(Time expired)

Hon. CR DICK (Greenslopes—ALP) (Attorney-General and Minister for Industrial Relations) (4.04 pm), in reply: I thank all members for their contributions to the debate on the Justice and Other Legislation Amendment Bill. I thank the members of the government for their support. The bill includes amendments that will deliver fairer outcomes and more efficient and streamlined processes in both the justice and industrial relations systems in Queensland.

Some of the more substantial measures in the bill include providing for the permanency of the judicial registrars scheme following a successful trial; increasing the compulsory retirement age for magistrates, acting magistrates and judicial registrars to 70 years, delivering parity with other jurisdictions and the higher courts in Queensland; providing for the appropriate availability of the electoral rolls and aligning that process with the Commonwealth electoral laws in this area; improving equity in operation in relation to the State Penalties Enforcement Act; providing access to parental leave for persons in relation to children born under altruistic surrogacy arrangements; improving the administration of the Industrial Court of Queensland, the Queensland Industrial Relations Commission and the Queensland Workplace Rights Ombudsman, including by providing greater flexibility in relation to part-time employment and appointments; and providing for compliance and enforcement arrangements in relation to a mandatory code of practice for clothing outworkers. The bill includes a large number of amendments for the purpose of improving the operation of legislation, clarifying its meaning and keeping the statute book correct and up to date.

I note that the member for Burnett indicated that he sees a conspiracy in large bills containing clauses that amend many pieces of legislation. Nothing could be further from the truth in this bill. This is about the government keeping the law up to date and modernising the law to reflect a modern state. We do not seek to hide anything in legislation coming before the parliament. That is why it lays on the table of the House for two weeks and is open to full and open scrutiny by all members of the parliament and, ultimately, is subject to a debate as we have had today. Regrettably, in my view, the member for Burnett spoke tangentially to the terms of the bill, including a discussion on the buyback of fishing licences. How that is possibly relevant to the bill remains a mystery to me.

On behalf of other responsible ministers, the bill includes amendments for the improvement and clarification of the Family Responsibilities Commission Act 2008, the Payroll Tax Act 1971, the Disability Services Act 2006 and the Transport Operations (Passenger Transport) Act 1994. I will address some of the matters raised by honourable members during the course of the debate.

The member for Southern Downs asked why it was necessary to make the amendments to the Acts Interpretation Act with respect to coastal waters. I inform the honourable member that in the case of New South Wales v Commonwealth (1975) 135 CLR 337 the High Court held that state boundaries end at the low-water mark and that states had no proprietary interest in respect of the territorial seabed. Subsequently, at the request of the states, the Commonwealth enacted the Coastal Waters (State Powers) Act 1980 and the Coastal Waters (State Title) Act 1980. The combined effect of those two acts prescribed the legislative powers of each state in relation to making civil laws for application in off-shore areas.

I highlight the cooperative relationship between the states and the then Commonwealth government trying to clearly define the responsibilities of the states and the Commonwealth, including legislative responsibilities. We see a complete contrast with the Liberal-National coalition in Canberra, which is seeking to ride roughshod over the sovereignty of this parliament and the people of Queensland in unilaterally trying to overturn laws passed by a democratically elected parliament at a state level. I hope that all men and women of integrity in this House will stand against the sort of untrammelled domination that the Leader of the Opposition, Tony Abbott, would see the Commonwealth exercising over state jurisdictions.

In Jones v State of Queensland and Another [1998] 2 Qd R 385, the plaintiff argued that the Supreme Court of Queensland had no jurisdiction to deal with water beyond the low-water mark. In a single-judge decision, the court disagreed. Even though the single-judge decision confirmed that state laws apply in coastal waters, clarifying provisions relating to offshore jurisdiction have been included in legislation to provide certainty about the operation of the state's jurisdiction offshore.

Given the volume of legislation, it is considered more efficient to place an overarching provision in the Acts Interpretation Act rather than include similar provisions in each law. This belt-and-braces approach will provide for greater certainty about the application of state laws offshore as well as provide a more effective manner in which to legislate about this issue. It provides clear lines for everyone to understand. There are no matters of concern that have driven the timing of this amendment. I can assure the member for Southern Downs that it is being made out of an abundance of caution to avoid the necessity of including specific provisions in various pieces of legislation.

The member for Southern Downs also asked why it was necessary to amend the Bail Act to allow watch-house bail to be granted to an offender who has been arrested for failing to appear in court. I would first note and make it very clear to all members of the opposition that this was a request of the Queensland Police Service. The Queensland Police Service asked for this amendment to the law. We have the opposition, often in this House, criticising the government and standing supposedly in support of the Queensland Police Service. I hope those opposite have the courage of their convictions and, instead of their all round condemnation of this amendment to the Bail Act, they recognise where this amendment came from. It was a request from the Queensland Police Service that the government is delivering. Why? To make the Queensland Police Service a more efficient Police Service in this state.

I think it is incumbent on all members of this House to listen to the Queensland Police Service when they come forward with sensible statutory amendments, as we have seen put forward here. I note the member for Kawana in the House, who also sought to decry these amendments to the Bail Act, somehow equating them to a 'soft on law and order' approach. Again, this is another disconnection between the truth of what the Queensland Police Service seek and the fantasy world that the member for Kawana and other members of the LNP live in, perpetrating deliberate mistruths in this House about law and order and about crime. We will have a debate on that later today, and what an interesting debate that will be, particularly given the contribution of people like the member for Mudgeeraba.

I refer to the comments from the member for Toowoomba North in the debate about the member for Southern Downs. It was implicit in the comments of the member for Southern Downs; and the member for Mudgeeraba ripped the facade apart when she said, 'There should be a reason for removing judicial officers, namely magistrates, from office if we don't agree with what they are doing. If we don't like the decision, we think we need another way to remove them from office.' That is one of the most scandalous things that I have heard in this House since my election and, frankly, it is one of the more scandalous things that has probably ever been said about the judiciary in Queensland in this parliament. It is about time the LNP were honest about what they want with their judicial commission. Judicial commissions have worked in other places in Australia. But I can say this now: a Queensland Labor government will never accept a judicial commission put forward by the Liberal National Party. What did we hear from the Leader of the Opposition yesterday? 'It is a mechanism to discipline magistrates.'

Mr Hoolihan: 'Do as I tell you or I'll sack you.'

Mr DICK: I take the interjection from the member for Keppel: 'Do as we say or we will remove you from office.' That is exactly what they seek to do with the judicial commission. If they do not like the decisions of magistrates, if they do not agree with magistrates, they will remove them from office. That is a scandalous attack on the doctrine of the separation of powers and, again, an illustration of the inability of the Liberal National Party in this state to understand the fundamental importance in a democracy of having a judiciary separate from the executive and the legislature. They stand condemned for their policy, which we have shown up and which has been demonstrated by the comments made by the member for Mudgeeraba as a way to attack judicial officers. We will never support any sort of judicial commission promoted by the Liberal National Party, the opposition in this parliament.

In relation to the amendments to the Bail Act, the Justice and Other Legislation Amendment Act 2005 inserted a note into section 28A(3)(c) of the Bail Act to allow police officers to grant a defendant watch-house bail if the offender had been arrested for failing to appear in court. However, it has since come to the government's attention that section 16(3) of the Bail Act only allows a police officer to grant bail if the 'defendant is charged' with an offence. If a person is either arrested on or surrenders to a warrant for failing to appear, the defendant is not charged with the offence until they appear in court. Anyone with a rudimentary understanding of criminal procedure in Queensland would know that. Therefore, a police officer may not grant the person bail under section 16(3). This is contrary to the intention of the note that was inserted into the Bail Act in 2005.

This government takes the obligations of a person on bail to appear in court seriously. Section 16(1) of the Bail Act requires a court or officer to refuse to grant bail when they are satisfied that there is an unacceptable risk that the defendant will fail to appear in court or will commit another offence while

on bail. In deciding whether an offender is an unacceptable risk, officers may consider the seriousness of the original offence and whether the offender has previously breached any bail condition. Unlike the members opposite, I trust the good judgement of officers of the Queensland Police Service. I trust the good judgement of judicial officers in this state to determine when and in what circumstances individuals should be admitted bail in this state.

What is the policy response from the Liberal National Party policy? We are still waiting. There is no policy response. It is another cheap attack on the Police Service and on the courts in this state in relation to bail. That is all it is. They do not have a policy response. Perhaps we should remove bail. Perhaps everyone who is arrested in Queensland should remain incarcerated until the matter is properly dealt with in court. Perhaps that is the policy response. Perhaps we should have mandatory imprisonment for anyone appearing in a court on any occasion. Maybe we should limit it to one or two exceptions. Maybe only people with very minor offences should be released on bail, but everybody else who is charged should not. We do not know what the opposition proposes, because it is another way to run their spurious lines in the community, to run their falsehoods about government and their falsehoods in relation to law and order.

Mr Wallace: That want to use tasers all the time.

Mr DICK: But they are spending time working on policies such as tasers for teachers. That is the focus of the opposition. If they are not working on that, they are either playing solitaire or going to sleep in their offices. The best paid opposition in the nation's history is unable to deliver solid policy alternatives for Queensland.

Additionally, in order to grant bail, under the law as it currently exists, when an offender has failed to appear in court, the police officer must be satisfied that the defendant has shown cause why their detention is not justified. Where a person is arrested or surrenders on a weekday in a place where the court is sitting, there may be no delay in bringing them before a court. However, in some regional centres—and presumably the Liberal National Party are concerned about Queenslanders living in regional and remote parts of Queensland, but that was unclear and in fact was not demonstrated by any members of the opposition during the debate—the inability to grant bail may result in persons being held in custody for a number of days. Perhaps that is fine. Perhaps we should have watch-houses full of people, locked up because of the policy position put forward, as far as it could be understood, by the Liberal National Party and not released, as this provision will allow, on the good judgement of Queensland police officers. Also, if a person is arrested or surrenders on a Friday night, they may be held all weekend. I leave it to the judgement of the courts and police officers to determine whether people should be released on bail. This amendment to the law facilitates that so they can make proper decisions under the law.

The honourable member for Southern Downs asked whether there was an issue that had arisen with respect to the appointment of drug analysts pursuant to the Drugs Misuse Act. Drug analysts analyse drug material and other drug material seized during criminal investigations. Their task is to identify the type and quantity of drugs that have been seized. This information forms the basis of the offence with which the defendant may be charged. I can inform the member for Southern Downs that there has been no single catalyst triggering this amendment. However, section 4C of the Drugs Misuse Act 1986 requires the minister to appoint drug analysts. That is an act that was passed by the parliament in 1986; it is a very old act.

I, as the minister responsible at the moment, must be satisfied that the person has the qualifications, standing and experience necessary to be an analyst under the Drugs Misuse Act. This function is administrative in nature and based on objective criteria. It is a function that can be appropriately carried out by the chief executive or another suitably qualified officer of the department to whom the power has been delegated and is not a function that needs ministerial involvement. This is tidying up the law. These sorts of appointments are made in other capacities, and it is appropriate that the chief executive or delegate make that employment decision, not a minister.

The member for Southern Downs asked how many organisations were non-compliant with respect to restrictive practices, and it was a matter taken up by the member for Hinchinbrook. I am advised that the efforts of the department, service providers and staff to achieve compliance with the legislation have been remarkable and are appreciated.

In relation to a number of other matters, I have been advised as follows: as at 30 September 2010, progress of approvals was steady and service providers advise that the vast bulk of plans were competed and approved by 30 September. All plans or short-term plans for people residing in supported accommodation provided directly by government were to be completed. All plans or short-term approvals for the use of the most restrictive practices of seclusion and containment were complete.

There are 606 plans requiring approval by 30 September. As at 4 October 2010, 504 plans have already been approved or consented to and 72 have been completed and are awaiting approval. Of those 606 plans, there are 30 plans which are not completed or approved. The majority of those 30

cases relate to the chemical restraint of clients through medication prescribed by a general practitioner over a long term where the service provider is currently undertaking medication reviews to determine whether the continued use of this medication is necessary. That is a very significant thing. But I can assure the member for Southern Downs and the member for Hinchinbrook that the plans are well on the way to being completed and approved.

The member for Southern Downs raised an issue with the retirement age of magistrates, suggesting the need for further oversight of the qualifications of magistrates. The decision to change the retirement age for magistrates and judicial registrars from 65 to 70 years and to provide for a retirement age for acting magistrates will bring them into alignment with the retirement age for Supreme and District Court judges. The retirement age of 70 more closely aligns Queensland magistrates with those in other states such as Victoria, where the retirement age is 70 years, and New South Wales and Tasmania, where retirement is compulsory at 72.

The decision to lift the retirement age in Queensland is a mark of the government's confidence in the professionalism and capacity of the modern magistracy. While magistrates were once lay justices and public servants who lacked complete independence, they are now true independent judicial officers with substantial legal training and experience. These changes recognise the quality and professionalism of their appointments and their work.

I say again that the contribution by the member for Mudgeeraba was deeply disturbing and, frankly, demonstrated the real agenda of the Liberal National Party in respect of judicial officers. There is no other way of understanding the member's contribution on the issue of magistrates than to say it was a blatant threat to members of the judiciary that if the LNP does not agree with your decision, if it does not like your view and if you do not follow its views, then you will be reviewed and you will be removed from office. This is the return to the National Party which governed Queensland for 32 years until 1989. This is rank political corruption and interference in the judicial process that the LNP seeks to exercise over the judiciary in Queensland. If the LNP ever achieved government in this state, it would ring the death knell of the doctrine of the separation of powers. Make no mistake, the member for Mudgeeraba has stripped away the spin and fabrication of her leader and deputy leader and has laid bare the raw and real intent of the Liberal National Party.

To suggest that this was some manner of cronyism, that it was an attempt to protect Labor judges, is not only ridiculous—given that many of the magistrates who have enjoyed an extended stay were in fact appointed by the previous Liberal and National Party coalition government both before 1989 and during the period of the Borbidge government—but it reveals the inability of the LNP to disassociate the political from the judicial. Lines must be drawn somewhere. At some time, at some place, politics must stop. In relation to the judiciary, there once was a bipartisan consensus in this state that the judiciary was beyond political controversy. Sadly, that has been ripped away and that is the political legacy of the Liberal and National parties in this state. The bottom line is that the Liberal National Party has put the judiciary on notice in Queensland—toe the line or you are out.

The member for Southern Downs has raised a concern that to amend the Industrial Relations Act to provide for members of the Queensland Industrial Relations Commission to be able to work on a part-time basis may devalue the office of a member of the QIRC and lead to a situation where the office of a member is merely an add-on to some other role. I can assure the honourable member and the House that there are safeguards in the bill to prevent such a result. Any conversion by a current member working on a full-time basis to working on a part-time basis may only be achieved by agreement with me, and any member working on a part-time basis who wants to take up another position may only do so if I am satisfied that the other position is compatible with and does not involve any conflict of interest issues in relation to the office of the member. We are reflecting what happens in the general community when people work on a part-time basis, and the Queensland Industrial Relations Commission should be no different, but there are safeguards to ensure that it is appropriate in all circumstances.

I believe the amendments will help attract the highest calibre of appointees—for example, a person who holds an honorary office that takes up little of the person's time and who does not wish to relinquish that office upon being appointed as a member of the Industrial Relations Commission. I think that is appropriate. It will also help to retain an existing member who wishes to take up another role which is compatible with the office of a member.

The member for Southern Downs finally took issue and criticised amendments to the State Penalties Enforcement Registry legislation, asserting that the scheme was 'badly managed' and 'out of control'. I would like to take this opportunity to correct the record and inject some truth into this debate. The member for Southern Downs has constantly sought to propagate the misleading assertion that SPER is not working. Nothing could be further from the truth. His argument was taken up by other members of the Liberal National Party, almost uniformly. I am pleased to announce that in August 2010 SPER collected a record $15.99 million in unpaid fines and lodgement fees—an achievement for which I pay the very highest compliment to the hardworking staff of the State Penalties Enforcement Registry. These results are a testament to the hard work undertaken by that workforce. They often deal with very

difficult people who historically have never sought to engage with the criminal justice system and who have not repaid their fines and have adamantly refused to do so. I thank the staff for bringing many of those debtors into compliance.

Debtors have a range of flexible payment arrangements, including paying their fine by instalments. Again, this was criticised by the Liberal National Party, but what is the policy alternative? We know the principle underpinning the justice policy for the Liberal National Party is justice equals jail. That is what lies at the very core of what the Liberal National Party seeks to do in this state—that is, send more people to jail. That is its view of the justice system—regardless of the facts and regardless of the 20 per cent reduction in crime since the Labor government was first elected in 1998. We have achieved a reduction in the crime rate across Queensland of 20 per cent. That is something I am proud to be a part of, but it is something that is never acknowledged by those members opposite. Law and order stand at the centre of Labor's mission to ensure a safe community and to protect vulnerable people, many of whom we represent in this parliament.

We say that SPER is an appropriate mechanism to pursue people who have been fined or who have otherwise been ordered by a court to pay money to another Queenslander, or generally, to the state. That is an effective mechanism. I look forward to the policy response from the opposition about what it would do with the State Penalties Enforcement Act—whether it wishes to repeal it, abolish it altogether or say that jail is the only alternative, which it says on so many occasions.

In relation to flexible repayments including repayment plans, as at 31 August this year SPER had payment arrangements covering more than 816,000 debts. What is the total sum being repaid by instalments in Queensland? It is over $190 million. That is the system working. That is money coming back into the state. It is not our money—it is not the government's money—it belongs to the people of Queensland. That money is used to build better roads, build better hospitals, put more police on the beat, build a better justice system, deliver better schools and build a better health system—and that is what Labor governments do. I thank the SPER team for their considerable work.

Another issue raised was the registration of interests over motor vehicles. Currently, an interest can be registered on motor vehicles. This was condemned by some members opposite as another indication of a flaw in SPER rather than as an appropriate tool to recover money. Currently, an interest can be registered on vehicles if the debtor owes a debt of at least $1,000. This registration of interest has proven to be an effective tool for encouraging debtors to either pay their debts in full or enter into an instalment plan. All it does is register an interest which then encourages those people to come into compliance. In the 2007-08 and 2008-09 financial years, approximately one-quarter of all debtors entered into compliance after an interest was registered over their vehicle.

This has been a success story and it is why we are lowering the threshold from $1,000 to $500. This will ensure that people know that if you have got enough money to own a motor vehicle and run a motor vehicle then you have got enough money to repay your debt—even if it is by instalments, in the smallest amount possible. The State Penalties Enforcement Registry happily accepts instalment payments of the lowest amount, particularly for people who fall on hard times, but it is a way for people to make a commitment and to recognise that they owe a debt to society and they need to repay it. On the advice I have received, it is believed that the amendment to the threshold will increase the pool of eligible debtors by 19,800 individuals, with the combined value of outstanding debts capable of being recovered at $14 million. I think that is a good thing for Queensland.

The member for Glass House raised a couple of other points, including a question about the role of the Queensland Workplace Rights Ombudsman. In particular, he was concerned about breaches of the Ombudsman Act 2001. I note for the member that the Queensland Workplace Rights Ombudsman is not appointed under the Ombudsman Act and as such there is no issue or breach of the Queensland Workplace Rights Ombudsman in relation to that particular act. The Ombudsman Act governs the functions that relate to investigating administrative actions of local government authorities, government departments and public authorities. In comparison, the Queensland Workplace Rights Ombudsman is appointed under the Industrial Relations Act 1999 and has functions under that act. I wanted to allay the member's concerns in that regard.

In conclusion, I thank all honourable members for their contributions and I also thank all stakeholders for their valuable contributions and input during the development of the legislation. There were many departmental officers across a number of departments and agencies who were involved in preparing this bill, not just from the Department of Justice and Attorney-General. I want to thank all of the officers involved but I particularly acknowledge Susan Masotti, a very hardworking policy officer in the Department of Justice and Attorney-General, who was tasked with coordinating this important bill. I commend the bill to the House.

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

Motion agreed to.

Bill read a second time.

Consideration in Detail

Clauses 1 to 113, as read, agreed to.

Clause 114—

Mr DICK (4.30 pm): I move the following amendment—

1 Clause 114 (Amendment of sch 2 (Appointments))

Page 63, line 8—

omit, insert—

'(5) If the sum of the period served on a full-time basis and each period of equivalent full-time service for a relevant member is 10 years or more—

(a) subsection (3) does not apply to the relevant member for the pensions Act, sections 3, 4 and 5; and

(b) the salary of the relevant member for the pensions Act, sections 3, 4 and 5 is taken to be the salary under schedule 2, part 1, section 1 payable to a relevant member who performs the functions of the office on a full-time basis.

'(6) In this section—'.

I table the explanatory notes to the amendment.

Tabled paper: Explanatory notes for Hon. Cameron Dick's amendments to the Justice and Other Legislation Amendment Bill [3310].

This is an amendment to the Industrial Relations Act 1999 to ensure that the correct formula is used for working out the pension rate for a member of the commission who has served the qualifying period. The pension rate should be based on the member's full salary when the equivalent of 10 years full-time service has been completed—for example, five years full-time service and then 10 years half-time service. At present, clause 114 of the bill would only allow a member to receive a pension rate based on their part-time service. The amendment is to reflect what the law currently is but to take into account that some members may work on a part-time basis. They will still have to complete the 10 years equivalent full-time service before they are eligible for their pension.

Amendment agreed to.

Clause 114, as amended, agreed to.

Clauses 115 to 144, as read, agreed to.

Clause 145—

Mr SPRINGBORG (4.32 pm): Earlier I asked questions of the Attorney-General about the performance of magistrates. In doing so, I indicated to the Attorney-General that people who are appointed to these lifetime positions—because they are, indeed, lifetime appointments—should actually hold those offices with a certain amount of guarantee and should only ever be removed from office in the most exceptional and most extraordinary of circumstances. At no stage did I indicate that there should be anything other than that. In my observation of politics I can remember only one person actually being removed, and that was somebody who was actually brought before the bar of this parliament in around 1988 or 1989 in the case of Judge Vasta. He was actually removed. The advocacy was for a judicial commission whose role would be education, selection and guidance, removed from the parliamentary political process—as happens in other jurisdictions where it is basically judges, retired judges or legal academics who are involved.

In speaking to this clause I need to indicate very strongly that if we are going to bring this into line with other court jurisdictions in Queensland then it is important to make sure we have people of the highest possible capability. I know that the Attorney is going to say that that is the case and that has always been the case and we should not impugn the reputation of those people. I would step away from actually individualising in here. However, there are circumstances where the government can make a mistake in relation to those it appoints. There does need to be some process to actually guide and direct and it should be external to the political process. That is the reason for the recommendation for a judicial commission.

I need to respond to that which was asserted against me by the honourable member for Toowoomba North, who indicated that under a government of our political colour magistrates throughout Queensland would be able to be moved from place to place willy-nilly. I never said that. If the Attorney wanted to extrapolate that then he would be completely and absolutely wrong and would be misrepresenting. It may very well be—and I am prepared to concede to the honourable member for Toowoomba North—that the magistrate in question in Toowoomba was in line for a transfer. I suppose he may have access to that information. It just so happened to coincide with the time of that particular controversy within that community.

I can remember only one occasion in this parliament—in the late nineties or early 2000s—when a Labor government came into this place and interfered in the role of the magistracy and the supreme role of the Chief Magistrate. It interfered in the supreme role of the Chief Magistrate to actually decide where a magistrate should be located in Queensland, and that was the case of Jacqui Payne, who protested against the then Chief Magistrate, Stan Deer, when he directed that that magistrate be located somewhere else. That magistrate refused to go and went to the Attorney-General of the day, Matt Foley.

Matt Foley brought legislation into this parliament to retrospectively give that magistrate a right of appeal, which undermined the authority of the Chief Magistrate and led to his resignation. It was a very dark day of political interference in the role of the magistracy, the Chief Magistrate and his responsibility to this parliament—done by a Labor government.

The only judicial jurisdiction in Queensland ever to have been abolished was abolished by a Labor government in 1922 when it abolished the entire District Court, which was then reinstated by a coalition government in 1957.

Mr Shine: You didn't bring it back in 1929.

Mr SPRINGBORG: It was brought back in 1957. That does not take away from what the honourable member for Toowoomba North said when he admitted that it was a Labor government that abolished an entire judicial jurisdiction in Queensland in the District Court. The only time I have seen political interference in the role of the magistracy or the judiciary in this parliament it was carried out by Matt Foley, who undermined the role of the then Chief Magistrate and caused his resignation because he exercised his appropriate role in actually relocating a magistrate who had been freshly appointed to a place of need in Queensland.

Let us not have any of this 'bah humbug' about political interference from this side when it has been all from that side. We have never—and I did not—advocated that there would be a role for our government in the relocation of magistrates. That should be appropriately conducted by the Chief Magistrate or an appropriately qualified judicial body, not this particular parliament.

Mr Shine: Why did you mention it?

Mr SPRINGBORG: I take that interjection because reports were actually made that that person was relocated as a consequence of that. The honourable member for Toowoomba North has said that that is not the case. Even if that is not the case, there was sufficient outcry in that community with regard to that magistrate and the conduct of that magistrate in making a professional decision, not necessarily a sentencing decision which may have been the subject of a potential appeal by the police. But the commensurate nature of the sentencing of an offender on an assault charge and two workmen in the court who were actually threatened to be locked up by that magistrate and, indeed, were locked up by that magistrate for making too much noise in the court building is what it was about. It was a judgement issue and that judgement issue, frankly, would not have been subject to any appeal process.

That is why I have suggested that with these appointments there also needs to be a process of review of the performance by an independent body to say, 'Look, what has happened here is not necessarily in line with community expectation.' Indeed, I suspect this would not have been, by and large, supported, encouraged or even welcomed by the Chief Magistrate in Queensland. I am saying that that process is needed. But the member opposite should not misrepresent our intention when there is no indication and there is nothing on the record, from anything I have said, that there is any intention on the part of the LNP to relocate any magistrate around Queensland who may not do something that the government likes on the day. That is not the role of the government and it should not be the role of the government. The only body that should do that if it is not the Chief Magistrate or the head of jurisdiction is an appropriately qualified, independent judicial commission if that were to be established.

Clause 145, as read, agreed to.

Clauses 146 to 152, as read, agreed to.

Clauses 153—

Mr DICK (4.39 pm): I move the following amendments—

2 Clause 153 (Insertion of new pt 10, div 7)

Page 76, line 1, 'provision'—

omit, insert—

'**provisions**'.

3 Clause 153 (Insertion of new pt 10, div 7)

Page 76, line 15—

omit, insert—

'*Amendment Act 2010*.

'66 Tenure of office of particular acting magistrates

'(1) This section applies if—

(a) before the commencement, a retired magistrate was appointed under section 6 to act as a magistrate; and

(b) the appointment was in force immediately before the commencement.

'(2) Despite sections 6(3)(a) and 42(d), the appointment does not end only because the appointee attains the age of 70.

'(3) In this section—

commencement means the commencement of the *Justice and Other Legislation Amendment Act 2010*, section 148.'.'.

These are two amendments to clause 153. The first is to the heading. We are changing the single term 'provision' to the plural 'provisions'. I hope that meets with the satisfaction of the parliament.

The second amendment to clause 153 inserts a transitional provision that will allow a retired magistrate who is currently appointed to act as a magistrate and who will now turn 70 years prior to the end of his or her term of appointment to continue to be eligible to act as a magistrate up to the end of his or her term of appointment. Currently, in Queensland there is the ability to have an acting magistrate appointed. That has happened. We want to ensure that those who are appointed acting magistrates who may turn 70 prior to the expiration of their formal period of appointment as an acting magistrate, which is usually 12 months, can continue until the formal period of their acting appointment is concluded.

Amendments agreed to.

Clause 153, as amended, agreed to.

Clauses 154 to 214, as read, agreed to.

Schedule, as read, agreed to.

Third Reading

Hon. CR DICK (Greenslopes—ALP) (Attorney-General and Minister for Industrial Relations) (4.41 pm): I move—

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

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

Motion agreed to.

Bill read a third time.

Long Title

Hon. CR DICK (Greenslopes—ALP) (Attorney-General and Minister for Industrial Relations) (4.41 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.

HOLIDAYS AMENDMENT BILL

Second Reading

Resumed from 14 September (see p. 3195), on motion of Mr Dick—

That the bill be now read a second time.

Mr SPRINGBORG (Southern Downs—LNP) (Deputy Leader of the Opposition) (4.42 pm): The LNP will not be opposing the Holidays Amendment Bill 2010. However, we do have some questions which we would like the minister to answer in his summing-up at the end of the second reading debate. There is little doubt that a number of us have been subject to lobbying from some members of the community. In my case, it has been from a limited number of people. I have had a number of emails and letters in the last 12 months from people saying that there needs to be a legislative amendment along these lines to ensure that those people who are required to work on 25 December this year and 1 January next year are not disadvantaged as a consequence of the declaration of public holidays.

To date what has happened is that there has been a public holiday for 25 December, Christmas Day, and 1 January, New Year's Day. For either of those days a day can be substituted as the public holiday. The bill before the House will ensure that this year—and this is consequential on other amendments which I understand the Attorney will bring before the parliament at some future time—there will be two public holidays for Christmas Day this year and two public holidays for New Year's Day next year. The public holidays for Christmas Day will be 25 and 28 December and for New Year's Day they will be 1 and 3 January.

The lobbying which many people have been subject to following the declaration last year that the Christmas Day public holiday was to be 28 December is that those people who would have been required to work on 25 December, Christmas Day, would not have been subject to public holiday loadings which are part of their award entitlements. What we have here, for what I understand is the first time in Queensland, is a situation where there are going to be two additional public holidays for Christmas Day and New Year's Day. It is my understanding that New South Wales and Western Australia already have these provisions. I cannot speak about the other Australian states and territories.

I think we also need to consider that there will be, notwithstanding the merits or otherwise of the proposal that we are debating in the parliament, an impact on government, on small business, in particular, and on medium and larger enterprises. That will be as a result of the requirement to pay additional loadings as a consequence of the declaration of these additional public holidays. No-one would argue that there should not be an entitlement for Queenslanders to spend these days, which are normally significant holidays and faith celebrations depending on where people come from, with their families. I do not think anyone would argue about that. But there are going to be some impacts. We do need to consider what they will be.

I put the question to the Attorney, as I did the other day to the officers who briefed us—and I thank the Attorney for enabling us to be briefed on this particular matter—has the government actually calculated the cost to government of the declaration of these two additional public holidays, one for Christmas Day and one for New Year's Day? By that I mean the wage costs of those people who work within government and who will now be required to work on those days which had not previously been declared public holidays and will have to be paid at a higher rate, which is generally double time. No-one is going to argue about that because that is what their award entitlement is. But there must be a cost. The cost will be associated with the payment of such workers as emergency services workers—whether it be ambos, firefighters or police officers—and health workers. I would very much appreciate the Attorney's advice on the cost to government. That should not be seen to be opposition on our part because I have said that we will not be opposing this bill. I think members of this place and indeed Queenslanders have the right to know, if we are going to pass this bill through this parliament today, all of the facts and what the costs will be because it is their taxpayers' dollars that will facilitate this. It will be additional recognition for those people who work within a public service jurisdiction and who are required to work on those declared public holidays.

I note that there was some comment from retailers and small businesses throughout Queensland.

Government members interjected.

Mr SPRINGBORG: It is very interesting that, as soon as one raises in this place that there is some concern out there, those opposite attack the background of a person. It is the right of those opposite, I suppose. If one walks around and speaks to small businesspeople one would not be sure what the politics of all those people are. I think it is justifiable—

Mr Finn interjected.

Mr SPRINGBORG: These people are employers. Maybe there are a lot of people, including the member for Yeerongpilly, who have not employed anyone and have always been subject to the benefit of—

Mr Finn interjected.

Mr SPRINGBORG: I have and do actually employ people. There are issues that people need to be concerned about and I am going to raise those concerns.

One concern is from Mr Driscoll and another concern is from Mr Behrens from the Chamber of Commerce and Industry in Queensland. Those two gentlemen have raised some concerns, and there have been other issues raised by people in the hospitality industry throughout Queensland. Those people have a right to be heard and they have the right for their concerns to be placed on the public record. We are not going to be voting in opposition to what is being proposed here today, but those people have a right to be heard with regard to this issue. If we look at the hospitality industry in particular and a number of small businesses throughout Queensland, they will open—not all of them—on those days which are going to be declared a public holiday. Some in the hospitality sector will do that because it is becoming more and more a common thing for people to enjoy Christmas lunch out so that they do not have to worry about all of the time and effort that goes into the preparation of it and do not have to worry about the cleaning up that happens afterwards. They just want to be able to enjoy themselves, so there is more and more of that going on in the hospitality industry.

The government will argue—and I understand the argument—that those people who have to work on that particular day should be remunerated at a higher level given the fact that they will not be spending time with their family that day. There are some people who are quite comfortable to work those particular days for a faith reason or because they do not have a family connection or it just suits them and their lifestyle. However, there are other people who need to work it out of a sense of obligation because that is what is required of them. I understand all of that.

Mr Behrens from the Chamber of Commerce and Industry said that its view was one of reluctant acceptance and it does not have a major problem with it. It does not have a major problem with it, but it reluctantly accepts it. Mr Driscoll was far more strident and said that small business will be hardest hit, with restaurants and cafes forced to put up prices for a family Christmas lunch or dinner. He also went on to be paraphrased as saying that the government was the Grinch that stole Christmas. That seems to be a direct quote, but that is something that was indicated by Mr Driscoll.

Honourable members opposite may disagree with those views, but those views are concerns of small business and industry representative organisations. It would be hard to calculate what the cost of this is going to be throughout Queensland to small business and to industry. It may indeed run into millions of dollars. It may not be tens of millions of dollars. We will never, ever know because of the number of businesses that will be opening on that day. I understand that the Attorney will be bringing subsequent legislation to this parliament to make this a permanent change for when these situations arise in the future. Given the situation, we are looking at something that would happen every one in seven years. It is not something that happens all of the time, and that obviously mitigates the cost concern because it is once in seven years. However, if you are a small business and you are running on tight margins it is something that will hurt you when it happens.

As I understand it, the government will bring legislation into this place to make this a permanent fixture when these situations arise in the future. I ask for an indication from the Attorney as to when he envisages such legislation coming before the parliament. There is probably no great rush because we are unlikely to be faced with this particular scenario for a number of years. Indeed, I also understand that the Attorney has indicated that he will also be bringing further amendments to this place which will address the extraordinary issue where Easter Monday falls on Anzac Day next year. I understand the last time we had that overlap of dates was in 1859—the year that this state gained its independence from New South Wales. I understand from looking at an *Astronomical Almanac* only recently that in about 1945 Easter Sunday fell on Anzac Day and that is going to happen again in about 20 years time.

There is a question that is raised in the community from time to time when looking at the likes of Anzac Day and those days which are significant and symbolic for a particular reason—that is, are they days where we should be considering the public holiday aspect because of the significance and symbolism of them? There are other days that people consider a day of rest or a day of celebration, but there are other days where people think that we should celebrate them or commemorate them on the day that they happen. I would be very pleased to hear the minister's clarification during the course of his summary.

I say again that we will not be opposing this bill but there are some issues that we would like to get some further information on, not least of which is what the calculated cost to the state government will be from the additional penalty payments which will be required to be paid to those people who work within the public sector and who will be required to work on either or both of those particular days that will now be gazetted as additional public holidays.

Ms BATES (Mudgeeraba—LNP) (4.54 pm): I rise today to make a short contribution to the Holidays Amendment Bill 2010. The bill seeks to amend the 1983 act which prescribes 25 December and 1 January as public holidays and provides for the substitution of other days as public holidays. The reason for the bill is that Christmas Day 2010 will fall on a Saturday and without amendments to the current act would not be a public holiday, as Tuesday, 28 December has already been appointed as a substitute public holiday. Furthermore, in 2011 New Year's Day falls on a Saturday. A substitute public holiday has not been appointed for that day, but if past precedent is any indication the substitute day of Monday, 3 January would be designated as the declared public holiday.

Federal and Queensland awards allow that when a day is designated as a public holiday workers are entitled to be absent from their work on that day and still be paid their base rate of pay for their normal hours of work. On the other hand, if a worker agrees to work on public holidays then they are to be compensated by rates prescribed in the relevant awards or agreements, these rates usually being double time and a half. With no amendment to the current act, workers rostered to work on these days would only be entitled to their usual Saturday pay rate and would not have the right to refuse to work on those days. That scenario leads us to the debate in the House today.

An amendment to the act is required to appoint additional public holidays for Christmas Day 2010 and New Year's Day 2011. The changes to the act will be warmly welcomed by all sectors of the workforce, particularly those that work on weekends such as our hardworking nurses and hospitality workers who keep our tourism industry going 365 days a year. The Commonwealth's Fair Work Act 2009 recognises as a public holiday any day declared or prescribed under a law of a state to be observed within that state as a public holiday or any day substituted for a public holiday. A public holiday under the act would activate private sector workers' public holiday entitlements—for example, paid day off and penalty rates for work—under the Commonwealth act and the awards and agreements which are made therein. An amendment to the act to provide for observance of public holidays activates public holiday entitlements in relevant industrial relations. Legislation is considered to be the most appropriate way to ensure workers are treated equitably and consistently for these days. The appointment of an additional public holiday in this situation increases costs to employers through the potential for payment of public holiday penalty rates and will be of obvious concern to small business operators who may well seek to close their business for the day in order to alleviate the additional costs on running their business on these days.

It is interesting to note that in 2009 the Bligh Labor government sold out Queensland's residual IR system to the Rudd-Gillard Labor government. This government claims that, notwithstanding the referral of Queensland's private sector industrial relations system to the Commonwealth, the Fair Work Act 2009

recognises any day declared or prescribed under a state law is to be observed within the state as a public holiday or any day substituted for a public holiday. Furthermore, nurses in Queensland need to understand that they are not paid under a federal award and all the fearmongering by the Labor government and the QNU during the last federal election was intentionally misleading. The federal government cannot change their leave loading, it cannot change their sick leave allowance, their penalty rates and their certificate allowances because nurses are paid under a state award.

It is pleasing to note that the QNU has finally decided to do what it is supposed to do and stick up for nurses' rights as opposed to funding Labor campaigns. It will be interesting to see later next year when the QNU disassociates itself from the Labor Party whether it no longer funds campaigns with the union dues paid for by unsuspecting nurses.

The Liberal National Party supports amendments that better the lives of all workers in Queensland, particularly nurses such as my two sisters who, like myself, have worked Christmas and new year for many years, unlike the Bligh Labor government, which has lost touch with its roots and has no idea what workers in Queensland have to endure on a daily basis. No amount of walking one day in the shoes of fellow Queenslanders is going to convince the public that this Labor government has its interests at heart.

Ms GRACE (Brisbane Central—ALP) (5.00 pm): I rise today to support this bill and I am very glad to do so. I must admit that I am very happy to hear that the opposition is also supporting the bill. The bill before the House today ensures that hardworking employees in industries that operate seven days a week, such as retail, hospitality, accommodation, tourism, manufacturing, mining, health services—including our hardworking nurses—firefighting, police, ambulance and other emergency services, receive the same rest and relaxation as workers who are employed Monday to Friday. For most of Queensland's workforce Christmas Day and New Year's Day means a day off work without loss of pay. Workers are given time off for rest, relaxation and cultural and religious celebrations. These days create opportunities for workers to better balance their work and family life, which I was an advocate for for many years in my past occupation and I still believe and work hard towards that balance of work and family life.

However, for those employees who work in industries that operate seven days a week, a public holiday for Christmas or New Year's Day is sometimes not received, particularly when another day is declared as a public holiday and the actual day of Christmas Day and New Year's Day stops being a public holiday. The loss of a public holiday is not an isolated incident for these employees. I have noticed in the past in my previous occupation and since the introduction of the Holidays Act 1983 workers have potentially lost entitlements for Christmas Day when it fell on a Saturday in 1993, 1999 and 2004 or for New Year's Day in 1983, 1994, 2000 and 2005. As the usual practice has been to appoint only a substitute public holiday for Christmas Day or New Year's Day when it falls on a Saturday, these workers received no additional reward for working on days associated with special cultural, religious or family celebrations. These workers are often forced to miss out on these important occasions with their families and friends and receive no additional benefit in penalty rates as the day is not declared a public holiday because it fails to be so once another day has been declared. I think that is unfair. Christmas Day is Christmas Day; it cannot be changed. Unfortunately for those workers who have to work on that day, they do miss out on being with their friends and families. We all know how much we enjoy that time, yet they have to sacrifice that time away for no additional reward to their family for that loss of time with them.

The bill before the House today will correct this unfair situation and I applaud its introduction. I note that the Holidays Act 1983 does not provide for additional public holidays and does not permit the minister to appoint an additional public holiday. The bill's proposed amendment to the act is required to allow the appointment of additional public holidays for Christmas Day 2010 and New Year's Day 2011. This will ensure consistent treatment and entitlement for the greatest number of workers in the current circumstances. The prescription of public holidays to be observed on Saturday, 25 December and Saturday, 1 January will ensure that weekend workers working on those days will be eligible for public holiday entitlements in accordance with their award or agreement. The prescription of public holidays on Tuesday, 28 December 2010 and Monday, 3 January 2011 will ensure that Monday to Friday workers are entitled to a paid day off—and a paid day off they do deserve.

I believe that this is one for the workers. I can understand that businesses may have some concerns in relation to it. This is generally a very busy time of year for a lot of small businesses. A lot of families are on holidays and money is generally flowing in a lot of areas. Businesses, it is my understanding, will still have the ability to charge a public holiday surcharge where they are able to and this will continue now for both days. A lot of those additional costs they may recoup can be further recouped by having that surcharge now for those additional two days. The member for Mudgeeraba claimed that some of them may close. Clearly that is a decision for an individual business to make. I do not think there is much substance in that whatsoever.

The member for Mudgeeraba also referred to the Queensland Nurses Union in regard to federal awards or agreements. I advise the member for Mudgeeraba, who clearly has no idea about industrial relations in this state, that the Nurses Union covers nurses in the state jurisdiction and in private hospitals as well. Generally in private hospitals nurses are covered by federal awards or federal

agreements as they wish to maintain their classification structure which is developed at a federal level and therefore the relativities that they aim to ensure in those awards and agreements are done through the federal system as well. I say to the member for Mudgeeraba: go back to the textbooks and ascertain the facts before coming in here and making outlandish statements that clearly you have no information on.

I think this legislation is terrific. I think that after all those years that workers have missed out, this is an opportunity for them to recoup what they have missed out on in the past. It gives them the opportunity, where they do work, to be rewarded. It gives them the paid time off. I think it balances it really well. It corrects an unfairness. It is my great pleasure to commend the bill to the House.

Mr MOORHEAD (Waterford—ALP) (5.05 pm): I rise to support the Holidays Amendment Bill 2010 and make a short contribution to put my support on the record. This is a sensible bill that ensures that workers who might work beyond the normal nine to five Monday to Friday receive time with their family around the important holidays of Christmas and new year. Unfortunately, I think there is an assumption by some people that the normal working week is Monday to Friday, nine to five, and they do not recognise the thousands and thousands of workers who work across 24-hour rosters seven days a week or even those retail workers who, rather than work the normal Monday to Friday, might work a Tuesday to Saturday or a Sunday to Thursday shift and work their ordinary hours in that way.

As our workplace relations framework has become more and more flexible over the last 20 years, more and more people are working in these flexible arrangements that go beyond the traditional notion of Monday to Friday, nine to five. This is an important step in protecting quality of life. I know that it does have some cost implications for business, but there has to be a point where we say that the quality of life for workers around Christmas and new year is something that is quite important.

The member for Mudgeeraba has done it again. She has made another round of outrageous claims. This afternoon she has come out and stuck it into the judiciary, showing her entire lack of understanding of the separation of powers.

Mr Shine: And her disrespect.

Mr MOORHEAD: I take the interjection from the member for Toowoomba North: her disrespect for our system of government and the judiciary. It came to the point where the shadow minister for industrial relations had to distance himself from those comments by saying 'I didn't make those comments'. Now the member for Mudgeeraba has spouted another round of bile, entirely off the point and entirely missing the mark when it comes to workplace relations in this state.

First let me deal with the question of the handover of residual powers for workplace relations. The state government handing over of powers to the federal government provided for a very narrow group of workers who were employed by non-corporate entities. The reason why we were in that position was that the Howard government dismantled the state industrial relations framework by force under the Work Choices regime, by regulation mostly, ruling out any state government industrial relations regimes that might apply to companies that employ far and away the most private sector workers.

The state government proposal of last year handed over a small number of workers to a system that provided a fair and balanced industrial relations framework. What the Howard government did was aggressively take people out of a conciliatory, cooperative framework that we had in our state and put them into a system that put workers at a disadvantage; subjected them to restrained workplace agreements; and took away their unfair dismissal rights with the stroke of a pen.

Ms Grace: In a hostile takeover.

Mr MOORHEAD: In a hostile takeover of the state industrial relations framework; I agree with the member for Brisbane Central. In terms of her comments about federal awards, I do take on board the comments of the member for Brisbane Central, but I would also like to add that this is one area that federal acts have continued to recognise. The Holidays Act also applies to many workers in the federal regime given that there are provisions in federal industrial relations regulations that continue to recognise the state legislation around things that have traditionally been separated from industrial relations legislation, such as holidays, long service leave, workplace health and safety and workers' compensation. This is one of those acts where the state legislation still is very relevant to many workers on federal awards.

The member for Mudgeeraba has excelled herself at embarrassing the LNP again. When it comes to her contribution, I think she should remember that this is not a place for bile-filled speeches but a place of debate where what one says is open to criticism and in this case criticism that is much needed to put the record straight. I commend the bill to the House.

Dr FLEGG (Moggill—LNP) (5.09 pm): In essence, the bill before the House declares two additional public holidays. The shadow minister, the member for Southern Downs, has made it clear that the LNP will not oppose this measure, but I join the shadow minister in making it crystal clear that declaring two additional public holidays comes at a cost. People should understand that. The two days in question, Christmas Day and New Year's Day, as well as Anzac Day, are very special holidays. One could make a case, and we have accepted that case, that the cost of the two additional holidays can be justified. However, members must make no mistake that that cost does exist and is very significant.

I ask people to understand the difficulties faced by industries that are most affected by public holidays and to understand some of the things that they will experience. One industry affected by additional public holidays is hospitality. In Brisbane, more and more proprietors of predominantly small hospitality businesses say that it is not worthwhile opening on public holidays. One could say with considerable certainty that the community's expectations of the services that will be available over the declared holiday period will not be met. Generally, people are very understanding of things such as a public holiday surcharge, but I believe that, increasingly, the expectation that all services will be available will not be met.

Prior to entering this place, I was involved in the medical profession. In case the Minister for Natural Resources is around, I admit to a lifelong interest in medical practice. Medical practices are significantly affected by public holidays. Obviously, the cost of staff is significant. In Brisbane and throughout the rest of Queensland, medical practices overwhelmingly close on public holidays. We live in an environment where, because of various public policies and circumstances, in essence there is no such thing as a medical locum anymore. Therefore, when short weeks are shortened even further by public holidays, many practices will close. Because the vast majority of medical practices close for the public holidays, and many will also close for the days in between, the practices that remain open to provide services to the public will be inundated. In such situations, frequently staff are subjected to abuse and anger, often from those unable to access the practice that they normally attend. It is commonplace for the state's emergency departments to be swamped on public holidays. The longer the break, the more practices will close while others operate at maximum capacity, and the more the state's emergency departments will be flooded with general practice cases on top of normal emergencies. People should understand that, because it is a consequence of this legislation. Perhaps it is not a reason to oppose declaring public holidays on those days, but I can tell the House that it will be a factor. I would ask people to have a little understanding in relation to the inconvenience that they will suffer at those times.

The shadow minister raised the issue of the cost to government. The government provides things such as emergency services, hospital workers and aged-care workers. Those services must go on rain, hail or shine. Therefore, the declaration of two additional public holidays will come at a significant cost. I noted the member for Brisbane Central waxing lyrical about declaring additional public holidays. She looked about the most excited I have ever seen her in the chamber, which was lovely to see. Many of the workers she thinks will be enjoying time with their families are emergency service workers, people who work for airlines and airports, public transport workers, hospital staff, police officers and others who work in a whole range of services. They will not be at home enjoying the holiday; they will still be required to work.

I have made the points that I wanted to make in relation to this bill. It would be remiss for the LNP opposition to let a bill pass through this House that declares two additional holidays and carries a significant increase in costs to both the public and private sectors, and that will significantly influence the services that people might otherwise expect to be open, without at least making a statement to make people aware that those things can be expected.

Mr BLEIJIE (Kawana—LNP) (5.16 pm): This afternoon I rise to make a contribution to the Holidays Amendment Bill introduced into the House by the honourable Attorney-General. The bill before the House amends the Holidays Act 1983, which prescribes which days will be considered as public holidays. This particular amendment relates to Christmas Day 2010, being 25 December, and New Year's Day 2011, being 1 January 2011, both of which fall on a Saturday. Essentially, without amendment to the act those who agree to work on Christmas Day 2010 and New Year's Day 2011 would receive only their usual Saturday payment for the day and would not have any right of refusal to work on that day. I note that in the explanatory notes to the bill there is a reference to the consultation sought and mention of the key government agencies that were consulted on the proposed amendment. Clearly, the business community was not consulted, because it will have to pay the penalty rates for four days as opposed to two days, as has been described by the honourable shadow minister and the honourable member for Moggill.

I point out some inconsistencies with the introduction of this legislation and the hypocrisy of this government. The bill before the House will mean that for the Christmas/Boxing Day weekend this year, there will be public holidays on Saturday 25 December, Monday 27 December and Tuesday 28 December, as Christmas Day falls on a Saturday. I have no problem with those who work on Christmas Day being afforded penalty rates. Otherwise, it would be unfair for those who are missing out on spending time with their families. As parliamentarians, at times we all miss out on being with our families on important occasions. However, why the need for a gazetted public holiday on the Tuesday? I believe it should be one or the other. I would be more than happy for the Saturday to be declared the official public holiday.

In terms of having to work on special days in one's life, for over five years I worked at Kentucky Fried Chicken and the only day they take off is Christmas Day. They work New Year's Day, so the stores are open every day other than Christmas Day. I was a young fellow and I was happy to have a job, because many of my mates did not have one. You get what you are given in casual employment environments. I was happy to have a job so that I could save up to buy my first car.

Why was this rule not applied to Anzac Day 2009? This day fell on the Saturday and the Saturday was gazetted as a public holiday. There was no public holiday on the Monday. If it is good enough for Christmas and New Year's Day, then surely it is good enough to do the same in recognition of the troops on Anzac Day—maybe have an Anzac weekend, instead of just one day.

Another inconsistency is the Easter weekend. For those who do not know, the public holidays currently fall on Good Friday, Easter Saturday and Easter Monday. If the rule applying to this year's festive season is applied to Easter, then why is the Tuesday not a public holiday as well in conjunction with the Saturday? The big losers will of course be business, and in particular small business which always struggles to absorb the additional costs where no additional revenue is applied.

Debate, on motion of Mr Bleijie, adjourned.

OCCUPATIONAL LICENSING NATIONAL LAW (QUEENSLAND) BILL

First Reading

Hon. AP FRASER (Mount Coot-tha—ALP) (Treasurer and Minister for Employment and Economic Development) (5.20 pm): I present a bill for an act to provide for a national law to regulate the licensing of particular occupations and for related purposes. I present the explanatory notes, and I move—

That the bill be now read a first time.

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

Motion agreed to.

Bill read a first time.

Tabled paper: Occupational Licensing National Law (Queensland) Bill [3311].
Tabled paper: Occupational Licensing National Law (Queensland) Bill, explanatory notes [3312].

Second Reading

Hon. AP FRASER (Mount Coot-tha—ALP) (Treasurer and Minister for Employment and Economic Development) (5.20 pm): I move—

That the bill be now read a second time.

I also table the schedule to the Occupational Licensing National Law Act 2010 of Victoria, known as the national law.

Tabled paper: Schedule to the Occupational Licensing National Law Act 2010 of Victoria [3313].

This bill forms part of a national scheme to implement a new national occupational licensing system. The national licensing system is a component of the Council of Australian Governments, COAG, seamless national economy reforms. It is being implemented through cooperative national legislation and does not involve a referral of powers to the Commonwealth government.

The first stage of this process was the passage, in September 2010, of the Occupational Licensing National Law Act 2010 of Victoria, which sets out the national law in the schedule to that act. The second stage is the introduction, by participating jurisdictions, of legislation that applies the national law. Western Australia has chosen to enact mirror legislation and this will achieve the same result.

This bill will apply the national law as a law of Queensland. The national law sets out the legislative framework for the national licensing system which was initially formulated in the COAG Intergovernmental Agreement for a National Licensing System for Specified Occupations, which was signed on 30 April 2009.

The national licensing system is necessary for a number of reasons. Due to differing jurisdictional policies and practices, licences issued for the same occupational area by individual jurisdictions often have different parameters, eligibility requirements and scopes of work allowed. Different licence categorisation, duration, fee and licence structures generally apply. These different regulatory requirements across jurisdictions create compliance costs for licensees and businesses, and eventually consumers. These costs may include direct costs to licensees such as payment of multiple licence fees, as well as the indirect costs associated with compliance with different regulatory regimes. By streamlining regulatory requirements between jurisdictions for licensing of the relevant occupational areas, the national licensing system aims to improve business efficiency and the competitiveness of the national economy, reduce red tape, improve skills mobility and enhance productivity.

COAG agreed that the national licensing system would initially apply to seven broad occupational areas. These occupations will be covered by the national licensing system in two phases. The first phase occupations are air conditioning and refrigeration, plumbing and gasfitting, electrical and property related occupations. The second phase occupations comprise building and building related occupations, maritime and land transport—passenger vehicle drivers and dangerous goods only.

The first phase occupations will be regulated under the national licensing system from 1 July 2012, and the second phase occupations regulated as soon as possible after 1 July 2013. As some of the second phase occupations are the subject of separate but related COAG activity, and therefore may be transferred to other national reform initiatives, only the first phase occupations are listed in the national law.

The national law has been designed so that additional occupational areas may be included in the national licensing system over time. Key areas covered by the national law are licensing, disciplinary proceedings and action, monitoring and enforcement, reviews and appeals. A ministerial council, currently the Ministerial Council for Federal Financial Relations, will oversight implementation and operation of the national licensing system.

The national law also establishes the National Occupational Licensing Authority. The licensing authority will be governed by a board appointed by the ministerial council. The national law provides that the principal functions of the licensing authority are to administer the system, develop policy and provide advice to the ministerial council about the national licensing system.

The licensing authority will be supported in its policy role by the establishment of an occupational licence advisory committee for each licensed occupation. The advisory committees will provide advice on licensing policy in relation to the occupations for which they were established.

The national law provides that the board will consist of no more than 10 members. It will include the chair who is not a licensee or otherwise involved in any licensed occupation, two jurisdictional regulator members, and 'other persons the ministerial council considers to have appropriate skills or experience in unions, employer representation, consumer advocacy or training'.

The national law states that the advisory committees are to consist of members appointed by the board. The law provides that the licensing authority must invite nominations for membership of an advisory committee from national peak bodies who represent the licensed occupation or, if there is not a national peak body that represents the licensed occupation, another peak body that represents the licensed occupation. The law provides that peak bodies include unions.

The national law also provides that in appointing members to an advisory committee the licensing authority must have regard to the need for the advisory committee to have a balance of expertise relevant to the licensed occupation including in relation to occupational operations and practices, including from a union and employer perspective. The national law does not of itself prevent union representation. However, while union representation is not prevented and in fact is clearly specifically declared appropriate for both the board and advisory committees, the national law as passed does not mandate such representation. It is important to note for the record that Queensland has advocated for union representation during the COAG process.

The position of the government remains to be in support of union representation. I intend to prosecute the case that unions should be represented on the National Occupational Licensing Board when it comes before the ministerial council for appointment. At the ministerial council I would vote against a board proposed without such representation. I recognise that the occupational licence advisory committees are to be appointed by the authority itself.

As agreed by COAG, the national licensing system will operate under a 'delegated agency model'. Under this model, the licensing authority may delegate all of its regulatory functions for licensing to existing regulatory agencies—for example, the issuing of licences. Extensive delegation arrangements are provided in the national law to enable this to occur. However, to ensure a nationally consistent approach for occupational licensing, the national law does not permit the delegation of the licensing authority's function for policy development.

Some of the key objectives of the national law are to:

- ensure that licences issued by the licensing authority allow licensees to operate in all participating jurisdictions;
- facilitate a consistent skill and knowledge base for licensed occupations;
- ensure that effective coordination exists between the licensing authority and jurisdictional regulators; and
- promote national consistency in licensing structures and policy across comparable occupations.

Consequently, one of the advantages of the new national licensing system will be standard eligibility and personal probity requirements across jurisdictions for each licensed occupation. Businesses and workers issued with a licence by the licensing authority will be able to use that licence to operate across Australia, and they will only need to pay one fee for that licence. Also, the public will be provided with access to information about licensees through the creation of a national public register.

Passage of this bill will allow Queensland to meet its commitment to COAG to enact legislation applying the national law by the end of 2010. I commend the bill to the House.

Debate, on motion of Mr Nicholls, adjourned.

MOTION

Byrnes, Mr GV

Mr LANGBROEK (Surfers Paradise—LNP) (Leader of the Opposition) (5.28 pm): I move—

That this House calls upon the Attorney-General to swiftly restore confidence in Queensland's justice system by acting on behalf of families across the state and immediately appeal the manifestly inadequate sentence handed down to serial paedophile and rapist Gerard Vincent Byrnes.

I move today that the Attorney-General appeal the 10-year sentence handed down to Gerard Vincent Byrnes, who pleaded guilty to 33 counts of indecent treatment of a child under 12 and another 10 counts of rape and one of maintaining a sexual relationship with a student. I am mindful of the counsel of the Speaker this morning about reflections on the judiciary. Of course I will respect the important conventions encapsulated in *Erskine May*.

Nonetheless, I was appalled and sickened to hear of the crimes committed. However, I was just as dismayed to hear of the paltry and clearly inadequate sentence handed down in the case of this former Toowoomba teacher. The thing that disgusted me most of all was that it has happened again—another weak sentence under Labor, another group of Queenslanders who have been failed by a legal system that has been engineered and populated by more than a generation of socialist left Labor lawyers. We are paying the price for nearly 20 years of dodgy appointments under Foley, Wells, Welford, Lavarch, Shine and now the current Attorney. They have created a legal system not a justice system. They have created a legal system where jail is a last resort, even for paedophiles and rapists, a legal system where criminals are more likely to get a slap on the wrist than time behind bars.

This despicable man in Toowoomba, Gerard Vincent Byrnes, is yet more evidence that Labor's legal system fails to deliver justice. Having served 23 months in presentence custody, this serial sexual predator will be eligible for parole in as little as six years. In calling for this sentence to be appealed, we have to ask ourselves this question: what value do we put on victims of crime and the lives of innocent children violated by monsters like this? In the case of Gerard Vincent Byrnes, if we let this sentence lie it will mean that he will serve 2½ months for each brutal crime committed against the 13 young children. That is not justice. What we have seen in these crimes committed by Byrnes and those in similar positions who commit such crimes is a gross abuse of trust of every parent who entrusts their children every day in a school environment and it harms the great work of the great majority of teachers.

When it comes to appealing matters, it would seem that the Attorney-General has made an art form of grandstanding on the issue. He was quick to appeal the matter of Gabe Watson when pressure mounted after it became apparent the DPP in that case entered into a deal that resulted in a gross miscarriage of justice which meant someone guilty of manslaughter would have served only 12 months. We again saw the Attorney appeal the sentence handed down for the Lacey manslaughter and the baby-shaking killing in the case of Riseley, and most recently he announced a high-profile appeal of the manslaughter sentence handed down to Jayant Patel. As we debate the issue of the Attorney appealing the decision of this serial child rapist, I have to note that one appeal was absent among all of those above and it goes to the largest, most high-profile case of political corruption in Australian history, that of Gordon Nuttall, whose weak sentence of seven years will see him eligible for parole in three.

Let us not forget in the case of Gerard Vincent Byrnes that he was the school child protection officer at the time of the offences between January 2007 and September 2008 and all of the victims were girls aged nine and 10 and were students in his classes. He was the designated officer to whom students were supposed to go to report abuse or if they suspected abuse. It beggars belief how a system of justice could allow for a discount in sentence in a case like this just because of his early guilty plea, his remorse and his good teaching history prior to January 2007. Quite frankly, I do not care about his good teaching record prior to January 2007. How can anyone think that the brutal rape and indecent treatment of 13 young girls could somehow be lessened in some way because of conduct prior to this series of crimes? A serial rapist who preyed on multiple victims should not be afforded the sentencing discount of a first-time, single offender.

Let me look at the Labor government's sentencing record which is a hallmark of its hopeless sentencing system. In 2007-08, 650 people were sentenced for an offence of rape, indecent treatment of a child under 16, possessing child exploitation material and using the internet to procure children under 16. Of those 650 people, only one in 13 received a sentence of more than six years imprisonment. In 2008-09, 641 people were sentenced for an offence of rape, indecent treatment of a child under 16, possessing child exploitation material and using the internet to procure children under 16. Of those 641 people, only one in 12 received a sentence of more than six years imprisonment. In 2009-10, as at 4 June 2010, 461 people were sentenced for an offence of rape, indecent treatment of a child under 16, possessing child exploitation material and using the internet to procure children under 16. Of those 461 people, only one in 17 received a sentence of more than six years imprisonment.

In 2007-08, 178 prisoners had convictions for serious sexual offences and completed their custodial sentence, including release on parole; 93 offenders who had convictions for serious sexual offences completed their custodial sentence, including release on parole, and did not partake in sexual offender treatment programs. Over half the prisoners released in 2007-08 who had convictions for serious sexual offences did not partake in sexual offender treatment programs.

In 2008-09, 208 prisoners had convictions for serious sexual offences and completed their custodial sentence, including release on parole; 116 offenders who had convictions for serious sexual offences completed their custodial sentence, including release on parole, and did not partake in sexual offender treatment programs. Once again, in 2008-09, over half the prisoners released who had convictions for serious sexual offences did not partake in sexual offender treatment programs.

In 2009-10, up to December 2009, 126 prisoners had convictions for serious sexual offences and completed their custodial sentence, including release on patrol; 68 offenders who had convictions for serious sexual offences completed their custodial sentence, including release on patrol, and did not partake in sexual offender treatment programs. Again, in 2009-10, over half the prisoners released who had convictions for serious sexual offences did not partake in sexual offender treatment programs.

It is a broken record. Year after year, we see the same pattern from the legal system, not the justice system, administered by this government. Clearly, Labor is not really interested in the proper sentencing of dangerous sex offenders. We should not have to wait for prisoners to come up for release and cross our fingers that the courts will support a continuing detention order. The fact is that, if we had proper sentencing at the time the offender was sentenced which reflected the seriousness of the crime, we would not need these laws.

I am not alone when it comes to total frustration at this Labor government's legal system. It was reported yesterday that Bravehearts spokeswoman, Carol Ronken, said that judges are continually imposing inadequate sentences on child sex offenders. The report stated—

"We don't understand why the judges aren't getting this," she said.

"We need to be seeing these guys being sentenced at appropriate levels.

"We would like to see child sex offenders being given sentences that adequately reflect the seriousness of the offences that these people are committing."

She says Bravehearts would welcome an appeal against the sentence given to Byrnes.

Ms Ronken says she is concerned Byrnes could be released from jail in six years with time already served.

"That's not in line with what the community expects," she said.

"This man has committed horrific offences against 13 girls and he should be judged accordingly.

…

"Being let out early—six years—it's just inappropriate.

"It's just not what the community expects."

This is not the first time—and I am sure it will not be the last—that we have seen Labor's sentencing laws fail victims of violent sexual crimes. The only avenue left is to appeal this matter until such time that we bring in tough mandatory minimum jail terms that can guarantee such serious crimes are punished in line with community standards.

I conclude with this. Labor's legal system is miserably deficient. Labor's legal system is pathetically weak. But, worst of all, Labor's legal system has proved to be utterly inadequate for 13 little girls and their families. Queenslanders know that Labor has built a legal system not a justice system. Byrnes did not receive justice in the Toowoomba court on Monday. It is time this Attorney-General stepped in to appeal so there is some chance he will get what he deserves.

Mr SPRINGBORG (Southern Downs—LNP) (Deputy Leader of the Opposition) (5.38 pm): I rise to second the motion that has been moved by the Leader of the Opposition. It is very essential that this motion be passed by the parliament tonight. Failure to do so will take away confidence in the justice system in Queensland. Failure to do so will further diminish confidence in the justice system in Queensland. The Leader of the Opposition rightly indicated that our justice system has become a system which is more about the legal rights of perpetrators than the outcomes and ensuring that the community's expectations are being properly reflected in our courts.

Therefore, it is important that this parliament passes this motion, which calls upon the Attorney-General to appeal this inadequate sentence to the Court of Appeal in Queensland. That is what it simply does—and rightly so, because the people of Queensland expect no less than that. How do we know that they expect no less than that? Because we have seen the level of community outrage not only in the Toowoomba community but also right throughout Queensland over the last 24 to 48 hours since this sentence was handed down. Why have we witnessed, experienced and felt that community outrage? Quite simply because the people of Queensland, who are the political masters of those people who come into this place, feel that it does not meet their expectations.

We have here an individual who was actually the school's child protection officer—somebody who was in an extraordinary position of trust with those young girls. Indeed, they were most vulnerable young girls aged between nine and 10 years, and 13 of them fell victim to this particular predator in the most vile way. Forty-four individual offences were committed against 13 young and defenceless girls. What did we see handed down in that court? A sentence which equates to less than 12 months imprisonment for each of those victims and, indeed, less than three months imprisonment for each of the individual offences.

We need to restore confidence within the community. We should be able to understand their outrage. Everything this parliament does in relation to criminal law is a reflection of what the community wants. In a few minutes time honourable members opposite will stand up and say, 'This is about impugning the separation of powers. This is about interference with judicial discretion.' No, it is not, because the body which will ultimately make the decision as to whether or not an appeal is upheld is the Court of Appeal sitting as a collective. It will decide on the veracity of the argument put forward by the Attorney-General.

What sort of an indication do we have that the prosecution in Queensland would be concerned about this? The prosecutor herself actually asked for a period of imprisonment of at least 18 years. That is the advice readily available to the Attorney, the advice the Attorney can take and argue now before the Court of Appeal. Indeed, the courts in Queensland operate under statutory law. They operate under a code which has been laid down. Just about every decision that this parliament makes with regard to the Criminal Code and the Penalties and Sentences Act actually impinges in some way on the discretion of our sentencing judges. Indeed, the introduction of the Criminal Code over a hundred years ago impacted upon the discretion of the courts because it put in place maximums when previously there were no maximums. Indeed, sentencing was at the absolute discretion of the court. The same actually applies to the Penalties and Sentences Act. There is something wrong with a system when, out of all those people who were sentenced for serious offences in Queensland last year—out of the many thousands of them—only one person was actually sentenced to the maximum period of imprisonment.

We are not outraged about the issue of maximums; the community is absolutely outraged because we see predatory sex offenders, such as this man, who are not serving the appropriate length of time in jail. Let us think for a moment about the impacts on these young girls and their families. This person will walk free in six years. These young girls have a life sentence of misery. Their lives are destroyed. They will be going through the psychological and mental trauma.

Mr Johnson: For life.

Mr SPRINGBORG: They are the ones who are permanently scarred and they have been scarred even more, as the honourable member for Gregory said, because of an obviously manifestly inadequate sentence, which must and should be appealed by the Attorney. If he has a sense of decency he should be prepared to do that.

(Time expired)

Hon. CR DICK (Greenslopes—ALP) (Attorney-General and Minister for Industrial Relations) (5.43 pm): I move the following amendment—

That all words after 'House' be deleted and the following words inserted:

'Notes that:

- the Attorney-General has ministerial responsibility for Queensland's justice system;
- the proper operation of the rule of law requires a fearlessly independent judiciary, and requires the Attorney-General to give due and proper consideration to any questions of appeal according to law;
- the Attorney-General has requested advice on the prospects of success on appeal against the sentence imposed on Gerard Vincent Byrnes; and
- the Attorney-General will give full and proper consideration to the advice and the question of appeal accordingly.'

This chamber is intended to be a place where difficult and important decisions and issues are discussed with intellectual rigour and intellectual honesty. All of us here are elected to discharge that duty. I am appalled, and I believe that I can safely say that everyone here is appalled, by the crimes of which Gerard Vincent Byrnes has been convicted. Sexual offences, particularly sexual offences perpetrated against children, are amongst the most abhorrent of criminal behaviour. As a father, as a citizen and as a member of this parliament, I join the community in its outrage whenever offences of this type occur.

However, when all of us in this chamber are entrusted with law making, when all of us are entrusted with grappling with the most serious and complicated public policy issues in this state, sometimes being appalled simply is not enough. It is not enough when those members opposite, who pretend to criticise and condemn the loudest, have no serious or credible policies to support their confected condemnation and criticism. It is not enough, when serious legal issues are to be considered. And it is not enough when, after consecutive questions—five consecutive questions were asked of the executive yesterday by the opposition—not one single question was asked of the responsible minister. The preference was to use the matter as a stalking horse for a media story, a cloak to cover and hide an

unpredictable and unstable political opposition, which marries the unwilling, the unfit and the unprepared. It is Labor and only Labor that can demonstrate an unshakeable commitment to ongoing reform to protect our community from those who criminally offend—everyone from sexual perpetrators all the way through to organised criminals in this state.

The LNP had ample opportunity yesterday to ask questions of me as the responsible minister on this issue. One might think that would have been the quickest, simplest and most appropriate way to pursue a significant matter of public policy. One might think to do anything else was merely a political game and a charade, and that is what it was. It demonstrates a distinct lack of political courage, demonstrated in particular by the Leader of the Opposition, and the Deputy Leader of the Opposition.

The laws that Labor have introduced into this House in relation to sex offenders are the toughest in this country. A few weeks ago the Dangerous Prisoners (Sexual Offenders) Act 2003 was amended again to make it the toughest law in the country. Even before the dangerous prisoners legislation becomes applicable, I have the right as the Attorney-General to appeal decisions of a court on sentence. The decision to appeal a sentence handed down at trial or on a plea of guilty should not be taken lightly. It must be taken according to law, and it certainly is a decision that should never be taken for political reasons or to seek political advantage, which is precisely the reason for the questions asked in the parliament yesterday by the opposition, and precisely why it is tonight moving this motion, which is nothing more than a political stunt.

I have said publicly that I am taking advice on the Byrnes matter. I will receive that advice and I will consider it. I will consider a whole range of matters before I determine whether or not to lodge an appeal on the matter. The fundamental issue that the LNP remains steadfastly ignorant of is that the decisions on important matters such as imprisonment and proceedings before courts should only ever be made according to due and proper process, and on consideration of evidence, and advice. That is what any trained lawyer will do.

The LNP would appear opposed to taking any advice on the matter—any advice at all—insisting that its own gut instinct is the most superior judge of complex questions of criminal law, or any questions of law. Let us pause to consider where their gut instinct has taken Queensland in the past. There was the Joh era, the most blatantly corrupt political regime in the history of the nation, which required the Fitzgerald inquiry to clean out the stables, and to clean out the government of this state. That was followed by the setting-up of the Carruthers inquiry to nobble the CJC. What did we have from the Deputy Leader of the Opposition in this last term? Naming someone who was potentially subject to witness protection in a committee of this parliament, directing the DPP to provide a brief of evidence to the parliament, asking me to call the Commissioner of Police to direct him on a bail matter and opposing the Criminal Organisation Act, opposing standing up to organised crime. That is the same gut instinct that the opposition has when it wants to give tasers to teachers. It does not stand for any single aspect of correct public policy. We have seen the shade lifted today. We know that they want to pursue judges and remove from office judges they do not agree with. It is a disgrace. The motion cannot be supported, and the amendment must be supported.

Hon. MM KEECH (Albert—ALP) (5.48 pm): I second the amendment moved by the Attorney-General. In doing so, I highlight the absolute hypocrisy of the honourable members opposite. Queensland Labor governments have a very proud history of law reform, ranging from the integrity reforms born out of the Fitzgerald report, including freedom of information and the introduction of an Ombudsman, to the enactment of the Dangerous Prisoners (Sexual Offenders) Act 2003, which revolutionised the detention of serious sexual offenders.

Queensland Labor has demonstrated its commitment time and time again to being tough on crime and tough on the causes of crime. Members of the LNP, on the other hand, have routinely demonstrated that they are the serial delinquents of criminal law reform. Like its colleagues in the federal coalition, the LNP is not prepared to do the hard work of constructive policy development but rather take the easy option of cheap politics.

In September the Bligh Labor government passed the Dangerous Prisoners (Sexual Offenders) and Other Legislation Amendment Act 2010. As the Attorney-General outlined in his reply speech, that legislation amended the 2003 act and the Penalties and Sentences Act 1992 to greatly expand the range of offences for which an indefinite jail sentence can be imposed by Queensland courts.

The amendments enable judges to impose indefinite sentences for many more crimes including torture, incest, maintaining a sexual relationship with a child and indecent treatment of a child under 16 years of age. These reforms also set a minimum supervision period of five years and allow the government to apply for an extra period of supervision once an existing order expires. Queensland already had the toughest sex offender laws in Australia, and these reforms introduced an even more strict regime.

Given their tough talk on law and order, we would have thought that the members of the LNP would have swallowed their pride and embraced these reforms. At a time when bipartisan support would have been the most credible method of political attack and might have demonstrated that the LNP and the Leader of the Opposition were potentially—and I say potentially—an alternative government with

policy credibility, they took the path of least resistance. They determined to block, oppose and wreck the legislation in any way they could in the hope that this might win them a few votes or gain a favourable media headline.

No amount of spin generated by the opposition is going to alter the fact that the Bligh government is tough on crime. Just yesterday the Leader of the Opposition embarked on a cheap and cynical stunt of issuing a press release calling for a judicial commission to, in his words, 'educate and discipline wayward judges'. At no point did he offer a policy on how such a judicial commission would operate and how it would be formed and staffed. At no point did he clarify whether this was a serious, credible policy or just another one of those policy jokes that his irresponsible inner circle of junior political staffers seek to generate. Most Queenslanders would have been appalled at the Leader of the Opposition's attack on the independence of the judiciary which greatly offended the doctrine of the separation of powers—a doctrine which we, on this side of the House, understand and respect.

So the public is faced with two alternatives: the cynical and well-worn spin peddled by the Leader of the Opposition and the member for Southern Downs for a few cheap votes or the reality. The reality is this: do the crime in Queensland and you will do the time. Do not just take my word for it; look at the official statistics—

Mr Johnson: Tell that to those 13 little girls.

Mrs KEECH: They do not want hear it. In the 2008-09 period nearly 160,000 offenders were proven guilty in Queensland criminal courts. Of these, only 14 per cent were sentenced to a fully suspended term of imprisonment in the higher courts—the second lowest rate in the nation. Only two per cent were sentenced to a fully suspended term of imprisonment in the Magistrates Court—the lowest rate in the nation. Only 0.2 per cent were sentenced to a fully suspended term of imprisonment in the Children's Court—the lowest reported rate in the nation. As I said, in Queensland if you do the crime you will do the time.

Mr DEMPSEY (Bundaberg—LNP) (5.53 pm): Faith, hope and trust are three very important words. They are words that are sometimes used to explain very deep feelings and emotions and words that should be used in this debate to highlight this Labor government's constant failure to properly implement legislation that reflects community expectations and strengthen the laws to protect our most vulnerable citizens in this great state—the children of this state—and the ones most affected by these despicable offenders within our community.

Child sex offences are horrendous and tear away the hearts and innocence of the victim and leave lifelong scars on the lives of family, friends and all involved. I have seen the sadness in the eyes of victims, the loss of their childhood and the physical and mental scars that a child will bear for the rest of their lives. I have had to deal with offenders in a professional manner to ensure a successful prosecution. I have heard the cowardly excuses and the self-justification of offenders. I have also witnessed within many courts the blank look of astonishment on the faces of both the prosecution and the defence when manifestly inadequate sentences were handed down.

Following a lengthy investigation and a day in court, I have also had to look at my own children after returning home and, after hearing some of the most pitiful sentences handed down, think of what I would do if an offender committed a similar act on my child or a member of my extended family. We are constantly reminded to have faith in a system and a process that involves respect for the greater good. As a community we are also compelled to have agape—the great Greek term for love—for our fellow man. This is the perception that is constantly adhered to, but the reality is that children continue to suffer and offenders get off with minimum penalties or sentences.

The Labor politicalisation of legislation through this House has consistently seen this government implement soft options that merely fluff around the edges without real practical measures to assist our magistrates, law enforcement officers, victims and our community to have confidence in the judicial system. We as a community are also at times mystified by the appointment and supervision of certain judicial officers which comes as a direct result of a long-term incumbent Labor government that has taken its eye off the ball.

The slur of political appointments and a lack of transparency are also directly linked to a lack of real openness for a 20-year-old Labor government that is more interested in spin than substance. This government chooses to blame everyone else for its failings and not take responsibility. This government recalls parliament to change laws to allow its own MPs to lie.

Mr SPEAKER: Order! That is unparliamentary. You will withdraw it.

Mr DEMPSEY: To tell mistruths. Is that all right with you?

Mr SPEAKER: You can have 'mistruth'. You know my ruling on that. I have ruled twice already.

Mr DEMPSEY: I withdraw completely.

Mr SPEAKER: Now continue.

Mr DEMPSEY: This government has allowed the wheels of openness, accountability and transparency to be clogged up with increased bureaucracy based on a culture of fear and micromanagement through its departments.

How often is legislation passed by this Labor government with the words 'may' or 'should' consistently through its many pages? How often do we hear the community crying out for a penalty that is more reflective of the maximum than the minimum sentence? We all understand the complexity of sentencing and the reality that each scenario is different and that not all shapes fit one size, but in the areas of serious sexual assaults and child sex offences we need consistency. We need to meet community expectations and we need legislation that restores Queenslanders' faith in our judicial system. Our judicial system acts on legislation that is formulated from this House—legislation that is introduced into this parliament by this 20-year-old Labor government that is stale and has stopped listening to the people of Queensland.

Magistrates have a difficult time on the best of days, but at the end of the day they are making decisions based on legislation—legislation that was passed by this Labor government in a unicameral parliament which we are all told and understand reflects community expectations, being a democratically elected state parliament. This is where faith, hope and trust have finally come to an end for this 20-year-old state Labor government that continues to be arrogant and not listen to the expectations of all Queenslanders, not just the people within this House.

Mr SHINE (Toowoomba North—ALP) (5.58 pm): At the outset I place on the record my feelings of outrage, along with those of the rest of the Toowoomba community, at the great injustices done to the young girls and children who were greatly traumatised and criminalised by this person, Mr Byrnes. Nobody could in any way, shape or form defend his actions. I am confident that the legal process, at the end of day, will result in a very appropriate and just ending.

Another matter to be outraged about, however, has occurred tonight, and it is the outrage that one feels, if one understands it, at the attack on the role of the Attorney-General. There is a patent misunderstanding about the Attorney's role in this parliament. When I first became Attorney-General I was given some very sound advice by the member for Murrumba, a former Attorney. He asked me to refer to a work by Edwards called *The Law Officers of the Crown*. It was the best piece of advice I received during the period of time that I was Attorney. It certainly gave me an understanding of the unique role of the Attorney as a minister of the Crown but, more than being a minister of the Crown, a person who has special duties quite apart from that of a minister.

Mr Dick: It's on my desk.

Mr SHINE: I am glad to hear it, and no doubt the Attorney refers to it regularly. It tells a lot that the opposition has three lawyers on its benches, none of whom are speaking in this debate tonight although it is all about the law of Queensland and how it is administered.

Ms Grace: They're embarrassed.

Mr SHINE: I believe that they, if they are true officers of the court, are too embarrassed to take part in it. The role of the Attorney-General goes back to the 13th century and by the 16th century, as well as representing the King, he controlled, if you like, in England the criminal trials and he advised the government. That system came down to Queensland via the colonial system, and in Queensland many of the prerogative powers of the Attorney-General have been of course delegated in modern times. For example, the Solicitor-General and the Crown Solicitor provide substantial legal advice to the government as well as the Attorney-General. The role of the Crown Prosecutor has been delegated to a large degree but not entirely to the Director of Public Prosecutions, and this avoids conflict between legal duties of the office and politics.

One power, however, that is left and has been purposely left in terms of the development of the common law but also in terms of statutory law in Queensland under the Attorney-General Act is the power to appeal and the power also to bring prosecutions. Here he acts not as a minister but as a quasi-judge. The tradition, as I said, goes back to England. It was enunciated in the Campbell case in 1924 when the Labor government fell as a result of the happenings surrounding this case. Lord Birkenhead, who was a leading conservative in England at the time, said with respect to the decision of the Attorney-General—

... on the matter of prosecutions—

and it applies equally to appeals—

is to be taken, not as a Minister, but as a judge. If political considerations enter into a decision of this kind, he, applying his judicial mind, is to be the sole judge of those considerations. In no circumstances must he allow the intrusion of political colleagues. This doctrine has never in my recollection of legal and political history been departed from.

A slightly more modern enunciation of this principle in the UK was stated in a speech by Sir Hartley Shawcross in 1951 stating the general principle that the Attorney-General's decision to prosecute—and I say also to appeal—should be made by the Attorney-General alone independent of

political considerations. In Australia a dramatic application of the Shawcross principle occurred in 1977 when then Attorney-General Robert Ellicott resigned over what he regarded as an attempt by cabinet to direct the exercise of his discretion in relation to criminal proceedings. That involved the case of Sankey, Whitlam and others.

(Time expired)

Dr FLEGG (Moggill—LNP) (6.03 pm):

There is no trust more sacred than the one the world holds with children. There is no duty more important than ensuring that their rights are respected, that their welfare is protected, that their lives are free from fear and want and that they can grow up in peace.

With these words Kofi Annan summed up how most normal Australians would feel about the protection of children and about how vile the betrayal of that trust is in the eyes of Australians. Legislators past and present have recognised this by putting on the statutes severe penalties that reflect the seriousness of the crime and the community's expectations—life imprisonment in the case of rape under section 345 of the Criminal Code and 20 years imprisonment in the case of indecent treatment of a child under section 210 of the Criminal Code. To break the wall of silence around child sex abuse and the fear and reticence of adults, whether a professional or family, to report their suspicions, we have waged a war requiring mandatory reporting by professionals and blue cards before people can work with children. In fact, the abuse of children, particularly the abuse of vulnerable children in schools and in care, has altered the way that we live and think.

In 2000 the Crime and Misconduct Commission prepared a major report called *Report on Project Axis*. The report defined the extent of child sex abuse. That is, between seven per cent and 45 per cent of all female children and between three per cent and 19 per cent of all male children had experienced some form of sexual abuse. It defined the most common form of child sex abuse to be indecent assault, mainly touching or exposing, and mostly affecting children between the ages of five and 14. The report described in detail the predatory nature of child sex offenders in the way that they groom their victims—not by offering them lollies, as folklore would have it, but by forming emotional bonds with them, by learning how to exploit the innocence of childhood and by progressively desensitising them with touch and with exposure to images so that they would be confused about what was acceptable or normal practice. It highlighted the alarming statistic that half of all cases were never reported and only 20 per cent of cases were reported in the first month. The report went on to determine that child sex abuse was—

... a fundamental predictor of poor physical and mental health and social functioning.

There are very horrendous consequences for the victims of this sort of abuse. It admitted that—

... growing community anger in recent years had seen an increase in the proportion of child sex offenders sentenced to imprisonment.

It accepted the principle that community attitudes should be taken into account. It indicated that—

... the purposes of penalties being imposed included making it clear that the community acting through the courts denounced this sort of conduct.

It also said that penalties were imposed to protect the Queensland community and, in the High Court case of Veen v the Queen, that 'penalties should act as a deterrent'. In a case in the Queensland Court of Appeal it was stated that it is proper that the court be aware of this—that is, community anger—and take it into account in framing sentences. The concern is perhaps summed up by Bravehearts spokesperson Carol Ronken, who said—

Judges are continually imposing inadequate sentences on child sex offenders.

We have here legislation allowing penalties up to life imprisonment. We have wide recognition that community standards and attitudes are acceptable drivers of sentencing and we have legal understanding that protection of the community and deterrence are legitimate considerations in imposing sentences. As the shadow minister for education I acknowledge a particular responsibility not just on the education system but on the justice system to stamp out the abuse of vulnerable children in education or care settings in particular. It is horrendous to think of these sorts of people whose attitude to children is that they are resources to be harvested for their own gratification. I understand clearly that there are degrees and factors that need to be taken into account—intent, premeditation, limited capacity, the extent of the crime—

(Time expired)

Ms GRACE (Brisbane Central—ALP) (6.08 pm): I rise to speak against the motion and for the amendment. Before I start, can I place on record how appalled I was to hear of the actions of this man—a man who was in a trusted position. I felt nothing but remorse for the victims—the young children—whom he abused over that time.

Mr Johnson: He's not a man, Grace.

Ms GRACE: I think the member is right. I take that interjection; he probably was not a man. But at the same time can I say that it beggars belief he was able to get away with it for so long and that there were 44 counts of sex abuse, including 10 of rape.

We need to lift the cloud of secrecy that surrounds many of these cases. This motion shows again the clear disregard that members opposite have for the judicial system in Queensland. It is a disgrace when the Speaker of this House has to remind members that they should not denigrate serving judicial officers. Queensland courts deal with a vast number of matters every day of the week, from Coolangatta to Cape York and west to Camooweal. The fact is that judges and magistrates are humans with all the frailties and imperfections that carries with it, just like members in this House. However, they do a remarkable job in the face of constant criticism and unfair comments from people such as the Leader of the Opposition.

No-one on this side of the chamber says that all members of the judiciary get it right 100 per cent of the time. But when one looks at the figures and the number of cases where the decision is questioned, it is preposterous to suggest that the entire judicial system is failing. If judges make a mistake, and it is only natural that this will sometimes occur—no-one is perfect—there is a process in place to allow their decisions to be reviewed by a higher court. If a sentence imposed in a District or Supreme Court is manifestly inadequate, the Attorney-General can appeal the sentence to the Court of Appeal. Those decisions about appeals are to be made by the Attorney-General, but after careful consideration of the available material. He needs to read the transcript, consider the relevant case law, look at the previous decisions of the Court of Appeal, consider the advice provided by the Director of Public Prosecutions and then determine whether there is a prospect of success in an appeal being made. This takes time, which is why the Criminal Code provides 28 days within which this can occur.

The judicial system is not a plaything of the opposition. It is not something that can be used for political mileage whenever it takes the fancy of members opposite. Calling on the Attorney-General to immediately appeal a sentence without proper consideration of the matters is typical of the disregard that the opposition have for the judicial system in Queensland. I was appalled by the conduct of members opposite yesterday and was pleased that the Speaker reminded them of their obligations this morning. It is one thing to be critical of a decision of a court or to question its wisdom; it is another thing entirely to criticise the character or conduct of a judicial officer in the exercise of their judicial functions. It is not the role of the opposition to try to sentence people for offences in Queensland. That is the role of a fearless, frank and free court. We have juries and judges for that. However, only an hour ago we had a member opposite say—

No magistrate should be guaranteed a job for life if they use poor judgement and/or questionable performance in the course of carrying out their duties. Members of the parliament have a performance review every three years. If we do not perform then the electorate ensures we are not returned.

That is their modus operandi. If they do not like the decision, kneecap them, get rid of them! Judge, law and jury is what those opposite want to be. However, they have a problem in identifying the doctrine of separation of powers; let me educate them. The doctrine refers to a system of government with three core functions: the legislative makes the laws—the parliament; the executive administers the laws—ministers and governments; the judiciary interprets the laws—judges and courts. Each branch is confined to the exercise of its own functions and must not encroach upon the functions of the other branches. The doctrine of the separation of powers had a celebrated moment in the history of Queensland politics. I will refer to that. I would hate to see a situation where those opposite become the lawmakers, the judges and the juries. Who could forget former Premier Joh Bjelke-Petersen's explanation of the doctrine of the separation of powers? Clearly, the record shows, he had no idea. Who followed later? Cooper. He was asked by a journalist the same question. Once again, from his answer, it was clear that he had no idea. For all to see, the question was met with a similar display of incomprehension—the same incomprehension we find today from those currently opposite in this House. After more than 20 years they have learnt nothing.

Mr HORAN (Toowoomba South—LNP) (6.13 pm): I speak tonight with a very heavy heart for what has happened in the city that I love, to the people that I love and the Catholic education system that has given so much to so many of us. I think it is absolutely appalling that at the end of this process, these little girls, their families and the entire school and city community have been let down so badly by a system that has delivered a totally inadequate sentence.

These little girls and their parents have endured over two years some of the most shocking revelations that you could ever believe. Just imagine as these revelations came out one by one. Some 13 families found out that it was their daughter. Just imagine their dismay that the school system broke down in its reporting mechanism. Just imagine what they went through in interrogation. Some of the other parents have told me about speaking to their daughters who were part of the class cohort. There are other little girls now who will not even go to sleepovers with their friends. They have gone through all of that, then they have gone through two years of the court system and then the absolute dismay, dejection, horror and shock when a sentence was brought down that, as we have heard time and time again in the last couple of days, amounted to a matter of a few months for each offence and under one year for each little girl.

Those little girls were nine and 10. They and their families have suffered something that will go on for the rest of their lives. What we are debating tonight is not legal elitism and there should not be lecturing of us about separation of powers. Tonight is about standing up for the people that we represent in the 89 electorates of Queensland. When things like this happen you have to stand up and talk about

the system—a system that is based upon the principle of detention as a last resort, a system where we often hear espoused these high maximum penalties but there are no minimum penalties for serious violent offences, a system that in this case saw a discounting and a consideration for the fact that this teacher had apparently had a clean record up to 2007. How could we have a system like that? We in this House are responsible for the system. We make the laws. The laws have to be such that they satisfy the innocent, the young, and the mothers and fathers. That is our task tonight. The government members should not be lecturing us on all this business of separation of powers. We know and understand it. We understand it quite clearly. However, those opposite have to understand that we set the laws, we set the parameters in this place, and the judiciary go and implement those laws completely separate from the parliament.

How could we have a system that has delivered this outcome? What we have asked for in this motion tonight is straightforward and simple: to conduct this appeal process as quickly as possible because what has happened to these people is appalling. After two years of what they have endured, they had the shock and horror of that sentence handed down to them. In this House we should be putting in place laws that put the innocent as No. 1. We should be protecting the good people and the innocent. Yet we have all this consideration coming into our system of detention as a last resort and discounts for this and that because the perpetrators have been good in the past. Why do we not have rules that say, 'Think about the victims, think about the families, think about the psychological damage, think about the physical damage?' Why do we not have laws that focus on that so that this House can put in place a system that stands up for these people?

I want this House to remember the 13 little girls, the 33 counts that were before the court, the 10 acts of rape, the other little girl with whom he formed an indecent relationship, and think about our job in this parliament to protect these people. Our community is appalled at what has happened. We are appalled at the sentence. I implore the Attorney-General to listen to the simplicity of what we are asking for tonight in this motion and act, as a matter of urgency, to instigate this appeal to help these little girls and their families into the future.

Hon. GJ WILSON (Ferny Grove—ALP) (Minister for Education and Training) (6.18 pm): The safety of the students in our schools is this government's absolute highest priority. Crimes against children are the most heinous and deplorable, which is why we do everything within our power to ensure students are protected. The circumstances surrounding the case involving those young children is every parent's nightmare. The teacher in question was teaching at a Catholic primary school under the jurisdiction of the Corporation of the Roman Catholic Diocese of Toowoomba. However, be they Catholic, independent or state, all schools are subject to the Queensland College of Teachers' regulations and the laws of Queensland.

In 2006 the Queensland government established the Queensland College of Teachers to ensure that teachers in our schools adhere to the highest standards. Reforms for strengthening the regulation of teachers through the QCT Act 2005 include: the immediate suspension of a teacher's registration where they have been charged with a disqualifying offence, which includes sexual assault; the immediate cancellation of a teacher's registration where they have been convicted and imprisoned for a disqualifying offence; an obligation placed on employer authorities to notify the Queensland College of Teachers of any investigation being undertaken into possible student harm; the introduction of an independent disciplinary committee to hear serious disciplinary matters against teachers; and the introduction of investigation powers to the Queensland College of Teachers, including the power to require information to enter premises and seize evidence. A process has also been adopted by the Queensland College of Teachers with the Queensland Police Service for the daily checking of teacher criminal records. Every 24 hours, 94,000 registered teacher names go through the Queensland Police Service computer. Any matter arising that affects a teacher's legal entitlement to teach or their conduct is revealed on a 24-hour basis, just as happens with security officers working in the security industry.

The Queensland College of Teachers is independently charged to administer harsh penalties when teachers break the law or do not conduct themselves in a way that is expected in Queensland schools. The college processes are undertaken from the moment they are notified of a teacher breach. As soon as the college is notified of charges, it immediately suspends the teacher's registration. The college notifies the teacher's employer immediately and the employer is expected to cease the use of the teacher's services.

The reporting of teacher behavioural breaches is a requirement under the Education (General Provisions) Act 2006, which applies to independent schools, Catholic schools and Education Queensland schools. In every circumstance in all schools where a staff member or a non-staff member suspects a student has been harmed or is at risk, they must report it. Also, in every circumstance the principal must be told and in every circumstance the principal is required to report it to superiors and authorities such as the Queensland Police Service. There is no room for error when dealing with the protection of children in schools and that is why we have such tight guidelines and processes. If a teacher or a principal fails in their duty, they face strong legal consequences plus disciplinary action, including dismissal.

Teachers are professionals and they are trained to report even the slightest hint of harm. The law ensures that everyone convicted of a disqualifying offence, which includes child sexual assault, has their registration cancelled. They cannot appeal that cancellation and they are banned from teaching for life where that disqualifying offence has led to an imprisonment order. This position was strengthened even further by amendments passed through this House this week. Students in all schools are protected by the legislation through the Queensland College of Teachers Act and the Education (General Provisions) Act. State schools also have a student protection policy. There are more than 94,000 registered teachers in the Catholic, independent and state school systems and the overwhelming majority of those teachers conduct themselves to the highest possible standards, in a totally professional way.

As the member for Toowoomba South says, we make the laws in here. Yes, we do. The law provides that the Attorney-General, as the first law officer, has 28 days in which to appeal a decision such as this. We are following the law. I rest my case.

Division: Question put—That the amendment be agreed to.

AYES, 47—Bligh, Boyle, Choi, Croft, Darling, Dick, Farmer, Finn, Fraser, Grace, Hoolihan, Jarratt, Johnstone, Jones, Kiernan, Kilburn, Lawlor, Lucas, Male, Miller, Moorhead, Mulherin, Nelson-Carr, Nolan, O'Brien, O'Neill, Palaszczuk, Reeves, Roberts, Ryan, Schwarten, Scott, Shine, Smith, Spence, Stone, Struthers, Sullivan, van Litsenburg, Wallace, Watt, Wells, Wendt, Wettenhall, Wilson. Tellers: Keech, Pitt

NOES, 37—Bates, Bleijie, Crandon, Cripps, Cunningham, Davis, Dempsey, Dickson, Douglas, Dowling, Elmes, Emerson, Flegg, Foley, Gibson, Hobbs, Hopper, Johnson, Langbroek, McArdle, McLindon, Malone, Menkens, Messenger, Nicholls, Powell, Pratt, Rickuss, Robinson, Seeney, Simpson, Springborg, Stevens, Stuckey, Wellington. Tellers: Horan, Sorensen

Resolved in the affirmative.

Question put—That the motion, as amended, be agreed to.

Motion agreed to.

Motion, as agreed—

That this House notes that:

- the Attorney-General has ministerial responsibility for Queensland's justice system;
- the proper operation of the rule of law requires a fearlessly independent judiciary, and requires the Attorney-General to give due and proper consideration to any questions of appeal according to law;
- the Attorney-General has requested advice on the prospects of success on appeal against the sentence imposed on Gerard Vincent Byrnes; and
- the Attorney-General will give full and proper consideration to the advice and the question of appeal accordingly.

Sitting suspended from 6.29 pm to 7.30 pm.

CARERS (RECOGNITION) AMENDMENT BILL

SENIORS RECOGNITION (GRANDPARENTS PROVIDING CARE) BILL

Second Reading (Cognate Debate)

Carers (Recognition) Amendment Bill resumed from 8 June (see p. 1861), on motion of Ms Palaszczuk, and Seniors Recognition (Grandparents Providing Care) Bill resumed from 10 March (see p. 776), on motion of Mrs Menkens—

That the bills be now read a second time.

Mr CRIPPS (Hinchinbrook—LNP) (7.30 pm): I rise to speak to the Carers (Recognition) Amendment Bill and the Seniors Recognition (Grandparents Providing Care) Bill being debated cognately. This morning the Speaker made a statement in respect of standing order 87(1) of this House which provides that a question or amendment shall not be proposed which is the same as any question which, during the same session, has been resolved in the affirmative or negative. The Speaker advised the House that this standing order would apply when this House had taken a decision on the second reading for one or another of the bills that we are now debating cognately.

Standing order 87(1) is known as the same question rule. The Speaker determined that the Carers (Recognition) Amendment Bill and the Seniors Recognition (Grandparents Providing Care) Bill to a large extent sought to achieve the same objective. The Speaker in his statement noted that the private member's bill, the Seniors Recognition (Grandparents Providing Care) Bill, introduced by the member for Burdekin, had nearly identical wording to the bill introduced by the Minister for Disability Services, the Carers (Recognition) Amendment Bill. That observation is accurate. The LNP opposition respects the statement by the Speaker. However, the Speaker also noted that the member for Burdekin introduced her private member's bill on 10 March 2010 while the Minister for Disability Services introduced her bill almost three months later, on 8 June 2010. So it would have been even more accurate for the Speaker to observe that the bill introduced by the Minister for Disability Services had nearly identical wording to the bill introduced by the member for Burdekin.

Standing order 87(1) is known as the same question rule. It has been enlivened not by the actions of the LNP but by the actions of the Bligh government, which has introduced the Carers (Recognition) Amendment Bill to try to catch up to the policy leadership demonstrated by the member for Burdekin. The member for Burdekin has once again outflanked the Bligh government in the community services portfolio.

The member for Burdekin has a proud record of leaving the Bligh government in her wake in the community services portfolio. The member for Burdekin was responsible two years ago for introducing the Carers (Recognition) Bill into this parliament which proposed to establish a legislative framework for the recognition of people caring for others because of disability, infirmity and/or pain. The Bligh government on that occasion realised that it had been comprehensively outflanked by the member for Burdekin and, although it amended the bill heavily, it was forced to support the private member's bill and it passed through this House. It was landmark legislation, giving recognition to the many hardworking carers who care for some of the most vulnerable in our community.

Now the member for Burdekin has done it again, introducing into this parliament a bill to recognise the efforts of grandparents who assume primary care for their grandchildren. The member for Burdekin has again recognised a pressing need in her portfolio area and has acted. The Bligh government, again outflanked by the member for Burdekin, has belatedly introduced an alternative bill, a bill that is manifestly inferior to the LNP's private member's bill.

The Bligh government has asked that this parliament consider the Carers (Recognition) Amendment Bill and the Seniors Recognition (Grandparents Providing Care) Bill in a cognate debate. Speaking to the motion moved by the Leader of the House, the member for Sunnybank, this morning, the Leader of Opposition Business, the member for Callide, observed that the motion providing for a cognate debate was another example where the Bligh government had been forced to play catch-up after the LNP opposition had taken the lead in a particular policy area and adopt the policies of the LNP. I will highlight just a few of them just in the area of community services.

The efforts of the member for Burdekin forced the government to support her private member's bill, the Carers (Recognition) Bill. I introduced the Disability Services (Criminal History) Amendment Bill on 7 October 2009. Lo and behold, seven months later, on 9 February 2010, the Minister for Community Services introduced the Criminal History Screening Legislation Amendment Bill, which the Bligh government requested this House to debate in cognate with my private member's bill. Now we are here again asked to debate in cognate another bill introduced by the member for Burdekin on 10 March 2010 with a bill introduced by the Minister for Disability Services on 8 June 2010, some three months later.

It is clear that the observations made by the member for Callide this morning are supported by the facts. It is a great pity that the Bligh government has been unable to bring itself to offer up even a modicum of bipartisanship since it reluctantly passed the member for Burdekin's Carers (Recognition) Bill some two years ago. It must have been too much of a bitter pill to swallow for the government to give credit where credit is due, and since that time it has favoured cognate debates once a face-saving, catch-up bill has been introduced.

Since coming to this portfolio in April last year I have spoken extensively to people in organisations in the disabilities sector. One thing that has struck me profoundly during this time is that this group of people, some of whom struggle desperately from day to day and achieve some remarkable things, seldom complain about their individual circumstances. The disabilities sector contains a great range of people. There are those who have to deal with daily challenges that most of us could never imagine. There are also those who devote their whole lives to caring for others in difficult circumstances. Many people in the disabilities sector are dealt a pretty rough hand in life, but they tend to grab the opportunities that do present themselves and make the most of their lives. So when you do hear a complaint from the disabilities sector, from organisations, groups or individuals, you can in the overwhelming majority of cases have a fair amount of confidence that the complaint is legitimate and valid.

It is notable that this is the first bill to be brought to the House by the Minister for Disability Services. I am not advancing for one moment an argument that the effectiveness of the performance of a minister is only measured by the number of bills that they introduce into and carry through the parliament. That would be a nonsense. However, when the minister introduces no proposed legislation for the first half of the life of the parliament to improve the disabilities sector, to improve the lives of people with disabilities, to support their families, to support the efforts of disability service providers or to support the organisations delivering those services, it is notable that when the minister does bring a bill forward it is to provide support for a group of people who are arguably outside of the minister's portfolio.

Indeed, the bill introduced by the Minister for Disability Services is far from a satisfactory treatment of the issue of grandparents who are, in an increasing number of instances, for a growing number of reasons and in a wider range of circumstances, becoming involved in the care of their grandchildren. The member for Burdekin's private member's bill is a much more relevant treatment of this issue.

For the Minister for Disability Services to seek to somehow weld the interests of grandparents caring for their grandchildren onto the interests of carers caring for people in other circumstances is not only totally unsatisfactory but also inappropriate. I am surprised that the Minister for Disability Services has taken this course of action. It disappoints me that the resources of her department and her time are being devoted to carrying a bill through this place that deals with matters arguably outside the disability services portfolio. Those resources and that time could have been invested in the development of a bill much more central to the minister's responsibilities in her disability services portfolio.

The bill seeks to inappropriately group together two very different groups of people. Both groups, being grandparents caring for their grandchildren and carers caring for others in need of care, sacrifice a lot to improve the lives of those in their care, but they undertake these roles in very different circumstances and have very different needs. Grandparent carers are not people who care for the aged and infirm. Grandparents do not necessarily care for people with disabilities. Their grandchildren may very well have a disability, but a grandparent who is caring for a grandchild with a disability is much more likely to be doing so because they are their grandchild, not because they have a disability.

Grandparents caring for grandchildren and carers caring for others in need of care are carers who come to their roles in very different circumstances. Grandparents caring for their grandchildren are people who in many cases put aside their retirement plans to take care of grandchildren because of an inability of the grandchildren's parents to care for their child. Grandparent carers take on the significant personal and financial burden of a second parenthood with all the trials and joys, all the responsibilities and worries, and all the costs and sacrifices that come with that important and difficult role. They do so out of love and care for their grandchildren.

Both grandparent carers and carers in the disability support sector have voiced their concerns about the way the government's bill seeks to inappropriately tie together two different groups of people. The Carers (Recognition) Act 2008 was introduced into this House by the LNP. Unfortunately, the government took out a lot of the important practical measures in that bill; specifically, the clauses that proposed to recognise and empower family members were removed for spurious reasons.

Spouses, parents and other family members who care for their loved ones do so at immeasurable sacrifice but with no consideration of ever not undertaking that sacrifice. They do it because they need to help their son or their daughter, their husband or their wife, their mother or their father. The LNP will not be supporting the government's proposed amendments to the Carers (Recognition) Act as we are very concerned that these proposed amendments do nothing to assist grandparent carers. Indeed, we consider that it may disadvantage them.

The government's proposed amendments also do nothing to recognise the Carers (Recognition) Act and the charter included in the act. In fact, it actively detracts from it. In 2008 when my colleague the member for Burdekin introduced the landmark Carers (Recognition) Bill into this House, the legislation was a way of making amends for so many years of unheralded sacrifice by carers—ordinary people who had been called on to do extraordinary things.

For the sake of a child, a spouse, a parent, a relative or friend, carers take on a role often bestowed without warning or with the barest of preparation. They make sacrifices and take up lifestyles that those untouched by disability or debilitating illness could scarcely imagine. When it all gets too hard, when they feel that the responsibility is beyond them, there is no respite, there is no lifting of the burden. There is no choice but to carry on and continue to provide care, to give the best possible quality of life to a loved one. At the end of it all, they provide this care because these are people who really do care in every sense of the word. Their efforts make our community so much richer, so much more profound. For that, we need to recognise these courageous people. That was the motivation behind the Carers (Recognition) Act. The way in which the member for Burdekin's bill intended to recognise these people was to equip them with a voice in the decision-making process. Unfortunately, for whatever reason, the government determined to remove that proposed recognition.

Just as carers deserved their due and have been recognised in the Carers (Recognition) Act, so do those grandparents called upon to administer full-time care of their grandchildren. Whatever the circumstances and however they come to find themselves in those circumstances, these are people who have to confront the unavailability or unsuitability of their own children to be parents and who step into the breach for the sake of their family. Naturally enough, there is a sacrifice involved of a well-earned retirement, of financial security and sometimes of health and wellbeing. They take the attitude that, come what may, they must soldier on, just like carers of people with disabilities. However, as I outlined earlier, grandparents find themselves in unique circumstances that deserve separate legislative facilities to guarantee the integrity of the parliament's recognition of both separate and distinct groups.

'Care' is a broad word and carers do not have one set of circumstances or needs, nor should everyone who provides care be grouped together under one charter, one bill and one rather feeble attempt by the government to cobble together a response to a policy challenge from the member for Burdekin. The bill introduced into this House by the member for Burdekin—the Seniors Recognition (Grandparents Providing Care) Bill—sets out a charter for grandparent carers and a process for their involvement in the decision-making process. It is a bill that seeks to recognise a group of

Queenslanders who make life better for children in this state. It is a bill that provides the parliament—not the government, not the opposition but the parliament of Queensland—with an opportunity to say, 'Thank you,' an opportunity to say, 'Your work is valued and your voice will be heard.'

What has been the response of the Bligh government to that opportunity? Has the government embraced that opportunity? No. The government has been unable, once again, to put party politics to one side. The government's bill offers little to help grandparents caring for their grandchildren. It will provide the right for grandparent carers to have access to information. Information means little if grandparent carers are not afforded the support they so desperately need to undertake the role they have been thrust into and are not afforded the recognition they need to be involved in making important decisions on behalf of the grandchildren they are caring for.

Indeed, there has been concern expressed by the Scrutiny of Legislation Committee as to exactly what is meant in the government's bill by 'access to information'. The reference is rather vague. It is ambiguous. It is unhelpful in determining what the bill means. In view of those observations, it could be argued that it is useless. In its embarrassed rush to catch up to the member for Burdekin and the LNP's Seniors Recognition (Grandparents Providing Care) Bill, the government has introduced a piece of proposed legislation that throws together willy-nilly grandparent carers and carers for people with a disability or an infirmity or who are suffering from pain.

As it stands, every word of the existing Carers Charter represents and depicts the efforts of people called on to be a carer for a loved one with a disability or a debilitative illness. Amending it as it stands to include grandparent carers is an exercise of convenience and expedience on the part of the government. At best, the government's bill is lazy. At worst, it is disrespectful to both carers of people with disabilities and grandparent carers.

At this point, I would like to refer to a letter from Carers Queensland, the peak body for carers in this state, to the member for Burdekin.

Ms Palaszczuk: Is this their most recent letter?

Mr CRIPPS: Well, it is a letter that is signed by the president of Carers Queensland and I think it is relevant to this debate. The letter states—

> The Carers Queensland board ... would like to express their concern regarding the changes to the legislation that are proposed by Minister Palaszczuk.
>
> It is our belief that the intent of the Carer (Recognition) Act 2008 was to recognise those carers who undertake their role twenty four hours a day, seven days a week; caring for people whose conditions require high level care and who are unlikely to 'get well' or have their condition improve.
>
> In fact, many of the people who carers are looking after become increasingly frail and/or ill. The life of an elderly parent of an adult disabled child often results in terrible anguish for the parents in regards to who is going to care for the 'child' when they die.

Carers Queensland is spot on and it ought to know. Carers Queensland should be recognised as being an authority in this area as it represents the people who have to live their lives in this situation day in and day out. The letter goes on to say that the Carers Queensland board believes the act actually precludes the inclusion of grandparents of able-bodied children by the very definition of a carer in the act and its exclusion of carers solely because they are family members.

Ms Palaszczuk: That is an old letter. I have got a new one here.

Mr CRIPPS: That may be the case, Minister, but those sentiments have been expressed in a letter to the shadow minister for community services. I will quote directly from the letter again—

> Amending the legislation to include grandparents could have long lasting ramifications as other groups lobby to be included. However, these are not the same issues as carers of a person with a disability, frailty, chronic illness or pain who will, in all likelihood be providing care for their entire lifetime.
>
> Carers Queensland acknowledges the important role that grandparents play in the provision of care to their grandchildren, and the need for government to support them. We acknowledge that many of the children in their care have experienced trauma, however, disadvantage is not a disability and it is assumed that the children in their care will be able to grow up, take their place in mainstream society and move on to independent living. This is not the reality for the majority of carers.
>
> Carers Queensland fully supports the introduction of separate and specific legislation, recognition and a charter that supports the role of grandparent and other kin carers. Carers Queensland does not support the proposed amendments to the Carer (Recognition) Act 2008.

That letter clearly sums up the views of the peak body representing carers. Carers Queensland does not support the government's bill. As the member for Burdekin will detail, the peak body representing grandparents and grandparent carers in Queensland, the Council of Grandparents, also does not support the government's bill. Why would Carers Queensland or the Council of Grandparents support the government's bill when it does not achieve terribly much for carers or grandparents? No benefits will come to carers or grandparent carers. The amendments proposed by the government will tie together two separate issues in one charter.

I would like to examine the tenets of the existing Carers Charter in a bit more detail to illustrate to members opposite why it was constructed in the first place. The first clause of the charter is simple but significant. It states—

> The State recognises the effort and dedication of carers in our community and that carers provide a vital service.

The LNP opposition is aware of the resonance that clause has had in the community and among carers. The fourth clause of the charter, as it stands, states—

The importance of carers' work means the role of carers should be recognised by including carers, or their representative bodies, in the assessment, planning, delivery and review of services affecting carers.

In short, nobody knows the world of caring, disability, frailty, pain or infirmity as well as those who live in it every day. One of the most effective ways to help people with chronic pain or illness, disability or other conditions of frailty or infirmity is to help the people who help them. If you can help a carer to provide the best possible care in the best possible condition, by the very nature of that assistance you will be helping the person receiving that care. So it makes sense to involve these people in the assessment, planning, delivery and review of services that are provided and in decisions which affect them and the people they care for.

The fifth clause is a pledge. It states—

Complaints made by carers in relation to services that impact on them must be given careful consideration.

In Queensland, individual and particular needs of carers are heard and responded to. If something is not working, the parliament has a duty to listen carefully. The amendments to this bill are not supported by the peak body representing carers. The Carers (Recognition) Act is a service for the carers of Queensland. Changing it will impact on those carers. Their express lack of support for the bill proposed by the government is a form of complaint. The Minister for Disability Services and the parliament ought to listen to what the carers and the peak body are saying. The minister also needs to recognise that any Queenslander can become a carer. It can be as a result of the birth of a child with a disability, the ageing or increasing frailty of a parent, a loved one who acquires a brain or other injury, or a chronic or debilitating illness in a spouse. It is not a lifestyle choice; it is a life built around necessity and love and compassion for that person.

The charter is also specialised and dedicated. A grandparent carer does not require the use of the same services that a carer of a child with a disability requires. There is no overlap in the needs between carers and grandparent carers. Once again, the government's bill proposes an inappropriate grouping of carers and grandparent carers. They are two distinct groups. The unique situation of carers is highlighted by clause 6 of the existing charter. It states—

Carers should be recognised—

(a) for their unique knowledge and experience; and

(b) as individuals with their own needs.

The very inclusion of this clause in the charter highlights why this charter is not suitable for including other groups and other needs in the same clauses. In fact, it is difficult to understand how the government's bill proposes to recognise unique needs by adding in other unique needs of people in different circumstances.

Clause 7 of the existing charter honours the relationship between carers and those they care for and recognises the relationship that exists in special circumstances. It is not downgrading any other relationships. It is recognising and honouring what is a very special and fundamental relationship. Diluting that clause by expanding its scope contradicts the purpose of the clause. Grandparent carers also have special relationships with their grandchildren, and that is deserving of note, too. That is why a separate charter honouring that relationship has been proposed in the opposition's private member's bill. Comparing the two in one charter does neither justice.

Clauses 8 and 9 deal with the cases of young people, children, who assume caring roles. The clauses state—

8 Children and young people who are carers should be specifically supported by all of our community.

9 The caring responsibilities of children and young people should be minimised.

Children who assume care have a whole new scenario to juggle and different concerns such as schooling and training. How can this be compared to grandparents providing care for grandchildren?

A particular group of carers is those based in regional and remote areas, as per clause 11 of the existing charter. The difficulties faced by these carers because of isolation can mean that they have no access to services or respite, that they have to rely on a service visiting not every day, but once every three months. The strain on these carers is increased by the lack of services to their localities. Again, this deals with circumstances that are particular to people who care for others with disabilities, the frail, the infirm or the ill. As with all the provisions of the existing charter, this clause is tailored to recognise the circumstances of a dedicated and valuable group of Queenslanders.

Queensland's grandparent carers are special people. They also deserve a charter to recognise that. These are two separate groups of people who deserve two separate statements to recognise their separate needs. The minister owes it to the people who come under her portfolio—those carers providing care for people with disabilities, people in chronic pain or experiencing chronic and debilitating illnesses, and people who are frail or infirm—to preserve the Queensland Carers Charter as a testament to the parliament's pledge to recognise and honour their efforts.

The minister with responsibility for grandparent carers, who is not the Minister for Disability Services, has a similar obligation to recognise the efforts of grandparent carers. This is not the correct bill in which to do that and, as such, the LNP does not support the government's bill. I encourage all members to support the private member's bill introduced by the member for Burdekin which does deliver the necessary framework for the important and valuable contribution of grandparent carers to be recognised by this parliament.

Mrs MENKENS (Burdekin—LNP) (7.58 pm): When a child is facing the uncertainty of life without parents, when a child is dealing with abusive and traumatic situations at the hands of his or her parents, when a child is staying home from school or doing without essentials because a parent cannot cope, there is nothing so comforting, important and stable as the welcoming arms of grandparents. Grandparents who become primary carers for their grandchildren not only save the government a lot of money; they also provide their grandchildren with new lives, new opportunities and new homes. They ensure that children can continue their schooling, make the most of their childhoods and set in place stepping stones for their adult lives. Yet these grandparents currently are barely acknowledged for the work they do.

They struggle to provide the best for their grandchildren, often sacrificing their retirement funds and superannuation. They do so knowing that they will not have the opportunity to recover their retirement money through later years of work. These grandparents are motivated by their love of their grandchildren and their need to care for them and provide the best of life for them when their lives appear to be falling apart.

Grandparents providing care put their lives on hold to care for their grandchildren because of the impaired capacity of a parent, an unreasonable risk posed by a parent or parents who are not willing or able to provide full-time care for their children. With grandparents aged from their 40s and a large number aged 60 and above, this often means stepping out of retirement, using hard-earned savings or superannuation and stepping back into a parenting role long after having finished their first set of parenting years. The love and care that these grandparents provide, the effort they make to reassume the role of parents and the sacrifices they willingly make to give their grandchildren the best lives are all beyond measure, but not beyond the respect and recognition of our community and our government.

One elderly lady who shared with me her circumstances is living a life fairly typical of many grandparent carers. This grandmother, a pensioner, and her husband have been looking after four grandchildren over the last 10 years. Two are now adults and have moved to other areas. But she still has two teenagers at home. This lady, like so many grandparents, assumed the care of her grandchildren without thought for her own financial security or retirement plans. She took on the care of four young children—the youngest being just four years old—because the children's parents had created an unsuitable environment for their own children.

Money is a constant concern for this grandmother. Her ability to put food on the table, to put shoes on the feet of her grandchildren and to provide opportunities for her grandchildren is reliant on money. There are many times when one has to be sacrificed for the sake of another. She and her husband literally do without food on occasions to ensure the wellbeing of their grandchildren. In her late 70s, this particular lady has, on occasion, even turned to part-time fruit picking in order to buy school shoes. The $30-odd she earned threatened to cut her pension. Never in her life has this lady had a holiday, and she will not be getting one soon. This lady feels isolated and at times helpless. Even though she must cope on her own, she is not alone. Her story could be retold many times with slight variations and represents any number of the thousands of grandparent carers in the community.

For grandparents to struggle to be recognised as the child's immediate family member is an insult and ignores the sacrifice and dignity of these wonderful people. Similarly, to fail to see the unique situation of grandparent carers is to fail to understand the world they and their grandchildren live in.

If it were not for the obvious expediency in introducing this bill for the Bligh Labor government so it would neither have to publicly rebuff grandparents nor be seen to support an LNP bill, I would struggle to see any way in which the needs of grandparents are really being addressed through the government's bill that we are debating tonight. The Carers (Recognition) Act is an act to recognise the contributions, sacrifices and achievements of those people who care for others who need their help because of disability, incapacity, infirmity or age. It was an act aimed at ensuring decision making that affected these people sought the input of these people first. I certainly know because, as the member for Hinchinbrook reminded members, I introduced the original bill last term. I had to sit by as the government tore out the practical powers contained within it.

The sad thing is that this time there has not even been an attempt to disguise the intent of the government. There is not a whiff of compassion, recognition or sincerity in the government's attempt. It is merely a clumsy and blatant attempt to deflect the LNP's bill, try to ensure a very narrow definition of grandparents and provide them not with any practical powers of participation in the legislative process but merely access to information.

Instead of providing grandparents with their own act, recognising the unique circumstances of their second parenthoods, this government has seen the word 'carer' and in its usual bluster and neglect decided that all carers belong together. This is emphatically not the case. It does not serve either grandparents or those people covered by the existing Carers (Recognition) Act well.

The reason for the Carers Charter under the Carers (Recognition) Act is to recognise both the unifying factors of being a carer and the individual circumstances, such as age or isolation, that can add weight to the task. The unifying factors are that the person receiving care is unable to undertake day-to-day tasks independently and that caring is a full-time job—often 24 hours a day, seven days a week. Often they are carers for life. It seldom gets any easier. In many cases, it involves helping people with the most everyday of tasks and movements such as getting out of bed, bathing, eating or changing.

For parents who look after a child with a disability from birth, one of the overwhelming concerns after decades of care is what options are available as they age. For young carers who look after parents or siblings, juggling study and work is a huge issue. For regional and isolated carers, access to services is important. For elderly couples where one person has to assume a carer's role in their final years, yet another set of circumstances appears. All of these people have some common needs—respite, support, access to services and so on.

Compare the needs of these people, and the charter that is currently outlined, and the needs of grandparent carers. Grandparent carers assume responsibility for a child or children aged anywhere between birth and adulthood. They step in to provide food and shelter, clothing and school books, love and affection, stability and support as the children grow, develop, enter their teenage years, deplete their resources and their energy and become adults. These grandparents become the immediate family, the home and the heart of the children's lives. They do so at sacrifice to themselves. They lose the quietude of retirement and they expend hard-saved funds. They do all of this without recognition or expectation.

Their needs and lives are different from those outlined under the Carers Charter. They have many needs, but they have a separate set of needs that need recognition. They have a separate set of battles to fight and a separate list of preoccupations, whether it is child safety issues, schooling concerns, developmental worries or generally the chaos and communication deficit of children and teenagers. Respite comes in different forms, be it school or sports or sleepovers.

Grandparent carers have to face a whole different set of worries also. These include the safety and wellbeing of their grandchildren, health and happiness, discipline and duty. All of this has emotional and financial implications. No grandparent would begrudge a tear or a cent.

This needs honouring and respecting. That is what we are here today for—to say a big thankyou to these grandparents, to give a vote of appreciation and an acknowledgement of their influence on the lives of their grandchildren and the community as a whole. To try to cram this whole group of people—

Ms Struthers interjected.

Mr DEPUTY SPEAKER (Mr O'Brien): Order! Honourable members.

Ms Struthers interjected.

Mr DEPUTY SPEAKER: Order! Minister, please.

Mrs MENKENS: It is very disappointing to hear the abuse that government members and the minister are heaping on grandparents.

Government members interjected.

Mrs MENKENS: I am most disappointed to hear what this government is saying about grandparents. You should be ashamed of yourselves.

Ms Struthers interjected.

Mr DEPUTY SPEAKER: Order! Minister for Communities, order!

Mrs MENKENS: To try to cram this whole group of people in with an entirely different set of needs and achievements just because the word 'carer' is the same shows no respect or understanding. It is an insult because it does not even try to confer respect and honour. It makes no effort to acknowledge achievement. It is the cheap-and-nasty way out of what the Labor government would view as a political embarrassment. To support the people of our community should never be embarrassing, even if the vehicle of support is an opposition bill.

Ms Struthers interjected.

Mr DEPUTY SPEAKER: Order! Minister for Communities, that is enough.

Mrs MENKENS: That this government would prefer to insult and neglect quiet heroes in our community just so it does not have to support an opposition bill is reprehensible. It is appalling. It is the sign of a government that has forgotten that the reason for governing is to help people in our community, to honour the work of those people and to use it to improve our community. To make matters worse, this government has made a farce of its so-called consultation on this bill. It has hastily put together meetings with less than—

Government members interjected.

Mrs MENKENS: It has hastily put together meetings—

Government members interjected.

Mrs MENKENS: I find it very disappointing to hear those comments being made by members of the government about our wonderful grandparents.

Mr Rickuss interjected.

Mr DEPUTY SPEAKER (Mr O'Brien): Order! Member for Lockyer, order!

Government members interjected.

Mr DEPUTY SPEAKER: Honourable members, can you please come to order.

Mrs MENKENS: That this government would prefer to insult and neglect quiet heroes in our community just so it did not have to support an opposition bill is reprehensible and appalling. It is the sign of a government that has forgotten that the reason for governing is to help people in our community, to honour the work of these people and to use it to improve our community. To make matters worse, the government has made a farce of its so-called consultation on this bill. It has hastily put together meetings with less than 24 hours notice to discuss nothing. It has dragged in representatives of the sector not to consult with the sector but to tell it what it is going to do. It has wasted the time and energy of the sector to deliver a bill that tries to mimic another already before the House but with a narrower scope and diminished use.

In essence, the government's bill promises nothing more than to give some grandparents access to information. Grandparents already have access to information. What they do not have is recognition. What they do not have is a voice in this government. This is not a debate that should be conducted under the auspices of Disability Services. I note that the Minister for Community Services just cannot keep quiet over there because she is so busy trying to defend her patch, but this bill should be in the minister's patch. It should not be in the Disability Services patch. Both carers for people with disabilities and grandparent carers would be the first to assert the differentiation, and these are comments that have come from the sector from people who are at the forefront, the people who understand where this is coming from. In its panic to avoid a situation such as it encountered with the Carers (Recognition) Act, the government will do anything to avoid being seen to support the opposition, even if the only effect of that support is not to properly recognise and thank our grandparent carers. This should not be a political argument. It should be an occasion to celebrate the contribution of very valued and esteemed Queenslanders, yet the minister could not even write an original speech. I can point out many paragraphs of Minister Palaszczuk's speech that virtually replicate my words, which is quite bizarre.

Grandparent carers are so unheralded in our state that there is not even a definitive measure for how many people there are in these circumstances. Mission Australia calculates the number of families in which grandparents are primary carers as now being one per cent of all families across the country or more than 30,000 children. The Australian Bureau of Statistics admits the difficulties in numbering grandparent families but does provide some interesting breakdowns of demographics within the families as at 2003. Some 47 per cent of grandparent families were lone grandparent families and 93 per cent of lone grandparents were grandmothers. The stress of lone parenting is well documented. Lone grandparents face additional burdens but do so with little recognition and even less support. Some 63 per cent of grandparent families do not count employment as their main source of income, often living on the basics of the pension, benefits and allowances or superannuation. The financial burden of assuming the care of young children is great. In 61 per cent of grandparent families, the youngest grandparent is at least 55 years old. The other 39 per cent are aged between 35 and 54. The demands on these carers vary with age, but the dedication, effort and support are the same.

On top of all these factors comes the emotional burden. I want to quote from a representative of the sector who relates one side of the emotional impact—

> Grandparents are very often being called on to raise grandchildren because of drug and alcohol problems with their own children. This presents a major issue for grandparents as they question their own rearing of their children and fear that they may make the same mistakes again with their grandchildren. Unfortunately, many well meaning family members and friends make comments which reinforce the fear in these grandparents unwittingly. The most common of which is 'You must have done something.'

Another said—

> It has been my experience that very ordinary people from all walks of life and with good basic parenting skills can have the misfortune to have a child of theirs go 'off the rails'. Once that has happened there is a huge shift in the circumstances and lifestyle of the grandparents.

Another emotional burden that these grandparents suffer is fear. Another said—

> Grandparents ... live in constant fear of the children going back to an abusive way of life. Because of this fear, grandparents are not comfortable about coming forward to stand up for themselves and their grandchildren.

But the emotions are as varied as the grandparent families themselves. A sick parent of a grandchild is a sick son or daughter to the grandparent carer and is its own cause of angst. The impact and trauma of family breakdown or violence goes beyond the parents who give up care of their children to the grandparents. The situation of grandparents also varies dramatically depending on the circumstances under which they assume care for their grandchildren. There are those grandparents

who have the grandchildren placed with them by the department of child safety. The decision-making clause in the government's bill is of particular concern to these people as it appears to exclude them from recognition or involvement in the process. Federal family law orders account for another group of grandparent carers and then there are those who undertake informal family arrangements, stepping into care for their grandchildren with no legal backing at all. This latter group also appears to be excluded under the government's bill.

The Parliamentary Library prepared a thorough and very intelligent examination of the issues facing grandparent carers, and I certainly acknowledge the work and effort that the researchers of the Parliamentary Library put into that. I want to refer members in particular to the list of common difficulties experienced by grandparent carers. The list provides a glimpse of the circumstances faced by grandparents—financial hardship; feelings of guilt, loss or anger; uncertainty about the continuity of the care arrangement; practical problems for informal agreements. The trauma that their grandchildren have experienced can cause difficulties, as can behavioural problems and consequences. Children's contact with parents can disrupt arrangements and behaviour. Their own possible conflict with the parents can also cause a lot more stress. The loss of a grandparenting role to be replaced by a parenting role, uncertainty over changes in parenting, all of the difficulties associated with parenting and concerns about their ability to provide the best for their grandchildren—these are all problems that are faced by grandparents. Of course, we have to add to this concerns about their grandchildren's futures and where they will go. Some grandparents are caught between generations when they are still providing care for aged, frail or unwell parents as well. Others experience their own health difficulties, yet more find strain placed on their own relationships with their spouse or friends or others.

All of this serves to highlight the fact that grandparent carers are a valuable and unique part of our community. They deserve their own charter and act. They deserve recognition in their own right. This should not be a debate conducted under the portfolio of Disability Services; it belongs in Community Services. The Labor government's removal of family carers from the original Carers (Recognition) Act spoke volumes about its intent in ensuring a limitation to the recognition of the thousands of people who willingly sacrifice their time and effort to ensure the wellbeing of another person. For the same government to turn around and now try to add a special family relationship into this same act where it patently does not belong is hypocritical and insulting.

I also note from the explanatory notes of the government bill that the idea was to align the act more closely with certain provisions of the Carer Recognition Bill 2010 recently introduced into the Commonwealth parliament, and I heard the minister talk about that. These provisions have subsequently expired with the conclusion of the previous federal government, which is exactly what happened when this bill was brought in. There are now fewer and fewer reasons for the government to have even introduced this bill and there is only simply one that remains: it could not bear to support another opposition bill. My call to the Premier and the government is to put aside their politics and take the Seniors Recognition (Grandparents Providing Care) Bill in the spirit it was intended—as a thankyou and an acknowledgement of the work of wonderful Queenslanders. I call on the government to support this bill.

Mrs SMITH (Burleigh—ALP) (8.20 pm): I rise to speak in support of the government's Carers (Recognition) Amendment Bill 2010. One of the ways in which the Carers (Recognition) Act 2008 recognises the valuable contribution carers make to the lives of the people they care for, and the community generally, is by establishing the Queensland Carers Charter. The preamble to the charter states that parliament recognises that carers make a significant contribution to the people they care for, and to the economic and social wellbeing of the community, and that carers deserve recognition, respect and support for their role as carers. The government's Carers (Recognition) Amendment Bill 2010 would amend the preamble to the charter to also state that grandparents providing full-time care for their grandchildren make a significant contribution to the lives of their grandchildren and deserve respect and support for their role as carers.

The government bill would include two new principles in the Queensland Carers Charter, namely, to recognise grandparents providing full-time care for their grandchildren and to assure grandparent carers of access to information that supports them in their role to care for their grandchildren. As a grandparent, can I say to those yet to experience this joy that grandchildren are much more fun and interesting than your own children. Perhaps it is because they do not come with the same level of responsibility. You can do all the things with grandchildren that you would never have done with your own children: let them stay up late, play in the rain, eat lollies—the list is endless. Robert and I assist with the care of our grandchildren every day and we love our daughter-in-law for allowing us such hands-on contact, but at the end of the day they have a mother to go home to. When a grandparent has full-time care of their grandchildren the stress can be enormous. Often these grandparents are of retirement age and never dreamed they would be bringing up another family. While in most cases they embrace the challenge, any help we can offer can only make things easier. The inclusion of grandparents providing full-time care for their grandchildren in the Queensland Carers Charter does not weaken the parliament's acknowledgment of the important role of carers for people with a disability, frailty or chronic illness. It includes grandparents raising grandchildren who have many interests in common with other carers in the strong statement of support for carers.

The impact of the amendment of the charter would not only be the symbolic recognition of grandparents providing full-time care for their grandchildren, as important as that is. The inclusion of the new statements of principle would have the practical effect of guiding public authorities in the development of policies, programs and services that may impact upon grandparents raising grandchildren and their grandchildren. Another important provision of the Carers (Recognition) Act is the establishment of the Carers Advisory Council. The role of the council is to advance the interests of carers and advise the minister in relation to carers. I would like to thank the Carers Advisory Council for its work to date, particularly in preparing the next Carers Action Plan which is shaping up to demonstrate actions for a range of carers, especially those caring for people with a disability, frailty, chronic illness or pain, as well as grandparents providing full-time care for their grandchildren.

The government bill would extend the functions of the council to include advancing the interests of grandparents providing full-time care for their grandchildren and advising the minister in relation to the needs and concerns of grandparent carers. This would in no way diminish the council's functions to advance the interests of carers for people with a disability, chronic illness and frailty. In fact, as both carer groups share several common interests and issues, advancing the interests of grandparent carers under the council would benefit the existing carers and strengthen the role of the council.

The private member's bill proposes to establish a completely new advisory council, which is really unnecessary. The government's bill utilises the existing Carers Advisory Council which has representatives of carers and actual carers as members of the advisory council. The government's bill simply expands the membership of the advisory council to include two new members, one of whom must be a representative of grandparent carers and the other of whom must actually be a grandparent carer. This approach is more efficient, cost effective and practical. I commend the Carers (Recognition) Amendment Bill 2010 to the House.

Ms O'NEILL (Kallangur—ALP) (8.23 pm): I rise to speak in support of the government's Carers (Recognition) Amendment Bill 2010. Apart from Queensland, Western Australia, South Australia and the Northern Territory all legislatively recognise carers who care for a person with a disability, chronic illness or frailty and require their interests to be considered in planning and policy decisions that affect them. On 17 March 2010 the Hon. Jenny Macklin MP, Minister for Families, Housing, Community Services and Indigenous Affairs, introduced the Carer Recognition Bill 2010 into the House of Representatives. The bill contains a Statement for Australia's Carers which contains similar statements to the statements of principle in the Queensland Carers Charter by which the Queensland parliament expresses the community's strong recognition and support for the vital role of carers for people with a disability, frailty or a chronic illness. Also, like the Queensland Carers Act, the Commonwealth carer bill requires Commonwealth government departments to consult with carer representative bodies in relation to planning and policy decisions relevant to carers and the people they care for. Unlike the Queensland Carers Act, as it would be amended by the government bill, neither the Commonwealth bill nor the carer recognition acts of the other states specifically recognise grandparents providing full-time care for their grandchildren. Of course, all of the other states do recognise carers of people, including children, who have a disability, chronic illness or frailty. These carers would implicitly include grandparents of grandchildren who have a disability, chronic illness or frailty.

The amendments to the Queensland Carers Act proposed by the government would make Queensland the first jurisdiction in Australia to explicitly recognise grandparent carers in legislation in addition to the equally important recognition of carers for people with a disability, chronic illness or frailty. However, an important difference in the Commonwealth bill is that it provides for the Commonwealth government agencies to have regard to the Statement for Australia's Carers in developing their human resource policies which allows for a recognition for grandparents regarding work/life balance, carers leave et cetera. The government's bill would amend the Queensland Carers Act to align the act with this important provision of the Commonwealth Carers Bill. In particular, the government bill would amend the Queensland Carers Act to provide that each Public Service agency's internal human resource policy, in so far as they affect an employee's carer role, must have due regard to the Queensland Carers Charter.

The effect of this amendment, together with the amendments to include grandparents providing full-time care for their grandchildren within the scope of the Queensland Carers Act, would be that grandparents raising their grandchildren would be considered together with carers of people with a disability, the frail or the chronically ill by Queensland government departments in the development of human resource policies. The private member's bill does not do this.

The amendment of the Queensland Carers Act to require Queensland government departments to lead the way in the development of carer-friendly human resource policies is another example of the government's more practical response to the needs of carers, including grandparents providing full-time care for their grandchildren and, importantly, it protects the integrity of the Carers Recognition Act. I support the amendment bill.

Mrs STUCKEY (Currumbin—LNP) (8.26 pm): I am pleased to rise in support of the Seniors Recognition (Grandparents Providing Care) Bill 2010, which was introduced by the shadow minister for community services and housing and the shadow minister for women, the honourable member for

Burdekin, on 10 March 2010. As members are aware, this bill will be a cognate debate with the government's bill, the Carers (Recognition) Amendment Bill 2010, which was introduced into the House on 8 June 2010 by the Minister for Disability Services and Multicultural Affairs.

I note this bill resonates in many ways with the LNP's bill and is a clear indication that this Labor government expects the LNP to pave the way with good policy and then mould it to suit themselves—in this case three months later. Honourable members heard earlier this evening from the honourable member for Hinchinbrook, the shadow minister for disability services, who elucidated very clearly the facts and the history that preceded this bill. Indeed, the LNP has been the leader when it comes to developing policies which recognise the efforts of carers, seniors and grandparents. Honourable members of this House are reminded that it was the LNP, and notably the honourable member for Burdekin, who introduced the Carers (Recognition) Bill 2008. The bill was passed with unanimous bipartisan support, albeit only after the government moved its own amendments. Subsequently, the government's amendments removed the requirement to consult with carers and consult the Carers Charter when making decisions that affect carers, which significantly weakened the original intent of the bill. The LNP's bill before the House today intends to reinstate the elements of consideration and consultation that carers have been denied by Labor.

As members have heard from the shadow minister, the contribution that our seniors make to society is immeasurable. This private member's bill seeks to acknowledge and protect the increasing number of grandparents who have the challenging task of caring for their grandchildren in a primary capacity. The passage of this bill would see Queensland become the first state in Australia to legislatively recognise grandparent carers to this degree.

Specifically, this bill aims to establish the Grandparent Carers Charter which sets out the contributions of grandparents providing care, the importance of consideration of grandparents in decision making and the unique place they hold in our community. It will implement a legislative framework that recognises the contribution of grandparents who provide care for their grandchildren and provide a mechanism to allow this recognition to be used as part of a decision-making process ensuring that such a framework will assist decision making by authorities that directly affect grandparents providing care for their grandchildren.

Grandparents raising grandchildren usually fall into one of three categories: those who have their grandchildren placed with them by the Queensland child protection authorities, those who have gone through the federal Family Law Court and have what used to be called residency orders, and those who just step up to the mark and protect their grandchildren without any legal backing at all. The bill before us, the Seniors Recognition (Grandparents Providing Care) Bill 2010, covers all of those categories.

There are many reasons grandparents can become primary carers for their grandchildren. The death of one or both parents, substance abuse, incarceration, poverty, domestic violence or neglect—the list is exhaustive. Regardless of the reason, it is fair to say that children are traumatised and it creates varying grades of distress for grandparents and other family members. Estimated figures from the Australian Bureau of Statistics in 2003 put the number of grandparent carer families in Australia at 22,500, encompassing one per cent of all families and approximately 31,000 children. Australian Bureau of Statistics data estimated that this number had decreased to 14,000 families in 2006-07. However, data is prefaced by a statement admitting the difficulties in capturing the changing complexity of Australian families are often beyond the scope of what the census is able to achieve. Therefore, we can quite properly surmise that those figures are modest and the situation of grandparents as primary carers is considerably higher.

An email sent to members of parliament on 11 September this year by the Council of Grandparents, which is based on the Gold Coast, states—

Those with no formal orders are the most disadvantaged section of grandparents we represent. They are scared and frightened to come forward for assistance of any kind for fear the parents, or agencies, may take their precious grandchildren away.

A shocking case from earlier this year highlighted the severe lack of common sense that the government has in relation to children needing care. In February, 68-year-old Brisbane grandmother Marlene Baker was told by the department of child safety that she was too old to care for her own grandchildren. The children, aged two and four, had lived with their grandmother and aunt for most of their lives. When the aunt was no longer able to cope they were placed in foster care, despite their grandmother being a willing carer. Anguish and heartbreak ensued for both the children and their grandmother. That outrageous decision has proved once again that the government is out of touch with the best interests of the child. Age is of little importance when considering the unique relationship that exists between grandparents and grandchildren, especially when we consider that grandparent carers can be in their 30s and great-grandparents can be in their 90s.

This bill proposes to establish the Grandparent Carers Charter for the state to recognise and respect grandparents who provide full-time care to their grandchildren. Such a charter would be separate to the existing Queensland Carers Charter, established under the Carers Recognition Act 2008, as the definition of 'carer' under that act does not cover the majority of grandparents providing full-time care for their grandchildren. Grandparent carers are unlike any other and, as such, deserve

independent recognition that reflects and supports their unique situation. The underlying principles of the Grandparent Carers Charter ensure that the views of grandparent carers are acknowledged and supported by all levels of government. This bill provides long-overdue recognition for a group in society that is so often ignored.

Unquestionably, the onus of caring for one's grandchildren can put many grandparents in a precarious financial position. An article published in 2007 in the *Australian Journal of Social Issues* highlighted the limited financial situation of grandparents who provide care as a labour of love. The Australian Bureau of Statistics data revealed that around two-thirds of all grandparent carers are reliant on a government pension or allowance, which is an indication that low-income and strained resources are likely to shape their caregiving. Indeed, in many cases grandparent carers are seniors, potentially past retirement age and with limited working time left to recoup the costs associated with child raising. With cost-of-living pressures rising so substantially under this long-term Labor government, those finding themselves in this thankless situation undoubtedly will face even greater financial hardship five years on. But where is the Bligh government when people are in need? Offering up the cheapest form of public sentiment, a Grandparents Day, and a pat on the back do not go far enough to support those faced with the costs of raising a child.

The LNP bill provides a legislative framework to ensure that when decisions are made by authorities that directly affect grandparent carers or their grandchildren they are consistent with the principles of the Grandparent Carers Charter. To this end, the bill stipulates that a decision maker is required to issue a notice to senior carer bodies outlining the details of the decision and inviting submissions within at least 20 business days from the issuance of the notice. Those submissions must then be considered by the decision maker.

As mentioned by my LNP colleagues, the government's Carers (Recognition) Amendment Bill 2010 falls short of addressing the real needs of grandparent carers. While offering some recognition, Labor's bill stifles the specific and unique circumstances that frame caregiving by grandparents. This government is proposing to lump legislation relating to grandparents in with legislation designed for those providing care for the aged, disabled or chronically ill. Let me make it transparently clear that in no way does my statement devalue the role of carers who provide dedicated care to those in need. Instead, I am pointing out that the relationship for grandparents who are placed in the position of raising their grandchildren is unique and should be recognised as such.

In 2008 members of this House made history, showing bipartisan support for the Carers Recognition Act, which was the first piece of opposition legislation ever passed by a Labor government in Queensland. Now Labor is back to playing its political games, essentially copying the private member's bill to avoid conceding to the LNP's highly regarded policy on the recognition of grandparent carers.

There are a number of grandparent organisations across Queensland, and particularly on the Gold Coast, that deserve recognition in light of the legislation before us. I wish to acknowledge the Queensland Council of Grandparents, which is based on the Gold Coast, and Maree Newman from GAGS, the Grandparents and Grandchildren Society, for their tireless efforts to promote awareness of the issues and hardships faced by grandparent carers.

Tonight we have an opportunity, through the LNP Seniors Recognition (Grandparents Providing Care) Bill to ensure that grandparent carers are treated with the respect and importance that they deserve. They have a critical role to play in keeping families functioning and in touch with their roots, providing a loving environment for children who are their own flesh and blood so that they can grow into wholesome and balanced adults in circumstances where they may otherwise not have that chance. I urge all honourable members to support the LNP's bill.

Madam DEPUTY SPEAKER (Ms O'Neill): Order! Before I call the member for Mudgeeraba, I ask members to please keep the conversation down.

Ms BATES (Mudgeeraba—LNP) (8.37 pm): Tonight I rise to contribute to the cognate debate on the Carers (Recognition) Amendment Bill and the Liberal National Party's Seniors Recognition (Grandparents Providing Care) Bill 2010. It is widely known that many grandparents care for their grandchildren on a full-time basis for a number of different reasons. Sadly, some of those reasons are of a tragic nature. They must be congratulated for the care and effort they put into raising young grandchildren. Many would have just finished raising their own children and would be getting ready for peaceful retirement when, for one reason or another, they are asked to once again raise a family and put their lives on hold.

The bill has four main objectives, including to recognise the contribution of grandparents providing full-time care for their grandchildren and to provide a framework for the consideration of the needs and interests of grandparents providing full-time care for their grandchildren and the children for whom they care in government policy, planning and service delivery decisions relevant to their needs and interests. The bill also recognises and supports grandparents as full-time carers, assures access to information that supports grandparents in their role as carers and aligns the act more closely with certain provisions of the Carer Recognition Bill 2010, which was recently introduced into federal parliament.

As the old saying goes, imitation is the highest form of flattery and this is a another prime example of the Labor Party imitating LNP policy. In March this year the shadow minister, Rosemary Menkens, introduced to the House the Seniors Recognition (Grandparents Providing Care) Bill 2010. A mere three months later the Labor government introduced its Carers (Recognition) Amendment Bill under the portfolio of disability services. The Labor bill almost mirrors the LNP bill put forward by the member for Burdekin. The plagiarism went even further, though, as the minister's speech to introduce her bill to the House closely mirrored the speech given by Mrs Menkens to introduce the Seniors Recognition (Grandparents Providing Care) Bill.

In 2008 the Carers (Recognition) Bill was introduced into the House by Rosemary Menkens and was passed at that time with amendments by the government. The aim of the Carers (Recognition) Bill, as introduced by the Liberal National Party, was to recognise the rights and needs of carers who play a vital and largely unrecognised role in our community and to create a framework for legislative participation in relevant decisions. We on this side of the House are well aware of the important work that these people do in the community and acknowledge the importance of them being recognised by the state.

By the Liberal National Party introducing the bill and it subsequently being passed, the parliament of Queensland acknowledged the positive impact carers make on the people they care for and on the wider community, as well as recognising through the Carers Charter the specific difficulties and circumstances which face carers. Special mention was made of young carers and carers in regional and remote Queensland due to the exceptional circumstances that they face. Unfortunately, as often happens with this government, the Labor amendments to the bill took away the requirement to consult with carers and consider the charter when making decisions affecting carers, significantly weakening the bill by removing the participation aspect.

The two bills we debate tonight differ in some fundamental ways. The aim of the Liberal National Party's grandparents bill is to institute a charter, giving grandparents providing care official status as immediate family members and recognition of their efforts in raising young children. Similar to the 2008 Carers Charter, our bill is about recognising a sector of the community who give their time, money and effort, who save the government and who do so to ensure the best possible outcomes for their loved ones. This is often a thankless job and it is about time that we recognise their contributions.

We on this side of the House propose that the state recognises the efforts of grandparents who provide a home and care for their grandchildren and acknowledges the rights of these grandparents as immediate family members; that the state recognises the positive contribution to our community of these grandparents supporting and raising their grandchildren; that the relationship between grandparents providing care and the grandchildren who they care for should be honoured and respected; that grandparents providing care deserve the respect of our community and the support of our public authorities for their efforts in helping their grandchildren through education, providing a loving and caring home and raising their grandchildren through important, formative years; and that the views and needs of grandparents providing care should be taken into account, along with the needs of the grandchildren that they care for, by any public authority when making decisions affecting the grandparents and their grandchildren.

The government's bill on the other hand adds grandparents on to the Carers (Recognition) Act, grouping together the different groups of carers who provide care for people with disabilities or who are aged or incapacitated and grandparents who provide care for grandchildren. The combining of these two groups fails to recognise the huge differences between them. By amending the Carers (Recognition) Act, Labor is seeking to add two points to the charter, saying that grandparents should be supported and that they should have access to information. But once again the Labor government removes the need to consult before making decisions.

Grandparents who are full-time carers deserve their own bill in recognition of the tireless work that they do which under most circumstances goes unthanked. This is not a time for playing politics. But once again the Bligh Labor government does not take Queenslanders seriously and is using this opportunity for political grandstanding. The Labor government should put aside its political agenda and support the Liberal National Party's bill. The fact is that it will be a day that none of us will ever see in our lifetime when the Labor Party actually supports a bill from our side of the House that is in the best interests of Queenslanders or when it actually comes up with its own policy and stops stealing ours.

Ms DAVIS (Aspley—LNP) (8.42 pm): It is my pleasure to make a contribution to the Seniors Recognition (Grandparents Providing Care) Bill in the cognate debate, along with the Carers (Recognition) Amendment Bill. Most of us could not even begin to comprehend the intensive, all-consuming life as a carer. Yet in our community, one in eight people are caregivers to other people because of age, frailty, illness, pain or disability. And care is not something that can always be prepared for—it often comes unexpectedly and unavoidably.

When a person assumes care for another, that care becomes their full-time work, regardless of any other aspect of their lives. Work has to fit in alongside the care. Other family relationships have to co-exist. Social and community interactions can only be undertaken once the time taken to care has

been committed. Yet, many of our carers are also among the strongest participants in community volunteer work. The dedication they live by every day of their lives behind closed doors is not limited to within their homes.

Some types of illness and conditions require more intensive care provision than others. For example, the ABS in its 2008 survey on carers found that, when the care recipient was suffering a psychological disability as the main condition, more than two-thirds of carers provided more than 40 hours of care each week. For people with other types of disability, 48 per cent of carers gave similar hours of care. This amount of care is equivalent to a full-time job in its own right. Similarly, 63 per cent of people caring for a child under the age of 15 and 55 per cent of people caring for someone over 65 years of age spend 40 hours or more a week in giving care. The division of carers' time means that they spend less than two-thirds the time of a noncarer in employment on average. This means the financial stress is increased, especially when the expenses of care are factored in. As the CEO of Carers Australia, Ms Joan Hughes, said—

> Carers often face difficulties participating fully in the workforce, due to their caring commitments and a lack of workplace flexibility. The majority of carers are of workforce age but experience significantly lower levels of workforce participation compared to the general population.

Carers also experience less sleep but spend more time on housework than noncarers. It is a thankless task, except for the fact that it offers the greatest thanks that can be given—the best possible wellbeing of the care recipient. This knowledge, the love and compassion, are what keep carers going. Women in Queensland are more likely to be carers than men, and the percentage of the community engaged in care remains the same across the state, regardless of geographical isolation and availability of facilities and support. The impact of caring can be in feeling weary or lacking in energy, in anxiety and stress, in the cost on family and other relationships, and in financial terms. More than one-fifth of carers find themselves going backwards financially. For young carers, the impact spreads to education and social development. The ABS states that young carers spent around three hours less per week on personal care, social and community interaction, and recreation and leisure combined than did young noncarers. All of these factors are addressed in the Carers (Recognition) Act and its charter.

The charter recognises the relationships between carers and those they care for, the difficulties faced by carers, particularly in isolated areas, the challenges faced by young carers and the sacrifice of all carers. That is why the shadow minister for community services, the member for Burdekin, originally introduced the Carers (Recognition) Bill into this parliament—to give the parliament a chance to record our thanks and to embed recognition in our legislation.

Earlier this year, the member for Burdekin again introduced a landmark bill—the Seniors Recognition (Grandparents Providing Care) Bill—aimed at providing recognition to our grandparent carers. While the government could not admit that this gesture transcends politics and that the beneficiaries of the bill were not politicians but people who sacrifice their lifestyles to help provide the best possible life for their grandchildren, the Minister for Disability Services brought into this House a bill that is just simply not respectful to both carers and grandparent carers.

Grandparent carers are special people who assume care of their grandchildren because of the parents' inability or unwillingness to provide daily care. In assuming this care, grandparents' lives change dramatically. There are financial and emotional impacts, anxieties and joys, social and health issues, and a complete rearrangement of every aspect of their daily life. Retirements are put on hold, savings are redirected to schooling and children's needs, social interactions can become more focused around the P&C than Senior Citizens. Grandparent carers can be working or retired, in their 40s or their 80s, but the situation that faces them is markedly and incomparably different from the situation facing carers of people with disability, the aged and infirm, or those with chronic illness and pain.

The idea of not only combining these two groups into one bill but diluting the charter into a document that loses its meaningfulness and clarity pays no recognition to carers or grandparents. The Bligh government's justification seems to be based on nothing more than the word 'carer'—as though, if the word is the same, the situations must be the same. The truly appalling thing about this is that the Bligh government has decided that this disrespect is tolerable and that the failure to recognise both carers and grandparent carers separately is okay, because it thinks it is a worse sin to support the LNP. It would prefer to present a far inferior copy of the opposition's bill, and defeat the purpose of the bill, simply so that it does not have to support it.

Mr POWELL (Glass House—LNP) (8.48 pm): I, too, rise to contribute to the cognate debate on the Carers (Recognition) Amendment Bill and the shadow minister's Seniors Recognition (Grandparents Providing Care) Bill. I am pleased to acknowledge and applaud a sector of our community who freely invest their time, money and effort into the development and care of their loved ones.

Grandparents who provide homes and care for their grandchildren—whether it is because of the impaired capacity of a parent, because of an unreasonable risk posed by a parent or due to the inability or unwillingness of a parent to provide full-time care—currently undertake the taxing task with little support or recognition for their efforts. Currently, the rights and needs of grandparents providing care for

their grandchildren are not recognised. There is no legislative framework for seniors carer bodies to have influence or have their views considered in decisions by authorities that affect grandparents providing care for their grandchildren.

The Carers (Recognition) Amendment Bill falls short of addressing these issues, ignoring the need for consultation before making decisions that affect grandparents who care for their grandchildren. The definition of a grandparent providing care in the Carers (Recognition) Amendment Bill is limited to those who live with the child or those in a decision-making role. This definition also excludes those grandparents who care for the child while the parents work or where the grandparent lives with both the parent and the child. I am sure you can appreciate that these exclusions could have broad implications for grandparents caring for their grandchildren in areas ranging from accessing health care and access to information to even signing school permission forms.

Furthermore, the Carers (Recognition) Amendment Bill simply adds grandparents acting as carers of their grandchildren to the Carers (Recognition) Act, which groups grandparents with those who provide care for people with disabilities or who are infirm, aged or incapacitated. This grouping has led to a great deal of confusion, as there is no correlation between the two sectors. This comparison has caused frustration from both seniors carer bodies and disability groups. While I commend the Carers (Recognition) Amendment Bill for recognising the need for support of grandparents who are caring for their grandchildren, I believe that the restrictive exclusions and the lack of consultation concerning decisions affecting grandparent carers does not provide grandparents with the support and the respect they deserve. This is why I instead support the shadow minister's bill.

The Seniors Recognition (Grandparents Providing Care) Bill would support grandparents providing care to their grandchildren by recognising their role as full-time carers and giving them official status as immediate family members. If passed, this bill will establish the Grandparent Carers Charter, which recognises the important and unique position that grandparents providing care hold in the community. The Grandparent Carers Charter is similar to the Carers Charter, forming the basis of a legislative framework that recognises the positive contribution that grandparents providing care make to the community. The charter states—

1. The State recognises the effort and dedication of grandparents in our community and the vital community service they perform.
2. The State recognises that grandparents who provide full-time care to their grandchildren are primary care givers and deserve the same rights as other primary care givers.
3. The relationship between grandparent and grandchild should be honoured and respected.
4. The State recognises that grandparents providing full-time care to their grandchildren should be respected by our community and supported by all levels of government, institutions and organisations.
5. The views and needs of grandparents, providing full-time care to their grandchildren, must be taken into account, together with the views, needs and best interests of their grandchildren, when making decisions that may affect either the grandchild or the ability of the grandparent to provide fulltime care.
6. Grandparents should be recognised for the unique knowledge, love and experience they contribute to their grandchildren's growth through formative years.

The establishment of this charter will ensure that grandparents who provide care have the chance to have their views and opinions taken into account by public authorities which make decisions that affect grandparents and their grandchildren. It will recognise the time, effort and money that grandparents who provide care spend in order to ensure the best outcome for their grandchildren. In addition, grandparents who provide full-time care for their grandchildren will be recognised as primary caregivers.

The relationship between grandparents providing care and the grandchildren they care for is extremely important, and it is my hope that the shadow minister's bill, when passed, will strengthen the support and respect of grandparents caring for their grandchildren in the community. I commend this bill to the House.

Ms van LITSENBURG (Redcliffe—ALP) (8.53 pm): I rise to support the government's Carers (Recognition) Amendment Bill 2010. With the changing expectations and demographics in society, grandparents are increasingly becoming the main carers or guardians of their grandchildren. This has brought on a variety of issues, such as financial and housing issues, for several grandparents in my electorate and particularly the need for respite, as grandparents do not always have the energy or resilience they had when they were younger and child raising is a challenging and high-energy task.

There is some similarity between the government's bill and the opposition's private member's bill, and I thank the member for Burdekin for her desire to care for grandparents who are primary caregivers to their grandchildren. The government, however, is not able to support this bill or the charter this bill proposes to set up as it could cause further issues for children who in many cases are in their grandparents' care due to issues of neglect or abuse with parents or other child safety issues. Our primary focus must always be on our vulnerable children and the care they need to blossom into adulthood. This private member's bill does not reflect an understanding of the practicalities of rolling out policies on the ground with real people. The Bligh government has always recognised the valuable

contribution of carers and has a longstanding commitment to assisting carers in a practical way. This legislation places Queensland as the first state to recognise grandparents who are full-time carers of their grandchildren.

Another important part of this legislation is the introduction of Grandparents Day. It establishes the importance of the role of grandparents into our state's psyche as well as the role they have in our families and in our hearts. I believe that this will highlight and elevate the role of grandparents and grandparent carers in our community.

I would like to discuss briefly some of the concessions available to all carers, including grandparents caring for their grandchildren. Of course, in assisting carers the government is also assisting the people they care for, whether those people are children being cared for by their grandparents on a full-time basis or people with a disability, frailty, chronic illness or pain.

Two of the most practical measures that this Labor government has taken to assist carers are the Carer Business Discount Card and the Companion Card. Both of these cards are key initiatives of the Queensland government Carer Action Plan for 2006-2010. The Carer Business Discount Card provides eligible Queensland carers with discounts on goods and services from participating businesses in recognition of the additional expenses faced by carers in looking after the person or people they care for. Under the Companion Card scheme, companions providing support for people with a disability who have a need for support are admitted free of charge to participating venues. Businesses participating in programs across Australia extend reciprocal recognition to cardholders. The Companion Card scheme promotes social inclusiveness by allowing people with disabilities to become part of the community and participate in social activities that may be more difficult for them to participate in otherwise.

Other concessions offered by the Queensland government include the Electricity Rebate Scheme, the Electricity Life Support Concession Scheme, public transport concessions, long-distance rail travel concessions, motor vehicle and boat registration discounts, healthcare concessions and dental and spectacle subsidies. These concessions have been enormously helpful to my constituents who are caring for their grandchildren, as doing so on a pension is always a financial challenge. Another important aspect of this bill is that it aligns the Queensland carers act with the Commonwealth Carer Recognition Bill 2010 so that Public Service agencies need to consider an employee's caring role when developing their human resource policies.

Grandparents caring for their grandchildren will also be recognised in the Queensland Carers Charter in the schedule of the Carers (Recognition) Act. This recognition ensures that grandparents have access to information to support them in their role. I congratulate the minister on her recognition of grandparent carers and her initiative in introducing Grandparents Day. I commend the bill to the House.

Mr CHOI (Capalaba—ALP) (8.59 pm): I rise to speak in support of the government's Carers (Recognition) Amendment Bill 2010. In doing so, I would like to first make it clear that the government is aware that there is a diverse range of caring relationships in our community. Carers for people with a disability or chronic disease are currently recognised in the Carers (Recognition) Act 2008. There are grandparents providing full-time care for their grandchildren who the government proposes to include within the scope of the Carers (Recognition) Act. These are two groups of carers that are readily identifiable. However, it is also recognised that there are other people in the community who also take on the important role of caring for others, even if those people are not as readily identifiable as those included within the scope of this legislation. All carers contribute not only to the lives of the people but also to the community generally and they are to be commended for their effort.

Today I want to start by acknowledging the contributions made by carers on a daily basis across Queensland. Right throughout our community there are many families with grandparents as either the sole carers or the co-carers of their grandchildren. This care provides children and families with stability, support and continuity of care that they otherwise would not receive.

As families face new and increasing pressures from all areas of modern life, the family unit has also come under increasing pressure. These pressures are part of the reason that there are numerous children in my electorate of Capalaba who are currently placed in kinship care with grandparents. There are also many more in similar, less official arrangements. Grandparents play a key role in helping to relieve the stresses on the family unit and enable children to grow in a stable, healthy, safe and supportive environment.

The role that carer grandparents play in our communities is an invaluable one as they create a stable home and help to build healthy environments for children to live in and to develop within. This is very important for families caring for children with special needs. In instances where children have challenging behaviour or physical, psychological, emotional or health issues, the task of raising children is made extremely hard. Often it is families facing challenges such as this who benefit most from the care provided by grandparents. When the family is suffering under the strain of day-to-day life and many trials arise, it is often grandparents who are first to step in to help bear the burden to ensure children are cared for and nurtured. More and more grandparents play a vital role in holding together the fabric of our

society. By fulfilling the critical role of raising our children, grandparents contribute greatly to the future of our community. As I said previously, I would like to acknowledge the fantastic contribution they make to our community.

I am aware that the Minister for Child Safety and the Minister for Community Services work closely with the Queensland Council of Grandparents to discuss key issues that grandparents are facing and ways in which the government can work with this group to improve outcomes for Queensland children. While the federal government is responsible for providing income support to these families, including family tax benefits, child-care benefits and concession cards, we recognise the financial strain that comes with foster caring for children. That is why this government has committed more than $128 million in the current budget to support foster-carers across the state. Currently, legislation does not recognise the role that main carers and co-carer grandparents play, creating a range of issues for these important members of our society. This bill seeks to amend this and other issues facing carer grandparents. By amending this legislation to resolve these issues, we can in some small way help to ease the burden placed upon these members of our community. Problems addressed by this bill include guardianship issues and potential challenges faced by grandparents caring for children with challenging behaviour.

The bill will make it easier for grandparents to access support services available to other carers and ensure that grandparents are considered by government in relevant planning, policy and decision-making processes. Currently, Child Safety Services provides kinship-carers with after-hours phone support and access to funded training where specialist skills are also required. In the case of grandparents caring for their grandchildren informally outside of the child protection system, the Department of Communities funds a program called Time for Grandparents. The program links grandparents with free activities so that grandparents can access respite while children are having some fun. The program also runs camps for grandfamilies where specialised support and training is provided. Amendment to the legislation will help in delivering programs like this to grandparents in need of that support. In addition, the government has committed to working with all jurisdictions around Australia to continue to improve support for carers, including grandparents, under the National Framework for Protecting Australia's Children, endorsed by COAG last year.

Today, the government recognises grandparents as the unsung heroes of our community and their vital role in raising our children. We recognise the difficulties faced by these great members of our community and seek to help them complete this important role. That is why we have been committed to recognising and assisting carers since 2003 with the launch of the carers recognition policy and the Carers Action Plan, which sets out the practical steps for implementation of the policy. Some of the achievements under that first Carers Action Plan include the Carer Business Discount Card, the Companion Card for people with a disability and a succession planning project. They are all important initiatives of this government to render some support to grandparent carers.

The time has now come for the development of the Carers Action Plan for 2011 to 2014. This plan will be developed against a background of strengthened recognition of carers in legislation. The Queensland Carers Advisory Council established under the Carers (Recognition) Act is instrumental in preparing this new action plan and has already commenced its work. The new plan will be prepared to ensure that it continues to meet the diverse needs of a broad range of carers including, but not limited to, grandparents raising grandchildren along with carers for people with a disability or a chronic disease. By properly recognising the contribution made by grandparents as carers, we acknowledge their contribution in future policy decisions and improve their current access to services. The government is committed to helping grandparents and carers through practical steps. I believe this bill will help achieve that aim.

In closing, I thank the minister for the work she has done on this bill. I think we can always give more support to carers, and this is certainly a step forward in the right direction. I commend the bill to the House.

Mr MOORHEAD (Waterford—ALP) (9.07 pm): I rise to make a brief contribution in support of the Carers (Recognition) Amendment Bill 2010. It is so important that this House is providing important recognition for the role of grandparent carers in our community. During the time that I have been in this House we have had to update laws on a number of occasions to recognise the greater range of family arrangements and caring arrangements that exist in our community. In the past we have hidden our head in the sand to some degree in denying the wide variety of caring relationships that exist in our community. In common with recognition of same-sex parenting and some of the other initiatives, this is another step to ensure that we reflect the reality of who provides care arrangements in our community. When we talk about these care relationships, we need to look at those basic, day-to-day caring arrangements such as who takes the kids to school, who does the shopping and who fills the fridge. We need to make sure that we are catering for those important things.

I wanted to rise tonight to briefly talk about the lobbying that I have received from Maree Lubach and the group at KinKare. This group represents kinship carers in Queensland. It is based at Beenleigh. I understand that she is a resident of the Albert electorate. I am sure the member for Albert will support me in this.

KinKare and Maree Lubach have been part of the consultation process undertaken by the minister. They did have one outstanding concern which I thought I would ask the minister to address in her summing-up. I know that the minister has written to both Maree and me to provide some assurance around the definition of grandparent carer. KinKare were concerned that the definition of a full-time carer in the Carers (Recognition) Amendment Bill 2010 may unwittingly exclude people who do, for all practical purposes, provide care for children but may have other arrangements that exist. Whether that is extended respite services or other types of care arrangements that they have in place, they are concerned that some people who, for all intents and purposes, are grandparent carers may fall through the cracks. I would appreciate it if the minister could provide that assurance in her summing-up.

We should be supporting grandparent carers, particularly when they are kinship carers. Unfortunately, in my job I have had to deal with parents and carers who have to deal with the department of child safety and child protection services too often. We should always be keen to ensure that our child protection system is a system of last resort.

Kinship carers provide a much better caring relationship, in most cases, than a more bureaucratised caring relationship through child protection services and statutory intervention processes can provide. Where the existing family network can provide support we should be giving them the support to do that. In raising that issue in the debate tonight I commend the bill to the House.

Mr RICKUSS (Lockyer—LNP) (9.11 pm): I rise to make a brief contribution to the debate of the Seniors Recognition (Grandparents Providing Care) Bill and the Carers (Recognition) Amendment Bill. It is good to see that Minister Struthers and Minister Palaszczuk are both in the House to listen to the debate tonight. It is an important debate. I am sure that those on both sides of the House recognise that carers play an important role and provide a service that the government could not afford to provide if it did not have these carers. I want to talk about how we can help carers, particularly grandparent carers.

I have several grandparent carers in my electorate. One is at New Beith, which is down near Greenbank, one is at Hatton Vale and one is at Summerholm. They have issues at times with the department. They are being taken to court over the guardianship of children and things like that. I think the department is putting grandparent carers through trauma that they need not be put through. I realise that I cannot mention the grandparents in this House, but I have written to the appropriate ministers at times. I am dealing with the department on a fairly regular basis when it comes to some of these issues. I must admit that sometimes the responses are beneficial to the grandparents but other times, unfortunately, matters have to go to court. The courts normally have a fairly good understanding of the issues. Quite often I scratch my head and wonder why the department has taken these people to court when the court rules in their favour.

It really is frustrating for grandparent carers who are trying to do the right thing and bring these children up under difficult circumstances. At times the department tries to intrude on their lives when there are much more pressing cases that need to be looked after.

The bill that the shadow minister has presented deals with a really important issue. It is at the heart of what grandparents are going through. They are certainly a different group of carers from carers for people with a disability or carers of parents who become infirm. It is a different caring relationship. The grandparents have had their own children and through misfortune have to then look after their grandchildren. It is quite stressful for them. Whilst it is enjoyable and I am sure most of them are more than happy to take on this role for the benefit of their grandchildren, it can be very stressful for them at times. They realise that it is a different situation given that they are getting older. The stresses of bringing up teenage children become very difficult.

I congratulate the shadow minister for introducing the Seniors Recognition (Grandparents Providing Care) Bill. It is the sort of thing that the opposition is about and all parliaments should be about. We should recognise good people who are putting in to society and giving back to society. I support the Seniors Recognition (Grandparents Providing Care) Bill.

Dr DOUGLAS (Gaven—LNP) (9.15 pm): This is a debate the government does not really want to have. Quite a deal of discussion and argy-bargy has been going on to either delay, modify or temper the debate. Primarily it began with the Seniors Recognition (Grandparents Providing Care) Bill 2010, introduced by the member for Burdekin, Mrs Rosemary Menkens, as a private member's bill. The shadow minister has spoken at length on both her own bill and now the government's bill in response.

I attended the briefings given by the minister, the member for Inala, and other briefings, and I thank all for their patience and sensitivity. I was quite surprised by the government's response and inability to lift itself above the issues of process and ideology. I do not doubt its professionalism and intellect. What I do doubt is an appreciation of the experience, worldliness, pragmatism and, in good measure, sportsmanship.

Before moving on, I would actually like to explain that last descriptor. As has been mentioned ad nauseam here in the House, in relation to many bills there is bipartisan support for decisions and a practical progression to a workable result. On some points, ideology and stubborn opposition and

representing one's constituency can prevent that process. True sportsmanship is what we teach our children. Hopefully, the outcome is that they will accept the umpire's decision with good grace, shake one another's hands and applaud those who are successful.

I am still not certain that on this bill I am seeing that from the responsible minister or the department. I remain concerned that the parallel member, the member for Algester, did do a 'pass the parcel' on this bill. It is a hard one. But like all difficult problems, the solution will have to be worked through. The solution is multifaceted.

I am a family GP, and this issue is a very real problem for families now and certainly in the past as well. Over 50 per cent of all marriages end in divorce, and 40 per cent of those occur within 10 years. Children are in a very vulnerable situation due to the issue of mixed marriages and subsequent financial hardship, parents working, teenage and peer group issues that parents do not have time to deal with and the dislocation from relatives.

Personally, I have put it to the department and the minister that I will give them a 100-plus examples of why we need the bill that is proposed tonight by the member for Burdekin, the Seniors Recognition (Grandparents Providing Care) Bill, and not the government's Carers (Recognition) Amendment Bill. These are real-life examples and worthy of hearing. I have been politely ignored. I believe that the member for Burdekin was treated in a similar manner.

All the major points have been well made regarding the details of each bill. The key government amendment is clause 5. It defines a grandparent carer as 'the grandparent is the primary care-giver and the decision-maker for the child'. That is the defining point of the bill. As has been made mentioned before, that cuts out most grandparents who are rearing their grandchildren under informal family arrangements and, critically, all grandparents who are caring for their grandchildren through the child protection system when they do not have guardianship.

I have extensive experience of this issue. Not only is the government amendment disturbing; it will leave most grandparents in a hopeless situation. This bill was offering them hope in their truly precarious situation. That is crucially their issue. But what of their children and grandchildren? It does not offer them a solution and they have been consigned to a future either in legal limbo with relative carers—that is, those with Family Court orders—or guardianship through Child Safety.

The stated purpose of the LNP bill is to inscribe a charter giving grandparents providing care official status as immediate family members and recognition for their efforts. It provides for a legislative framework to implement these aims. The Bligh Labor government's bill offers grandparents none of these aspirational ideals due to the critical definition of grandparent carer.

I do not believe in views that state that when one has children only then can one understand both what responsibilities of parents are and what parents do indeed feel and what sacrifices need to be made for their children and their grandchildren. I am beginning to think that, after dealing with this current government and by virtue of my own increasing age whereby I am facing the situation where we could potentially have grandchildren, my views may need to change. The government position is untenable and has a blind adherence to an ideological position that primarily addresses carers providing care to those with disabilities and those who are infirm, aged or incapacitated. With respect, these areas are not just a bit different; they are poles apart. These are not trivial matters; these are children we are being asked to help here. They have names, homes, grandparents and families who often selflessly want to do nothing more than love and care for them.

I put it to the minister and her government that the carers bill that forms one part of this cognate debate does not do what it says it should do, and that is truly define a grandparent as a carer, because it adds the qualification to that word and, in doing so, it destroys most of the goodwill that goes with it. I, too, have read all of the stories from parents, grandparents, journalists, Peter Beattie's personal stories and a variety of stories which in part have been related here today and certainly in many of the articles that have been written. None of these stories have relevance to the Carers (Recognition) Act, and nor should they. I realise it is hard to understand what grandchildren see in their grandparents and vice versa to some who want to try to put everything into words and structure. There are too many words that convey that special component contributed to by grandparents. Those sentiments have been effectively conveyed by the shadow minister and the grandparents bill is testament to a true understanding of what is needed. It really is deserving of all our support for all the right reasons.

The Carers (Recognition) Bill was introduced by the LNP in 2008. It was passed under Labor with a significant amendment that weakened the bill by removing the requirement to consult with carers and consider the Carers Charter when making decisions affecting carers. To add grandparents to this amended bill in the manner dictated by Labor is just too offensive. It defeats common sense and defies community expectations. It also demonstrates a lack of knowledge, a lack of insight and a lack of sensitivity towards grandparents. I urge members to support the LNP bill and disregard the government's bill.

Mr CRANDON (Coomera—LNP) (9.21 pm): I rise to contribute to the cognate debate on the Carers (Recognition) Amendment Bill 2010 and the Seniors Recognition (Grandparents Providing Care) Bill. The Carers (Recognition) Amendment Bill was introduced by the Minister for Disability Services and Multicultural Affairs. The Seniors Recognition (Grandparents Providing Care) Bill was introduced by the member for Burdekin. It is also the case that the Carers (Recognition) Bill was introduced by the member for Burdekin in 2008. Fundamentally, the Seniors Recognition (Grandparents Providing Care) Bill is the only bill that will achieve the goals of recognising the Grandparent Carers Charter, the major focus of the bill. This is not about politics. Sadly, that is what this government has made it. Grandparents caring for their grandchildren is very different from carers, whether they be parents or others, caring for those with disabilities. It is a very different situation and should be treated as such. Carers should be retained under the Carers Charter under the disabilities legislation. Grandparents should be under a separate charter under families legislation. By attempting to make all carers the same, we will end up with an inferior charter. Simply put, the charter that the member for Burdekin proposes in her bill provides that if changes will affect grandparents they will be consulted.

Two areas of the minister's bill cause me concern. The explanatory notes to the Carers (Recognition) Amendment Bill 2010 relating to clause 5 state—

This clause amends the definition of *carer* in section 6 to provide that a grandparent is a carer for his or her grandchild if the child lives with the grandparent and the grandparent is the primary care-giver and decision-maker for the child.

It then goes on to say that it excludes grandparents who look after the children whilst their parents are working and under various circumstances. There is a fundamental error and a fundamental concern in this, and of course in recent times we received an erratum to the explanatory notes. I note that it is not an erratum to the bill at hand but an erratum to the explanatory notes, and it clarifies the wording for 'decision maker'. In clarifying the wording for 'decision maker', it makes clear that this bill was perhaps done in haste or certainly not a great deal of attention was applied to the wording within the bill. The erratum states—

The words 'decision-maker' include both day to day decision-maker where the lawful guardian of the child is someone other than the grandparent and also where the grandparent is the lawful guardian of the child.

That raises a fundamental issue and a fundamental situation, and that fundamental situation is this: many grandparents who look after their grandchildren do not have the decision-making rights that we would expect someone looking after a child in full-time care would have, and the reality is that many of those children are under the guardianship of someone else. Grandparents do not have the decision-making options, for example, to move a child from a school. They do not have the ability to be able to move a child from one school to another. They have to go to someone else. Under the wording that was first proposed by the minister, it was clear that so many—in fact, I would argue the majority—grandparents would in fact have found themselves out in the cold because they would not have come under the charter. In recent days there has been this hurried explanation that 'decision maker', which really has no standing in law and no standing in the existing act, is now being watered down. For example, if a grandparent takes a child to the doctor and gives medication to the child that has been provided by a doctor, then that is a decision-making power. However, it was not the same power that we saw in the original definition of 'decision maker.'

The second area that concerns me relates to clause 9. Once again, there is an erratum to water down clause 9. Essentially, clause 9 gave an assurance that grandparent carers' access to information that supports them in their role of caring full time for their grandchildren was available. However, that is now watered down. This refers to things such as their health situation—that is, being able to go to the doctors and say, 'Tell me, how has my grandchild's health been over the last five years?' and various other very important questions that a grandparent full-time carer would want to ask. However, we now find that the capacity to gather that information under clause 9 has been watered down in that the erratum states—

... Grandparents providing full-time care for their grandchildren could access information of a general nature ...

So they can access information of a general nature as opposed to that more important fundamental information that a carer of a child needs to have so that they can make appropriate decisions for that child's care as if that child was being cared for by their natural parent.

We have that situation where a natural parent is able to do all of those things, gather all of that information, but on the other hand we now have a situation where a grandparent who is caring for the child does not have that same capacity. That is a watering down of the bill. I am only able to support the bill that has been put to this House by the member for Burdekin. I cannot support the bill put forward by the minister on this occasion.

Debate, on motion of Mr Crandon, adjourned.

ADJOURNMENT

Hon. A PALASZCZUK (Inala—ALP) (Acting Leader of the House) (9.30 pm): I move—

That the House do now adjourn.

Sunshine Coast, Cost of Living

Mr BLEIJIE (Kawana—LNP) (9.30 pm): I rise this evening in relation to a vitally important issue on the Sunshine Coast—that is, the cost of living. Residents of the Sunshine Coast are certainly suffering higher costs of living in terms of their fuel subsidy being deleted by the government and their rising electricity bills. We all remember the comments from the Premier and the Deputy Premier at the time that the privatisation of the electricity retail industry would drive down costs. It has not. An important issue on the Sunshine Coast at the moment is water. A few weeks ago I attended a water forum that I organised. I thank Jon Black, the CEO of Unitywater, for showing up. Some startling facts were revealed at that water forum and I would like to point out some of those to the House and the reality of the ever-increasing costs Sunshine Coast residents are facing.

I wrote to Unitywater and asked several questions. One of the questions I was asking, that was also raised at the community forum, was: what were the establishment costs for Unitywater? In 2007 the government took all the water assets from council. At the time Mayor Don Aldous said that it was the great water swindle. We asked what were the establishment costs in relation to this great water grid, the great Traveston Dam that was meant to be constructed and the great Tugun desalination plant that has just been handed over. Unitywater got back to me. It has done an audit account. It has spent $7.28 million in establishment costs and says that will be passed on to consumers because the government has checked the audited books. I asked how much it has spent in marketing. It answered that billboard advertising cost $177,000; office equipment cost $206,000; marketing initiatives cost $716,000; and T-shirts for new staff cost $160,000. Then it gets better. It states—

Please recognise that these are not all the necessary establishment fees so far.

I will table a copy of the letter in which he goes on to talk about the wholesale grid price increase and the fact that Unitywater will be up for enormous capital expenditure in the future and also noting in terms of sewage treatment and environmental compliance that the state government has removed the 40 per cent subsidy for these works. It is a shameful minister that stands in this place and says that he has nothing to do with the increase in water prices on the Sunshine Coast because it is as a direct result of this government that it exists today.

Tabled paper: Letter, dated 17 September 2010, from Jon Black, chief executive officer of Unitywater, to Jarrod Bleijie MP in relation to set-up costs for Unitywater [3314].

Woodridge Fire Station

Mrs SCOTT (Woodridge—ALP) (9.33 pm): Protection of life and property, be it from fire, flood, storm or accident, is central to what drives our emergency services workers and volunteers to go out in what could sometimes be described as diabolical conditions to serve and protect our communities. The men and women of our emergency services, including police, ambulance, firefighters and our SES, are the backbone of community safety. In Logan City we have many first-class facilities; however, it was very apparent that in the Woodridge electorate our fire station was in desperate need of replacement. It was not just the aesthetics of the station but a real workplace health and safety issue. This station serves a very large area, including the Springwood electorate, and is one of the busiest districts in the region.

On many occasions the member for Springwood and I discussed the concerns with senior officers such as our assistant commissioner for the south-east region, Peter Beauchamp, and union representative Steve Bunney and knew that the planned replacement station was still some years away. Thus commenced a time of lobbying and discussion with the minister, the Hon. Neil Roberts, and Treasurer Andrew Fraser, as well as within the service itself.

It is to the credit of this government and all involved in the planning that we now have a modern, state-of-the-art facility which will become the model for new stations of a similar size throughout the state. Built three years ahead of schedule, a celebration was held to open the new station as part of the recently held community cabinet in Logan City. It was our privilege to have the minister, the Hon. Neil Roberts, with us to officiate, along with the deputy commissioner for the Queensland Fire and Rescue Service, Mr Iain MacKenzie, and our assistant commissioner, Mr Peter Beauchamp. Superintendent Brad Commens provided an overview of the project and emceed the proceedings. Many families of our fire officers, a large number of retired firemen and representatives of other emergency services and council were also in attendance, not only to enjoy seeing such a great new facility commissioned but also to honour a large number of serving and retired officers who received in excess of 50 medals and service awards. Of particular note was the Commissioner's Certificate of Commendation awarded to senior firefighter Peter Derges. Peter, along with his brother, Allan, had earlier received their Diligent and Ethical Service Medals for their 10 years of service as their proud parents watched on, with their father, Kevin, now retired, having been in our original team of firefighters in Woodridge.

Along with all my parliamentary colleagues, I wish to commend all those who go out day and night to rescue and protect our communities in very many diverse circumstances. Their bravery and dedicated service are a matter of record with many stories both told and untold.

Moreton Bay, Artificial Reefs

Dr ROBINSON (Cleveland—LNP) (9.36 pm): I rise to address the issue of artificial reefs in Moreton Bay. The government committed to provide six new artificial reefs at a cost of $2 million during this electoral period. The LNP has been and continues to be supportive of artificial reefs as part of an effective marine park plan for Moreton Bay. Previously in the House I have raised concerns about the way in which the government has conducted itself regarding fulfilling this commitment. In recent months three new issues have developed. First is the secrecy surrounding the program. The minister has been operating under a cone of silence when it comes to her plan. I recently asked the minister, in question on notice No. 1583, to make public the details of the plan for each of the six reefs, specifically the size of each reef and the material types to be used. Of the five reefs still to be built she said—

The member can be kept informed of the dimensions of these reefs when they are completed.

In other words, no-one can know anything about the plan until it is over. There will be no briefings, no public consultation, no scrutiny and no opportunity for suggestions of improvement. This is entirely inadequate from the minister. I call on the minister to release the full details of her plan, including the exact GPS locations, expected completion dates, the size of each reef and the materials to be used in each reef so that the proper scrutiny can be undertaken.

Secondly, the program is well behind schedule. The minister's recent announcement of the location of two reefs, at Peel and Coochiemudlo islands, masks the fact that only one of the six reefs has been built to date and we are already more than halfway through the parliamentary term. Clearly the project should be more advanced than it currently is. I call on the minister to treat this project with the urgency and the importance it deserves and to bring the program back on track.

Thirdly, as a question, is the government trying to back out of its full commitment? It appears that the minister has been considering the use of pylons from the Hornibrook Bridge in the construction of some of the reefs. I asked the minister a question on notice, No. 1663, about whether she planned to use these concrete pylons, but she refused to say whether they were part of the plan for the remaining five reefs. The absence of any clear answer to this question of the pylons leaves open the possibility that the government might be tempted to secretly substitute some of the more expensive, specifically-built high-quality reef structures, such as reef balls, with the cheaper and inferior bridge pylons for some of the reefs. The $2 million artificial reef program was, for the government, a compensation package and it should be kept and upheld.

Further, if the Hornibrook Bridge pylons are deemed to be suitable materials of opportunity and the government does decide to use them, I would like to recommend that they use them to build an extra two artificial reefs—one near Redcliffe and another perhaps outside the bay. A composite approach that combines the specific reef structures and pylons could produce up to eight reefs in total. If the pylons are to be used, I call on the minister to consider the LNP proposal to create two additional reefs.

Skilling Queenslanders for Work; History of Queensland Labor Party

Mrs MILLER (Bundamba—ALP) (9.39 pm): The community in the Bundamba electorate has worked long and hard with the Labor government to get people into training and back to work. Over many years there has been a successful partnership between the Riverview Neighbourhood House, myself as the state member of parliament and Skilling Queenslanders for Work programs, resulting in assistance for local people. In fact, in this financial year $2,738,610 has been expended, helping 685 people to access training and jobs. Since the program began in Ipswich in July 2007, just over three years ago, some $13,996,786 has been provided, helping out 2,823 people.

Our Labor government believes in the potential of people, our workers, and what a great success! The current Queensland unemployment rate is 5.4 per cent, but not in our area where it is 4.9 per cent. This Friday I will be handing out certificates to 12 people who completed the certificate III in community services. I thank the Riverview Neighbourhood House, including its president, Jan Wardle, Pastor Paulo and the team for their partnership in these programs.

This is what Labor governments do best—looking after people and giving them a hand up in life—and we remember our past with fondness. Last Saturday, the Brisbane Labour History Association function titled 'Labor in politics—past and present' was a really great success. I would like to thank the president Greg Mallory, Jason Stein, Bob Reed, Jeff Rickett, Troy Keith, Brian Randall and the State Library of Queensland for hosting the event.

Our Labor history shows it is only Labor governments that care about ordinary working people. They care about skills and training. They care about kids' education. They care about families. They care about health care. We never ever forget the good that Labor governments do in our community. That is why the Brisbane Labour History Association is so important. It remembers the good, it remembers the bad. It also remembers the successes and builds on them. It remembers the failures and learns from them. It remembers the rascals in the Labor movement, and also our Labor heroes. It is only through learning from our past that we can make our nation and Queensland better places.

National Parks and Protected Areas

Ms BATES (Mudgeeraba—LNP) (9.42 pm): Tonight in this place I rise to speak on behalf of residents in the national heritage listed area of Springbrook, in the electorate of Mudgeeraba. Yesterday, the Auditor-General's *Report to Parliament No. 9 for 2010: Sustainable management of national parks and protected areas* was tabled. The report highlights the appalling track record of the Bligh Labor government when it comes to spending hard-earned taxpayer funds on our national parks and other protected areas. The Auditor-General stated—

The Act requires the plans to identify the key natural and cultural values, and strategies for day-to-day and long-term management to protect these values. The Act also states that plans should be prepared as soon as practicable after the dedication of a protected area.

The minister should hang her head in shame over the treatment of residents in Springbrook. The restoration agreement between this Labor government and the Australian Rainforest Conservation Society was signed in August 2008. It is now two years since that agreement was signed and we have seen not one report on what Aila Keto and her cronies are up to on the mountain. At this stage I point out that I have asked on numerous occasions to meet with the ARCS and, to date, this has not been forthcoming.

The report is no surprise to the residents of Springbrook who have endured continual secrecy on the $40 million buy up of land, homes and businesses in their local areas. To add insult to injury, the report has revealed a shocking statistic that only 98 of the 576 national parks in Queensland have a management strategy in place. That is a mere 17 per cent. The report highlights what we already know: there is no plan for Springbrook and the ARCS has no accountability to the government, despite the provisions dictated in the restoration agreement. The report substantiates this view. It states—

In my view, the absence of park management plans for most national parks and protected areas creates a risk for the department. Without approved park management plans, conservation activities undertaken in the protected area estate may be insufficient, or be inconsistently applied over the longer term. The relatively small number of completed park management plans reduces the department's capacity to measure its success and accurately report its findings to Parliament and other key stakeholders.

In her reply to the Auditor-General's report, the minister stated that 'the preparation of management plans has been influenced by the time and cost involved' and that 'the outstanding protected areas would require a commitment of 30 years and $60 million'. I ask the minister: is ARCS's commitment to her government going to take 30 years before it produces outcomes? Her department has already given $40 million of our money to a group that cannot finalise a plan or produce a report, and thus far has shown no evidence of environmental outcomes. Not one area of rainforest has been regenerated, not one tree has been planted and no habitat has been restored. All we have are a few pink ribbons tied around a few weeds, all for $40 million. Residents in Springbrook would like to know how much of the $60 million is going to be handed over to Aila Keto in order to gain Greens preferences for the 2012 state election.

Horizon Foundation

Mr CHOI (Capalaba—ALP) (9.45 pm): Tonight I would like to inform the House of a wonderful not-for-profit organisation, Horizon Foundation, which is based in my electorate of Capalaba. From humble beginnings in 1981, Horizon has grown to being one of Queensland's leading and most respected NGOs, employing over 120 staff. Each and every year it assists well over 1,300 people with a disability through a diverse range of services and programs. Its mission, creating opportunities for people with disabilities, is achieved through the delivery of a range of services, including the development of skills through post school one-to-one and group programs; providing support to families and carers; and enabling community access to recreation, training and employment.

It was Horizon's efforts in providing training to people with a disability with a view to job placement that captured my attention many years ago. We all know that, at times, job seekers face obstacles in searching for work. That is particularly true for people with a disability. The barriers, seen and unseen, real or resulting from the misguided perception of the community, are nonetheless challenging and pose huge impediments for the clients of Horizon. That is where Horizon shines in terms of providing training and placement through some of its services. Horizon also employs people with a disability in two of its business enterprises. They have been making beautiful wooden horses for many, many years. Horizon also supports families and individuals, including through the facilitation of a family support program. The work of Horizon is formally acknowledged by the government and the community.

The state government has supported the Horizon Foundation in the delivery of its Baby Bridges program by providing $30,000 to help run that program. The Baby Bridges program has been such a success that we want to expand the program to other parts of the state. It is designed to give children with a disability the best possible start in life. I have seen first hand the way that the program is changing the lives of children. Parents can take part in a respite group, which provides them with up-to-date information, advice and opportunities to establish support networks.

In recognition of the work undertaken by the staff of Horizon, previously it has won the Australia Day community organisation award. In addition, during its AGM last week I was particularly pleased to be informed that Horizon featured in the best places to work in Australia 2010 list, produced by the Great Place to Work Institute and published by the *BRW* magazine. In other words, Horizon is not only a great organisation that provides essential care and training to people with a disability, but it is also a great place to work. It cares for the workers who care for others. I congratulate the CEO, Joe Gamblin, and all his staff for their dedication to their clients and to the members of the Horizon Foundation Board for their professionalism and guidance.

Lions Clubs International, World Lions Service Day

Mr CRANDON (Coomera—LNP) (9.48 pm): Today is Lions Clubs International World Lions Service Day, which is a day to celebrate Lions' service to the community and the very first convention, held in Dallas Texas, in 1917. Last Saturday night I had the honour of proposing the toast to Lions Clubs International at the charter meeting of the Lions Club of Sanctuary Cove. The growth in LCI is assured in my electorate, with this being the second club to charter within just a few months. The Lions Club of Sanctuary Cove and the Lions Club of Coomera Waters join the clubs of Twin Rivers, Ormeau and Helensvale as groups of locals who serve our community and help those in need.

We need go no further than the LCI's 'purposes' for an explanation of where LCI's success comes from. Keeping those 'purposes' in mind causes each member to focus on principles that bring about positive outcomes with a spirit of understanding—a focus on what is good government and what is meant by the term good citizenship and what it means to be active members of the local and broader community. Individuals bond together and work as one, developing friendship and understanding, and they promote and encourage bipartisanship in all aspects of life and promote service above personal profit.

There are 1.35 million members around the world in 46,000 clubs who are actively practising these principles. It is no surprise that LCI has a powerful, positive influence on our community. Those positive influences manifest themselves on the international stage through such programs as Sight First: Lions Conquering Blindness. The program is described as an aggressive global prevention initiative aimed at eliminating preventable blindness. These are powerful words for positive goals and achievements.

Another focus of LCI's activities is that of youth programs that provide young people with opportunities—opportunities for achievement, opportunities for learning, opportunities to make a contribution to the community. In focusing on youth programs, LCI is nurturing a trait that, I believe, is in all Lions members. That trait, properly nurtured, will stay with them throughout their lives. And in providing those opportunities, future growth of service clubs such as Lions is guaranteed.

Of course there are many other programs, including programs through the Lions Clubs International Foundation, whose three major objectives are: the provision of major disaster relief, vocational training programs to help the underprivileged and those with disabilities gain independence, and humanitarian services. I know it is a cliche, but all of these things are being achieved because ordinary people are doing extraordinary things, and, I must say, with unmatched integrity and energy.

The point I make here is that the work of Lions members is the cornerstone of a club's success and therefore the cornerstone of the success of Lions Clubs International. I know that all members in this House will join with me on this very special day in recognising Lions Clubs International and the wonderful work they do.

Capricorn Coast, Village Festival

Mr HOOLIHAN (Keppel—ALP) (9.51 pm): It is nice to hear those words, as a large number of members in this House and staff are members of the Parliamentary Lions Club. It might interest the member for Coomera that next Friday night we have Jazz on the Green 2. He can always buy tickets. He is always very welcome and if he would like to come along to learn about Lions, because many of us have been in Lions for many years. He is very welcome.

Mr Crandon: And I am a member of the Lions Club of Helensvale.

Mr HOOLIHAN: I take that interjection, but he should sit down when he yells in my ear.

Independent of Jazz on the Green, I would like to tell the House about the Village Festival at Yeppoon on the Capricorn Coast held on 17-19 September. It is one of the largest music and arts weekends in regional Queensland. It was in part sponsored by Queensland Events, the Central Queensland University, the Rockhampton Regional Council, the *Morning Bulletin* and ABC Capricornia. It is run by the Keppel Coast Arts Council. I would like to congratulate Leanne Smith, the President of the Keppel Coast Arts Council; the festival coordinator, Jason Pfingst; the volunteers coordinator, Janeene Hutchinson; the secretary, Leanne Kippen; and much thanks to Bob and Fay Leicht, who fed the volunteers.

The operation of the Village Festival was undertaken by 160 volunteers. They ran arts workshops, kids activities, street theatre, food and market stalls, circus acts, a home-brew comp and tasting for those who do not mind a quiet drink, and there were many people who camped there from the Friday night to the Sunday night. I had the honour of representing the Premier and declaring the festival open and also helping out as a volunteer announcer on the main stage.

There were four stages providing live music, and the acts that appeared came from all over Australia. We even had Spinifex Rose, who came from Melbourne at their own request because they know that the Village Festival has got bigger and bigger. This was the festival's eighth year. I have to tell everyone that in 345 days they can always come to the Capricorn Coast and enjoy the ninth Village Festival. This year saw an increase of 25 per cent in patronage through the gate. That equates to around 18,000 to 20,000 people over the two days.

For a small festival which started at Farnborough State School and now takes up the whole pony club paddock on the Capricorn Coast, I commend the festival to everyone and once again congratulate the group who put it all together.

Oonoonba Urban Development Area

Mrs MENKENS (Burdekin—LNP) (9.54 pm): The concept and rationale for the formation of the Urban Land Development Authority and certain targeted urban development areas are to be endorsed. Urban development areas should provide for affordable housing, which is a commendable concept. The Oonoonba UDA was declared on 23 April and abuts the high-value residential development area known as Fairfield Waters. A great number of the immediately adjacent landholders to the proposed UDA have conveyed their concerns to me and the ULDA in relation to a lack of meaningful consultation on this Oonoonba UDA.

There are a number of aspects, but two that are critical are the loss of sale value of their homes and concern with drainage once the UDA is in place. Fairfield Waters residents have invested heavily to secure their houses and have paid a premium to have a rural outlook. Prices range from medium to high. I put to this House that the current plans in Oonoonba are contrary to the Urban Land Development Authority Act 2007. The objectives of the act include the maintenance of economic, physical and social wellbeing of people and communities. There is definite evidence of a significant decrease in the valuation of established homes in Northshore Circuit, Riverwood Drive and Viewpoint Terrace as a direct result of the UDA proposal. There will be an adverse economic impact on existing residents.

The ULDA website is the epitome of the soothing sounds of consultation and working with neighbouring landholders on an ongoing basis. In newsletter No. 1 for Gladstone, Mackay and Townsville, one of the frequently asked questions relates to 'What about the value of my home?' Once more there are the soothing sounds, citing an example of Fitzgibbon in Brisbane where the unimproved valuation in the surrounding suburb has increased by 40 per cent since the ULDA entered the area. I can say that this can provide no tangible solace for the immediate neighbours in Fairfield Waters. In the harsh light of day, the opposite is the reality they are faced with. House prices have fallen in the immediate vicinity, with some sales falling through as prospective purchasers become aware of the neighbouring UDA.

At the first consultation meeting, these neighbouring residents were told that there would be a buffer zone between their houses and the urban development area homes and that the houses would be traditional houses similar to the homes in Fairfield Waters which are governed by a specific covenant and also of similar value. At following meetings this has changed, and housing blocks—much smaller than those of Fairfield—abut the back fences and residents are now being told that developers could build any type of housing on those blocks. There is the possibility of high-rise buildings as well. In the residents' words, 'the story keeps changing'. Residents are very concerned because they do not believe that the ULDA is seriously taking their concerns into consideration, and consideration of the value of neighbouring homes is a very high priority.

Also, a watercourse is in place at the back of the existing houses, but residents have not been provided any assurance that flooding and stormwater have been investigated and will be managed or minimised.

(Time expired)

Bethania Waters Shopping Centre, Fire

Mr MOORHEAD (Waterford—ALP) (9.57 pm): On the morning of 25 September, only a few weeks ago, the people of Bethania woke to the tragic news that the Bethania Waters Shopping Centre had been the subject of a terrible fire. It had come to attention in the early hours of Saturday morning, about 4.50 am, that a fire had been lit in the roof of the building and was taking over the building on the Station Road premises.

Bethania is a suburb in my electorate which specialises in catering for seniors. It is home to a number of manufactured home parks. It is home to a number of nursing homes, retirement villages and also residential service providers who provide a range of housing options for seniors, as well as seniors who live in their own homes. Many of these seniors have been very dependent on the GP and the pharmacy who have been providing services out of that centre for many years. This is particularly the case in respect of the pharmacy, where the pharmacy held both the prescription and the blister pack delivery arrangements for many people who were in need of medication for many of the chronic illnesses that they suffer. Bethania, for a suburban environment, is quite isolated, with no thoroughfare road through the suburb and only a road to neighbouring suburbs available.

When this terrible news became known, the police and fire and rescue were on the scene very quickly. The response came particularly from the Loganlea station—Ross Bobbermein and the team there. But, in all, it took 12 appliances and 30 officers to get the fire under control. In response to this terrible fire, along with Logan City Council I have met with the businesses in the centre, particularly the surgery, the natural therapist, the pharmacist and Calvary Food Care, to discuss how we can best return those services to the community. The councillor working with the local community is set to provide a temporary home for the pharmacy and the surgery. I particularly thank Graeme Nasmith and his committee for their support of that initiative.

I have also spoken to the Insurance Council of Australia to try to coordinate some of the insurance response. I thank the insurers, particularly Suncorp, for their support. Their coordination across insurers will mean that we can replace this facility as soon as possible.

The police, as I said, were quick to hand over the scene to the property owner to allow restoration by the Saturday afternoon, but Crime Stoppers are still seeking information on people who might have seen the white Camry leave the centre at about four o'clock that morning. I also thank the Treasurer for ensuring that the workers in those businesses were provided with immediate support from DEEDI's job task force program.

Question put—That the House do now adjourn.

Motion agreed to.

The House adjourned at 10.00 pm.

ATTENDANCE

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, Sorensen, Spence, Springborg, Stevens, Stone, Struthers, Stuckey, Sullivan, van Litsenburg, Wallace, Watt, Wellington, Wells, Wendt, Wettenhall, Wilson