



# RECORD OF PROCEEDINGS

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## THURSDAY, 26 MAY 2011


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The Legislative Assembly met at 9.30 am.


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

### PRIVILEGE

#### Mackay Courthouse

 **Mr BLEIJIE** (Kawana—LNP) (9.30 am): I rise to address a matter of privilege. Yesterday I asked a question without notice to the Minister for Community Services and Housing and Minister for Women with respect to the lack of female amenities in the new Mackay Courthouse. Since that time, I have received advice that certain senior staff have been harassed because of an assumption that the information contained in my question was given to me by staff at the courthouse. The allegation that public servants are being harassed should be of the highest concern. I wish to place on record that it was a third party that advised me of the issue of the lack of female amenities at the Mackay Courthouse some days prior to my courthouse visit. Court staff did not actively raise this issue with me. I attended the Mackay Courthouse precinct yesterday and on my own investigations confirmed the advice provided to me by the third party.

#### Alleged Deliberate Misleading of the House by a Minister

 **Mr MESSENGER** (Burnett—Ind) (9.32 am): I rise on a matter of privilege under standing orders 269 and 266 relating to contempt. Yesterday in this place the Deputy Premier sought, in answer to a question without notice, to convey to the House that it was the Director of Public Prosecutions's responsibility to initiate proceedings regarding the granting of immunity from prosecution. The Deputy Premier stated—

... indemnities are granted in very limited circumstances: first of all, when the Director of Public Prosecutions recommends that you grant one.

He again said—

... they are matters that relate to advice from the Director of Public Prosecutions.

I table a letter in relation to Mr Nuttall dated 18 May 2011 from the Director of Public Prosecutions which contradicts the Deputy Premier's answer.

*Tabled paper:* Letter, dated 18 May 2011, from the Director of Public Prosecutions to Mr Rob Messenger MP regarding allegations raised by Mr Gordon Nuttall [\[4538\]](#).

The Director of Public Prosecutions wrote to me—

Further, it is the Attorney-General, not me, who has the power to grant immunity from prosecution pursuant to section 7 of the Attorney-General Act 1999.

Mr Speaker, I also table a letter I have written to you explaining in detail why I request that you refer the Deputy Premier to the ethics committee for contempt of the House.

*Tabled paper:* Letter, dated 26 May 2011, from Mr Rob Messenger MP to the Speaker regarding an allegation of contempt and breach of privilege [\[4539\]](#).

**Mr WILSON:** I rise to a point of order.

**Mr SPEAKER:** I will hear the point of order.

**Mr WILSON:** I do not believe that the matter that the honourable member is raising raises a matter of privilege to do with this individual member.

**Mr SPEAKER:** I will rule on the point of order. The point of order does not have to relate to a particular member; the matter of privilege has to relate to a proceeding in the House. So I will hear the member for Burnett. Member for Burnett, are you finished? If so, are you putting it in writing to me?

**Mr MESSENGER:** Mr Speaker, I tabled the letter that I have written to you.

### **Speaker's Ruling, Documents Tabled by Member for Burnett, Referral to Integrity, Ethics and Parliamentary Privileges Committee**

**Mr SPEAKER:** Honourable members, as I have reminded all honourable members in the past, the Queensland Legislative Assembly has a very liberal approach to the tabling of documents by members. It is certainly much more liberal than other houses of parliament. The particular distinction in this House is that members have an almost unfettered right to table documents, at least in the first instance. In most other houses of parliament, the tabling of documents is limited to particular classes of documents or tablings by ministers of the Crown unless leave of the House or the chair is first sought and given. In the United Kingdom House of Commons, the Canadian House of Commons and the Australian House of Representatives, private members have no right to table papers without specific consent of the House. The same privileges that members enjoy in their speeches in the House are effectively also transferred to documents tabled by them in the House.

As I have emphasised in previous rulings, with such a right also comes risk and responsibility. On 24 February 2004 Speaker Hollis reminded members of their duties as regards material that relates to children, and in a ruling on 17 June 2005 Speaker Hollis emphasised the duty on members as regards their speeches and tabled documents. On 21 February 2007 Speaker Reynolds made a comprehensive ruling in this House regarding the rights and duties of members in tabling documents in the House, and as recently as 16 September last year I warned members about redacting information from tabled documents.

I inform the House that once a document has been tabled it cannot be altered or otherwise interfered with unless the House otherwise orders. On occasions members seeking to protect the identity or private details of constituents or others who provide them information seek to redact information by using black texta to black out names, addresses or other identifying features. There is absolutely no difficulty in this from a procedural perspective. However, members who wish to protect the identity of constituents or others need to be very careful to ensure that their efforts to redact information are actually effective. Oftentimes, simply placing a black texta through an identifying feature is insufficient to ensure that the original words cannot be viewed in a copy or electronic version.

Unfortunately, a matter has come to my attention which, on the face of it, demonstrates that a member has acted, at the very least, in a careless manner regarding tabled material and in so doing has breached their duty under standing order 35, which places a very clear obligation on members to ensure that tabled documents cannot be used to identify children.

During matters of public interest on 10 May 2011, the honourable member for Burnett tabled a large bundle of documents and electronic information. This comprised a bundle of various documents containing a total of 104 pages and a USB stick. Only one document had redactions. This is a 71-page document listed in the records of the House as tabled paper No. 4395 which has 53 redactions spread over nine pages—that is, pages 58 to 66—in the bundle of 104. Unfortunately, insufficient care has been taken with the redactions and the names are visible in some light and when the documents have been scanned in for the database. If members' rights regarding tabled papers are to be preserved then the duties upon them must also be enforced. When they fail in their duties there must be a consequence. Therefore, I am referring the member's actions to the Integrity, Ethics and Parliamentary Privileges Committee.

**Honourable members:** Hear, hear!

**Mr SPEAKER:** Honourable members, I now ask for leave of the House to approve the Clerk altering the document to effect proper redactions.

Leave granted.

**Mr MESSENGER:** Mr Speaker, I have listened to your ruling. If I have acted in a careless manner I apologise to the House.

**A government member** interjected.


**Mr SPEAKER:** Order! The honourable the minister. I have called upon the honourable gentleman to address the House. I will hear the honourable member for Burnett.

**Mr MESSENGER:** Thank you, Mr Speaker. I took measures which I considered were extensive and comprehensive as a means of redacting those documents relating to a child safety matter.


**Mr SPEAKER:** I would say to the honourable member that no doubt those comments will be considered, but I have referred the matter to the privileges committee and the honourable member will have his chance then to have his say before that committee.

## SPEAKER'S STATEMENTS


### Regional Sittings of Parliament, Mackay; Student Participation

 **Mr SPEAKER:** Honourable members, as noted yesterday part of the educational displays located outside the chamber invites students to complete the statement, 'If I was a member of parliament I would'. I take great note of all of these, because some of the responses yesterday were, 'I would donate old toys and things that are still in shape and give them to orphans', 'I would make Justin Bieber come to Mackay', 'I would be the Premier or the person that carries the mace'. But the last one is the one that caught my attention the most, 'I would be the Speaker, because you can easily get everyone's attention.'

### Regional Sittings of Parliament, Mackay; Central Queensland University Appreciation Ceremony

 **Mr SPEAKER:** Honourable members, at 1.30 this afternoon it will be my pleasure—and I would invite you all to come along—to attend an appreciation ceremony for the 50 students from Central Queensland University who have volunteered their services this week to assist the school tour program. They have done such a wonderful job—they have almost been invisible. They have done an excellent job and I thank them for that. So I invite all of you to attend and join with me in thanking the students for their efforts.

### Regional Sittings of Parliament, Mackay; Student Participation

 **Mr SPEAKER:** Honourable members, once again today a number of senior students who were involved in the youth parliament held in Mackay three weeks ago are present to witness the parliament at close quarters and also to assist the parliamentary attendants for this morning's session. So today we have students from St Patrick's College and we have Chrispin Scott, Alex Handley, Isabella Erba and Eloise Allwood. Would you please make them welcome for the job that they are about to do.

**Honourable members:** Hear, hear!

## PETITION

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


### Moore Park Beach, Police Resources

Mr Messenger, from 320 petitioners, requesting the House to use all legislative and political powers to ensure the community's safety is not compromised, by guaranteeing a permanent police presence in Moore Park Beach [\[4540\]](#).

Petition received.


## MINISTERIAL STATEMENTS

### Eimeo State High School

 **Hon. AM BLIGH** (South Brisbane—ALP) (Premier and Minister for Reconstruction) (9.42 am): I am very pleased to announce to the people of Mackay's region today that a new state high school to be built at Eimeo will be servicing the families of the northern beaches in 2013. This high school will open up to 300 year 8 students on day 1 of school in 2013. By 2017, when all years are offered, we would expect to see more than 1,000 students enrolled. This is a very significant investment in the children and families of this region, with the first stage of the school to cost an estimated \$27 million. But it is also a great example of our government's clear planning for regional Queensland. We bought this land in 2002, because we knew that the northern beaches was an area that would see more and more families and more growth in student enrolments. We bought that land in 2002 for a high school, because we knew that it would be needed in the future and that future has arrived. The site may be just a paddock now, but in just 18 months it will be a hive of activity, with students, teachers and staff attending Queensland's newest high school. As the newest high school in Queensland, they will have state-of-the-art classrooms, they will have the latest communication technology, they will have cutting-edge science laboratories and performing and visual arts facilities. I have to say that the member for Whitsunday, Jan Jarratt, has pushed very hard for this school. In fact, she lobbied me as minister for education, which is why we bought the land in 2002, because she could see—and all of the data backed her up—that this was an area where more and more families would be making their home. There are many decisions now to be made over the coming 18 months.


It is not just a matter of building buildings that makes a school; the local community will now be given the opportunity to work with Education Queensland and work through some of the issues like what the school colours will be, the school uniform and the school motto and badge. I know that that will mean a lot to this community and I am sure that we will see a new school that really reflects the community of the northern beaches. The Queensland government has been in discussion with the Mackay Regional Council about the high school and also the construction of the roads that will be needed to service the school. Construction of those new roads around the site will begin in the second half of this year and work will commence on the buildings for the school in early 2012. This new school is further evidence of our commitment to the Mackay-Whitsunday region. I congratulate the families of that area. It will be a very exciting time for them as they now work to bring together their new high school. It will be a great day for them in 2013 when they walk through those school gates.

### National Sorry Day

 **Hon. AM BLIGH** (South Brisbane—ALP) (Premier and Minister for Reconstruction) (9.45 am): Today is National Sorry Day—a day that commemorates the tabling in federal parliament of the *Bringing them home* report on the stolen generation. The evidence was laid out in that report 14 years ago and it remains as relevant today. The forced removal of Aboriginal and Torres Strait Islander children from their families is now a sad part of our nation's history. The inquiry into the stolen generation exposed all of us to thousands of sad stories of families and communities torn apart by grief, of children being forcibly removed from their parents to be brought up in often cold dark places—in institutions, orphanages, detention centres and missions. We have all learned some very valuable lessons from delving into that history. We have all learned of the terrible consequences of being denied the health, education, housing and other opportunities that were used to justify those forced removals in the first place. Importantly, we have all learned what can happen to people when visible difference leads to discrimination.

But Aboriginal and Torres Strait Islander people are not asking us to dwell on the awful consequences of those misguided and discredited policies. Instead, Aboriginal and Torres Strait Islander Queenslanders are looking to governments to take practical steps to work with them to help undo the damage that sits on their shoulders every day. As a government, we have been taking many practical steps to demonstrate that we have the maturity and the willingness to move forward in partnership with Aboriginal and Torres Strait Islander people. We are working hard to close the gap on disadvantage. We are building new homes across the state. We are creating economic opportunities. We are providing dedicated training and development programs. We are improving health outcomes for Aboriginal and Torres Strait Islander people. Our Family Responsibilities Commission's work in Cape York is leading the way nationally, with improved school attendances and, very importantly, significant reductions in alcohol related violence in those communities. We have set ourselves an ambitious goal to employ more Indigenous Queenslanders in the public sector of Queensland and give them the opportunities to secure employment. But there is more work to be done and we remain determined as a government to continue to work hard to build a better, brighter future for Aboriginal and Torres Strait Islander Queenslanders.

### Operation Queensland

 **Hon. AM BLIGH** (South Brisbane—ALP) (Premier and Minister for Reconstruction) (9.47 am): Operation Queensland is our state-wide plan to reconstruct Queensland and to build it back better. Today I am pleased to table the third of our monthly progress reports against that plan, Operation Queensland.

*Tabled paper:* Queensland Reconstruction Authority—May Monthly Report, May 2011 [\[4541\]](#).

This report shows that 25 per cent of all key tasks identified in the plan have now been completed. There is, of course, much more to do and the reconstruction effort will take many more months, but the authority's latest report shows that Operation Queensland is in full swing right across the state.

An additional 471 kilometres of the affected state road network and 123 kilometres of the state rail network have been recovered since the last monthly report. An additional 34 national parks are now open. Over 150 organisations have come on board to be part of the Join Forces program, including a \$30 million donation from the UAE to assist with the construction of 10 cyclone shelters in North and Far North Queensland.


The report notes that the NDRRA payments totalling more than \$410 million have now been made to 52 councils—up from the \$397 million that was paid to 44 councils a month ago. A number of other significant milestones have also been achieved. The Lucky 7 general store at Grantham has reopened and the proposed development scheme for the relocation of part of the township of Grantham has now been finalised and is out for public consultation.

Milperra school opened on Monday—the last of 411 affected schools across Queensland to now get up and running. In the north we have released draft guidelines for rebuilding in storm tide prone areas. Operation Cleanup is well underway, with 97 jobs now completed and a further 86 jobs in progress removing debris from tourism properties, sugar and banana plantations and cattle properties. Locally we have extended category C assistance to Mackay and the Whitsundays, ensuring disaster affected primary producers and small businesses can now receive grants of up to \$25,000 to get back on their feet.

Tens of thousands of Queensland householders have received some form of assistance from a wide range of sources. Today I can announce that, to make it even easier for people to access support, the Reconstruction Authority has launched a new online tool. The QRA's rebuilding navigator is designed to step people through the key aspects of the rebuilding decision process. It contains information on insurance advice, getting damage assessment and building quotes, finding temporary accommodation, accessing disaster relief grants, other financial support avenues and what people need to consider when they are starting to rebuild. This interactive tool will be particularly useful in responding to future disasters. Over the coming months we intend to couple the navigator with a single online portal for all grant applications, allowing people to track the status of their application as they move through the assessment process. Preliminary discussions have been held with the federal government about linking this portal with Centrelink grants through the emergency relief system.

We are focused on building Queensland back, but importantly we are committed to building it back better. We will continue to work hard and also to work smart as we recover from these terrible natural disasters.

### Cyclone Yasi, Damage Field Study Report

 **Hon. PT LUCAS** (Lytton—ALP) (Deputy Premier and Attorney-General, Minister for Local Government and Special Minister of State) (9.51 am): In the early hours of 3 February this year, homes across North and Far North Queensland were ripped apart by severe Tropical Cyclone Yasi. It was the second natural disaster in a matter of weeks to hit Queensland following the devastating floods and it left us reeling. Thousands of homes and businesses, more than 1,500 government buildings and hundreds of kilometres of roads were damaged by Yasi's destructive winds and torrential rain. The Queensland Reconstruction Authority has put the Cyclone Yasi clean-up bill at around \$800 million.

As the building effort in North and Far North Queensland progresses, a new report into Cyclone Yasi shows our current building standards are working well. The Australian Building Codes Board commissioned a cyclone testing station at James Cook University to undertake a field study of damage to the area. I table that report.

*Tabled paper:* Tropical Cyclone Yasi Structural Damage to Buildings, CTS Technical Report No. 57, April 2011 [[4542](#)].

**Mr Cripps:** They do a very good job.

**Mr LUCAS:** They do do a very good job. I urge any members interested to avail themselves of a copy of the excellent report.

As we all know, Yasi made landfall in the early hours of Thursday, 3 February, with the eye passing over the Mission Beach region. Wind gusts were estimated to range from 133 to 245 kilometres per hour and travelled across an area stretching from Townsville to Innisfail. For example, maximum gusts were predicted as reaching 245 kilometres per hour at South Mission Beach and Kennedy and 234 kilometres an hour at Tully. Those gusts were calculated by measuring the velocity at which certain road signs fell over.

The report found that less than three per cent of all houses built after 1980 in the worst affected areas experienced significant roof damage. This compared to more than 12 per cent of the pre-eighties houses inspected which had significant roof damage. This shows that our current building standards for structures in cyclone zones are up to scratch. JCU's report showed that the poorer performance of some pre-1980s houses was largely due to deterioration of the structure over time as well as inferior tie-down standards when compared to modern building codes. The report analysed buildings replaced and repaired in places such as Innisfail after Tropical Cyclone Larry and how they performed during Tropical Cyclone Yasi. This survey indicated that performance of repaired buildings was lower than that of newly constructed buildings, highlighting the difficulties of working within an existing structure and the importance of thorough inspections for damage and of bringing all important structural details to current requirements whether they have been damaged or not.

There were a number of instances observed where sliding glass door panels had in fact been blown out of their tracks but the glass had not smashed until the frame hit the floor. Additionally, in newer houses where latches, bolts and hinges—not traditionally thought of as structural elements—failed, cyclonic winds were able to penetrate the building envelope. This can then lead to large internal pressures that may lead to the failure of the roof system.

A destructive storm surge was recorded between Clump Point and Lucinda but, fortunately, it did not coincide with a high tide. However, a large number of structures were significantly damaged as a result of the storm surge. The level of the ground floor of the building relative to the storm surge level was important in determining structural damage due to storm surge. Buildings could survive in storm surge locations if the ground floor was above the maximum water level experienced and the substructure was designed to allow the water to flow largely unimpeded beneath, though the report added that the possibility of scour needs to be taken into account. The report has recommended the development of new construction requirements for buildings within a storm surge zone to reduce the risk of structural damage in the future.

The report states that education and ongoing maintenance of homes will help build resilience of communities. It reinforced the need to design low-rise buildings, including cladding, doors, windows, roller doors, eaves, lining and skylights, to resist the expected maximum wind forces. It also highlighted the role of garage doors and openings in determining the internal pressure in buildings. The poor performance of roller doors was clear, chiefly through failure by disengagement of the door from its tracks, leaving it to flap in the wind or be blown away. Roller doors that incorporated wind blocks to restrain them in the guides offered better performance than those that did not. However, there were still failures. Sectional, or panel type doors, particularly those with stiffening to the inside of each panel, had a significantly lower failure rate than roller doors with similar applications. They are the concertina type doors.

The generally low incidence of damage in the post-1980s buildings indicates that the current building practices are able to deliver a satisfactory outcome for most of the building structure. But the report did call for more wind speed measurement devices to be installed along the tropical coast to provide better coverage during tropical cyclone events. Accurately measuring wind speeds for building code development and emergency response planning is a necessity in these cyclone regions. It is heartening to see that the report shows that most buildings repaired after Tropical Cyclone Larry received little or no damage to the repairs—subject to what I said earlier.

Building Codes Queensland is working with the Australian Building Codes Board as it conducts a review of the existing cyclone standards and zones. The report that I tabled is a very readable report but, for members wanting a shorter version, I table the conclusions and action items, from pages 98 to 108, with some further action items that the ABCB and James Cook University, through that report—an excellent report—recommend.

*Tabled paper:* Tropical Cyclone Yasi Structural Damage to Buildings, CTS Technical Report No. 57, April 2011—Conclusions and Action Items [\[4543\]](#).

### Office of Economic and Statistical Research, Retail Prices Report



**Hon. AP FRASER** (Mount Coot-tha—ALP) (Treasurer and Minister for State Development and Trade) (9.57 am): The Office of Economic and Statistical Research undertakes a wide range of survey work and research work, including undertaking a survey of retail prices across Queensland. Today the office will release the 2011 report into retail prices across Queensland based on survey work conducted during 2010. The report is based on an index, using the Brisbane statistical division as the base. Essentially it identifies areas of Queensland where it is cheaper and, conversely, more expensive to purchase a range of household goods and services compared to Brisbane. It reveals that eight of the 43 locations surveyed are more expensive than Brisbane. A further 32 remote and very remote towns were also surveyed on either a partial or basic basket of goods and services.

Perhaps unsurprisingly, most of the areas above the Brisbane benchmark are in mining regions. These areas also have incomes well above the benchmark. Moranbah is at 113.9 on the index and Blackwater is at 107.9, followed by Mount Isa at 105.1 and Emerald at 104.2. Translated into layman's terms, it means that it is 7.9 per cent more expensive to live in Blackwater than in Brisbane. However, household income in Blackwater is 41 per cent above the Brisbane benchmark. The cheapest places are Maryborough, Charters Towers and Gympie, which are all more than seven per cent cheaper than Brisbane. There were 35 of the 43 towns in the full survey that were cheaper than Brisbane. It is worth noting that Brisbane City itself is 2.5 per cent more expensive than the average of the wider Brisbane statistical division used as the base.


Housing costs in particular drive these outcomes. In mining towns, the report shows that housing costs drive the result in places like Moranbah and Blackwater. Prices are generally higher for food, tobacco and groceries in all remote and very remote areas, but it was cheaper to live in these areas because of the very much lower housing costs. The report is a snapshot and is based on a benchmark index. As a point-in-time exercise it provides an insight, but it is obviously not definitive.

While it often escapes the attention of many people, this financial year the Bligh government has budgeted to spend around \$350 million to subsidise the costs of delivering electricity in regional and remote Queensland. We also provide more than \$14 million to subsidise air and bus travel into many regional towns.



This report proves what many Queenslanders already know: incomes and costs are higher in mining hot spots. Distance contributes to the cost base for many remote communities. Our government remains committed to taking action to assist all Queenslanders and I commend the report to all honourable members.


### ChemClear Program

 **Hon. TS MULHERIN** (Mackay—ALP) (Minister for Agriculture, Food and Regional Economies) (9.59 am): As part of the \$2.35 million announced by the Premier and myself in March for an intensive flood recovery program for the severely impacted areas of southern and central Queensland, we are providing a ChemClear program. We are working in conjunction with Agstewardship Australia to provide a chemical container collection service. After the floods, many properties had containers of chemicals that, due to flood damage, were unidentifiable. The subsided flood waters also left behind inherited unidentified chemical containers in many producers' paddocks.

Therefore, in conjunction with Agstewardship Australia, we are providing a service to safely collect and dispose of those chemicals. The service is for all areas under NDRRA category C declared areas, which includes Mackay and the Whitsundays. Currently we are running a call-to-action advertising campaign to encourage waste holders to book unwanted chemicals for collection. It will also liaise with councils to arrange collection sites for waste holders, most of which are already in place for the flood affected areas. This advertising campaign has been running for about six weeks. This will enable the collection to be scheduled and commenced in the last week of June 2011.

This \$2.35 million intensive flood recovery program is additional to the loans and grants provided to the small businesses and primary producers under NDRRA. It also includes 15 additional flood recovery officers and 16 additional farm financial counsellors. We are getting on with the job of reconstruction, rebuilding Queensland and helping primary producers and small businesses to get back on their feet, replant and get back into business sooner.

### Tourism in Protected Areas Initiative

 **Hon. KJ JONES** (Ashgrove—ALP) (Minister for Environment and Resource Management) (10.01 am): Queensland is blessed with more than eight million hectares of national park and five World Heritage areas, including the world-famous Great Barrier Reef. However, being lucky enough to live in one of the most beautiful places on earth comes with the responsibility of ensuring that we protect and promote our natural assets so that future generations can enjoy them just as we do today. Here we are just a stone's throw away from some of our most natural hotspots. Therefore, today I am very pleased to announce a new package of reforms to promote ecotourism in Queensland. The tourism in protected areas initiative is something that industry has been calling for and we are delivering. For the tourist operators who pay for the right to run commercial businesses in our most popular parks, this will make life easier for them and provide them with long-term security. We will extend access to those high-profile areas through a 15-year term commercial access agreement, which is significantly longer than the current three-year term. That is a significant step towards building a stronger and more viable ecotourism industry in Queensland.

Another reform that we will address is the substantial amount of unused capacity that some operators currently hold with the state. This unused capacity, where operators consistently cater for significantly fewer tourists than their allowed quota, has never been available to the market. Industry has asked government to address this and we are. Gross unused capacity will be removed from the market and agreements will be issued to existing tour operators at sustainable levels. This represents increased opportunities for the tourism industry, where we might see a new business being launched or an existing operator given the opportunity to expand.

However, as the tenure of an operator increases, as well as the tourist capacity in the system, so too will our expectations on tourism operators to do the right thing and act responsibly and sustainably. These major wins for tourist operators will come with a requirement to meet best practice standards. All operators who conduct tours in the applicable areas will now be required to gain and maintain eco-accreditation for the life of their agreement. At both the state and national level, accreditation is supported as a way of creating quality and innovative tourism products and I am sure the member for Whitsunday and Minister for Tourism welcomes these significant reforms.

Tourism in protected areas will apply to a number of iconic national parks that have been consistently a major tourism drawcard for Queensland. Initially, from early next year it will start on Fraser Island, Natural Bridge at Springbrook and the Whitsunday islands, and later the Daintree, Cooloola, Moreton Island and Cape York.

**Ms Bates** interjected.

**Ms JONES:** I take the interjection from the member for Mudgeeraba, who does not support ecotourism in Springbrook National Park. These reforms will improve the overall experiences of tourists in national parks, promote—

**Ms Bates:** At least I know where Natural Bridge is. You had it in the wrong town, so you are still not giving anything to Springbrook.

**Ms JONES:** Once again she is interjecting that she does not support ecotourism in Springbrook.

**Opposition members** interjected.

**Mr SPEAKER:** Order. The minister has the call.

**Mr Horan** interjected.

**Mr SPEAKER:** Order! Member for Toowoomba South, I ask for courtesy to be extended to the minister. The minister has the call.

**Ms JONES:** The Bligh government will do all we can to support the tourism industry, whether on the Gold Coast or here in the Mackay and Whitsunday regions. We are committed to protecting jobs, promoting jobs, creating jobs in the tourism sector and protecting our national parks, and we will continue to introduce reforms to do just that.

### Tourism in Protected Areas Initiative

 **Hon. JH JARRATT** (Whitsunday—ALP) (Minister for Tourism, Manufacturing and Small Business) (10.05 am): I welcome Minister Jones's announcement in relation to the tourism in protected areas initiative. As well as playing a role in the outdoor lifestyle enjoyed by many Queenslanders, our natural treasures are also our greatest drawcard for domestic and international tourism. We cannot underplay the significance of the 16 million visits to our national parks each year, which provides an estimated annual contribution of \$4.43 billion to the Queensland economy. That represents around 28 per cent of total visitor spend during their time in our great state.

Importantly, national park visitation and the flow-on economic benefits are dispersed widely throughout Queensland, providing economic sustenance for many regional communities, including mine. The tourism in protected areas initiative will improve business for tour operators by providing them with greater certainty and flexibility, while ensuring our national parks and protected areas are managed sustainably. This sensible and responsible initiative is something government and industry have worked hard to achieve, so I know that industry will welcome this initiative as much as I do.

Our best assets are our natural assets. Queensland is Australia's clean, green and beautiful state. We know it and the world knows it. Queensland is renowned internationally as a destination boasting some of the richest and most diverse environments in the world. Intrinsic to our identity are the Great Barrier Reef, the Daintree rainforest, Fraser Island, Springbrook National Park and so many more. It is critical to our economy that we allow visitors to immerse themselves in those amazing locations, but it is equally important to manage those sensitive sites in a sustainable manner, to provide certainty for the future. I have been a strong advocate for the need to balance visitation in our really vulnerable environments such as Whitehaven Beach, Tongue Point, Hill Inlet and Blue Pearl Bay with the need for commercial operators to continue to access those beautiful areas in a sustainable manner.


The tourism in protected areas initiative, TIPA, also addresses a key issue for tourism operators. Under the current system, permits are not transferable and, therefore, cannot be transferred in the event of the sale of a business. Under the initiative announced today, agreements will be transferable, which will provide operators with more confidence as they invest in their developing business.

Another significant feature of the package is a reduction in paperwork for operators. Through this reform, the state will only require passenger returns and fees every quarter instead of every month and agreements will be renewed at the 10-year mark instead of every three years. That is another great example of red tape reduction delivered to business by the Bligh government.

This strategy is about getting the balance right for the future and I believe we are getting it right. We are getting it right because, after many years of negotiation, we have come to an arrangement that provides increased opportunity for the industry while protecting the very values that people come to see. Clearly, nothing beats Queensland as a tourism destination and nothing will beat Queensland's vulnerable ecosystems, thanks to the tourism in protected areas initiative.

**Mr SPEAKER:** Before calling the Minister for Government Services, I promised the teachers that I would acknowledge the students of Mackay West State School who are in the gallery with us this morning and also Eungella State School, Bucasia State School, Marian State School, Andergrove State School, Mackay Central State School, Mirani State High School, Dysart State School, Mercy College, St Mary's and Proserpine State High School.

**Mackay Institute of TAFE and Mackay State High School, Asbestos; Mackay Courthouse**

 **Hon. SD FINN** (Yeerongpilly—ALP) (Minister for Government Services, Building Industry and Information and Communication Technology) (10.10 am): Yesterday in the parliament the shadow minister for government services, building industry and ICT tabled photos that she claimed were evidence of unsafe asbestos situations at the Mackay TAFE and the Mackay State High School. The shadow minister also made media statements in which she claimed these were dangerous. The claims of the shadow minister are misleading and her statement simply advances fear on what is a very emotive issue.

This morning I visited both of the sites and inspected the areas contained in the photos tabled by the shadow minister. Firstly, in relation to the Mackay TAFE site, the section of the A block building in the photograph shows fibro sheeting coated by an exposed aggregate. The white marking on the wall circled in the photo is not crumbling aggregate or asbestos-containing material, as some may presume, but rather a gurney mark.

**Government members** interjected.

**Mr SPEAKER:** Those on my right will cease interjecting. The minister has the call.

**Mr FINN:** However, QBuild inspections found two cracks in the aggregate in that area which exposed fibro sheeting, and these cracks have been sealed. It should be noted that there was no broken asbestos and it is not a safety risk to people on the TAFE site. There is no imminent risk of asbestos sheeting plummeting to the ground, as the shadow minister claimed in her statement. Further, there has been some rectification work on A block and continued work is listed for other parts of this block. This work was not undertaken—

**Ms Bates:** That work was done by the person I went with. He would know.

**Government members** interjected.

**Mr SPEAKER:** Those on my right will cease interjecting and the member for Mudgeeraba will cease interjecting. The minister has the call.

**Mr FINN:** This work was not undertaken by QBuild but was contracted directly between the TAFE and the subcontractor. I also visited Mackay State High School. The shadow minister tabled photos of ply peeling off fibro sheets on the port racks of H block. Yesterday QBuild sealed this area as well.

There are some facts, however, that the shadow minister failed to advise the House. Most important of these is that the member assured the House during debate on the health and safety bill that the fibro sheets were definitely made from asbestos-containing materials. This was an assumption. The building photographed is an older building which has suffered wear and tear over many years. Recently one of the fibro sheets was broken and the material was subsequently tested and found to not contain asbestos. The tests came back negative. This does not mean that other product used in the building is not asbestos. What we do know is that the fibro panel from the same wall, presumably installed at the same time as all the other panels, tested negative for asbestos. Obviously when QBuild works with asbestos it treats any fibro sheeting like it may contain asbestos. So I do not say that there is no asbestos in the building, but a fibro panel from the same wall that the member photographed was found to be negative for asbestos.

Yesterday the shadow minister described these areas to be dangerous and posing an imminent risk. This is not the case. I urge the member to exercise caution and refrain from scare campaigns. I also note that the shadow minister stated in debate last night—

**Honourable members** interjected.

**Mr SPEAKER:** Order! The House will come to order. There is too much crossfire from both sides. The minister has the call.

**Mr FINN:**—that she attended the sites personally to inspect the damage. However, the school reports that there is no record on its visitor register of her visit to the school and the principal is not aware of her visit. Visitor registers are central to the safety of our schoolchildren. I also urge the shadow minister to comply with this important procedure when visiting schools.

I also wish to comment on another matter raised in this House yesterday by the member for Kawana.

**Government members** interjected.

**Mr SPEAKER:** Minister, just pause for a moment. The House will come to order. I call the honourable the minister.

**Mr FINN:** In his question to the Minister for Women, the member purported that there were no women's toilets in the Mackay Courthouse, and this is simply not true. The member purported that there were no women's toilets in the Mackay Courthouse. This is a heritage listed courthouse that was refurbished in 2004.

**Mr BLEIJIE:** I rise to a point of order.

**Mr O'Brien** interjected.

**Mr SPEAKER:** The member for Cook will cease interjecting.

**Ms Jones** interjected.

**Mr SPEAKER:** Order! The minister will cease interjecting. I will hear the point of order.

**Mr BLEIJIE:** I rise on a matter suddenly arising. The *Record of Proceedings* from yesterday notes that the question was in relation to the new Mackay Courthouse, built in 2004. The statement that the minister is delivering is in relation to a heritage listed site, which is the old Mackay Courthouse.

**Mr SPEAKER:** There is no point of order.

**Honourable members** interjected.

**Mr SPEAKER:** Before the minister resumes, the House will come to order.

**Mr FINN:** This is a heritage listed courthouse that was refurbished in 2004 as part of an \$11.5 million state government project. The renovation included the construction of a new extension, with the new and old buildings interconnected on each level. The Mackay Courthouse has male, female and disability accessible toilets. They are well signed. They are easily accessible to courthouse visitors. They are so well signed that just metres inside the front door visitors will see this sign that I am holding. They see a sign for men's toilets, women's toilets and disabled toilets. Not only that, the sign also depicts a parents room and a baby change room, and that sign is just metres inside the door.

**Honourable members** interjected.

**Mr SPEAKER:** The minister has made his point. The House will come to order. I call the honourable the minister.

**Mr FINN:** There is clear signage just inside the door. These toilets are on every level of the courthouse building. The claims by the member for Kawana are simply wrong and are aimed at taking a cheap political shot. This has arisen from some claims that were made in the media some seven years ago. Members opposite were wrong then and they are wrong now.

**Mr Bleijie** interjected.

**Mr SPEAKER:** The member for Kawana will cease interjecting.

**Government members** interjected.

**Mr SPEAKER:** The minister will cease interjecting. The House will come to order. I might lower the temperature a bit and acknowledge some people in the public gallery. Let us acknowledge the mayor of the Mackay Regional Council, Councillor Col Meng, Councillor Kevin Casey and Councillor Paul Steindl and from the Whitsunday Regional Council Councillor Jan Clifford, Councillor Jennifer Whitney and Councillor Mark Gaudry. Would honourable members please make them feel welcome.

**Honourable members:** Hear, hear!

**Mr SPEAKER:** Now that the temperature has been lowered a bit, let us go to the honourable the Minister for Main Roads.

### Mackay Dams, Fish Stocks



**Hon. CA WALLACE** (Thuringowa—ALP) (Minister for Main Roads, Fisheries and Marine Infrastructure) (10.19 am): I suppose the great unsolved mystery from that last story is where do Tasmanians go to the toilet at the courthouse?

**Mr SPEAKER:** Order! The minister will come to his ministerial statement.

**Mr WALLACE:** We North Queenslanders love our fishing. We love our fishing here in North Queensland. I am about to let out a bit of a secret—

**Honourable members** interjected.

**Mr SPEAKER:** Order! The House will come to order. I will issue a general warning. Under standing order 253A, the next member I warn I will send out for the remainder of the ministerial statements.

**Mr WALLACE:** As I was saying, we North Queenslanders love our fishing, so I am about to give the people of Mackay a bit of a treat. I am about to tell them a secret: where the fish are biting in Mackay. Over the past two years, more than 80,000 native fish fingerlings have been released into Kinchant, Teemburra and Eungella dams. Almost \$50,000 was invested last year in barramundi and sooty grunter fingerlings and this has helped restock the dams as part of the Stocked Impoundment Permit Scheme, or SIPS. I am told there is good fishing in the Mackay SIPS dams right now due to the 40,000 plus fingerlings stocked two years ago. But the fishing is set to get even better when last year's 40,000 fingerlings reach legal size later this year.


Under SIPS, fishers buy a permit to fish in one of 33 SIPS dams right across our great state of Queensland, including three dams in the Mackay region. Seventy-five per cent of funds from the sale of permits contributes to restocking the dams with native fish species, with the further 25 per cent going to run this very valuable program.

The SIPS scheme started in 2000 and has been a great success right across the state. Last year alone more than two million native fish fingerlings funded by the scheme were released into Queensland's SIPS dams. Record rainfall over the past year means many SIPS dams throughout the state, including those in the Mackay area, have reached full water supply levels. This has resulted in increased nutrients and access to better habitat in the dams, which improves fish productivity. Stocked fish are taking advantage of the plentiful supplies of baitfish and shrimp to grow faster than they would under normal conditions.

The increased volumes of water support more fish, and anglers should see the rewards with increased catches, and some record size fish could be taken in coming years. Barramundi and sooty grunter are stocked in all three of the local dams in this area. Permits cost only \$7 a week or \$35 for a year—less for concession card holders—and can be purchased online, by phone or from local agents located near the dams.

SIPS does a great job sustaining native fish stocks across the state. It helps to ensure that anglers and novice fishers alike can head home with a decent catch. I say to all those anglers out there in Mackay: tight lines in the coming months.

### Maternity Services

 **Hon. GJ WILSON** (Ferry Grove—ALP) (Minister for Health) (10.22 am): The Bligh government is investing in the future of Mackay and its children. We are delivering on our commitment to provide more services sooner and closer to home for local mums in Mackay. There are two innovative initiatives being rolled out. Firstly, midwives are making it easier for local new mums by providing postnatal care at home. The Bligh government has a commitment that by 2012 new mums in Queensland would receive follow-up contact upon leaving hospital. I am pleased to inform the House that we are well on track to meet that target: 87 per cent of women who gave birth at a Queensland public hospital in the six months to January this year received follow-up contact; 11,400 new mums were visited at home by a midwife, with around 400 of them being Mackay locals—and isn't that a good thing?—and 90 per cent of the region's 564 new mums received some follow-up contact after leaving hospital.

With all the challenges and questions new motherhood can bring, we want to ensure that Queensland women can access this extra help without having to travel. This is another way we are delivering more services sooner and closer to home. The midwife's contact gives mothers a chance to openly discuss any issues they may have regarding their newborn baby. Having these issues addressed straightaway is an enormous advantage for the mum, for the baby and of course for the dad and the whole family. It is about finding new and innovative ways to provide services for Queenslanders. We are thinking outside the box to provide quality health care—not just in hospitals but in local communities where families can access those services quickly and easily.

Secondly, we have also established newborn and family drop-in services in 18 communities around the state. More than 500 local families accessed the Mackay based centre in just six months. Services provided at these centres include parenting support, baby development checks, breastfeeding support, access to parenting programs and playgroups, and health promotion information. And what a good thing that is too. These new services help parents adjust to their growing family. Having these centres close to home means families can have access to lasting connections and support networks within their local communities. Our children are our future in Queensland, and we want to ensure every child gets the best possible start in life. That is why the Bligh government is investing in innovative programs so that parents can access that help and support they need closer to home.


**Dr Douglas:** But breastfeeding rates and vaccination rates are declining, so it's not working.

**Mr SPEAKER:** And now the member for Gaven will disappear from the House for five minutes. I ask the honourable member for Gaven to leave the House and come back at question time.

*Whereupon the honourable member for Gaven withdrew from the chamber at 10.26 am.*

**Mr SPEAKER:** I call the Minister for Police, Corrective Services and Emergency Services. I would ask the ministry when they are giving a ministerial statement to give a ministerial statement and not provoke the House.

### Mackay Region, Emergency Services

 **Hon. NS ROBERTS** (Nudgee—ALP) (Minister for Police, Corrective Services and Emergency Services) (10.26 am): I will try.

**Ms Bligh:** You provocateur! You're well known.

**Mr ROBERTS:** I am a well-known provoker. Like every other region in the state, Mackay and surrounds were hit hard by cyclones and flooding in late 2010 and early 2011. I want to take this opportunity to thank again all of our police and emergency services staff and volunteers for the magnificent effort they provided in supporting the people of this region in their hour of need. Both full-time staff and volunteers alike contributed exceptionally to the overall disaster response.

Yesterday I spoke about the admirable work being undertaken across the Mackay district by the police. Today I want to recognise the contributions made to the local area by emergency services agencies including Queensland Ambulance Service, Queensland Fire and Rescue Service and Emergency Management Queensland. Within the Ambulance Service there are more than 50 paramedics and patient transport officers working in the two city based ambulance stations. Last year Mackay based paramedics provided close to 15,000 responses ranging from code 1, life-threatening emergencies, to patient transport services—a significant workload.


The Queensland Fire and Rescue Service operates a 24-hour a day, seven days a week operation from the Mackay city station, which is staffed by more than 50 officers. Officers from the station responded to more than 960 incidents during 2009-10, and so far this financial year they have responded to more than 750 incidents. North Mackay is serviced by an auxiliary station from which officers responded to 540 incidents last financial year and is staffed by 14 auxiliary officers.

I would also like to make particular mention of the efforts of the Mackay city swiftwater rescue team, who responded to a range of emergencies during local flooding earlier this year. Mackay swiftwater rescue personnel were also deployed to support crews in Rockhampton and were predeployed to Proserpine and Airlie Beach in response to significant rain and cyclone events. The Mackay SES unit also played a leading role in response to this year's natural disasters. I compliment the Mackay City Council and neighbouring councils on the excellent support they give to their local SES units. They are well resourced and well trained.

The unit has more than 270 active members who undertake tasks ranging from rescues and attending to storm damage to land and forensic searches, traffic control, first aid and flood boat operations. I also recognise the contribution made to community safety by local rural fire brigades who not only respond to vegetation fires but also this year, and indeed in other years, supported the community during the flooding and cyclone events. Again, on behalf of the community I thank all of our emergency services staff and volunteers in the Mackay and surrounding areas for their efforts in helping to keep these communities safe.

## NOTICE OF MOTION

### Legislative Assembly, Marks of Respect

 **Mr MESSENGER** (Burnett—Ind) (10.29 am): I give notice that I will move—

That this House notes that:

1. This Premier and Opposition leader have failed to move a motion for a minute's silence as a mark of respect and to acknowledge the death of Commando Sergeant Brett Wood MG, who was killed this week leading his unit in Afghanistan.
2. Sergeant Wood was the 24th Australian soldier killed in Afghanistan.
3. On only one of the occasions since 2001 has this House observed silence for a soldier killed serving in Afghanistan (David Pearce).
4. This House has in the past also observed a minute's silence for an executed drug trafficker.

And calls on the government, supported by the opposition, on the first sitting day immediately following the death of any members of the Australian military on active overseas service, to move, as a mark of respect, a motion for a minute's silence.

## QUESTIONS WITHOUT NOTICE

### Queensland Economy

**Mr SEENEY** (10.30 am): My first question without notice is to the Premier. I welcome her back to Central Queensland. I refer to the ballooning debt that the Labor government has incurred over 20 years of mismanagement of the Queensland economy that will mean that we will have to fork out over \$500,000 an hour in interest payments alone. Does this horrendous interest payment indicate that the recent natural disasters have been overshadowed by the Bligh Labor mismanagement disaster as the real cause for the continuing disastrous decline in Queensland's economic position?

**Ms BLIGH:** I thank the member for the question. What we are seeing all across Queensland is a state bouncing back. What I hear from the Leader of the Opposition over and over and over again and from those of his team is constant knocking of Queensland, its economy and, by association, all of those businesses that are growing their business, growing the people they employ and growing their investment in their local communities.

On many indicators what we are seeing is a huge vote of confidence in the future of the Queensland economy, and that is because they know that Queensland is the place to be. This is a state with a big, bold and bright future. We believe in that future and we are investing in it. How do we invest in the future if we are a government? We invest in the infrastructure that people need—the roads, the rail, the schools, the hospitals—just like we have done here in Mackay. We also invest in the development, education and skills of our people. It is that infrastructure that will equally drive our prosperity in the new century. That is why people see us investing in a new high school here. That is why they see us investing in a trade skills centre here. That is why they see us partnering with the Central Queensland University in a new medical-imaging centre. These are investments in our people.

Guess what? When we invest in roads, rail and education it costs money. Have we borrowed money to build parts of Queensland? You bet we have. That is what governments do.

**Honourable members** interjected.

**Mr SPEAKER:** Order! The Premier has the call. The Premier is answering the question.

**Ms BLIGH:** I note that LNP members have been coming into this House and going around Queensland saying, 'Oh, dear. We should not borrow. Debt is a terrible thing.' All the people in this audience know that the way they have created prosperity for their families is to borrow money and buy an asset—their home. That is what they are doing. They did not pay cash for it. We are buying assets for Queensland by investing in roads—

**Opposition members** interjected.

**Mr SPEAKER:** Order! Those on my left will cease interjecting. I call the honourable Premier.

**Ms BLIGH:** What is the record of the electoral leader of the LNP? When he was Lord Mayor of Brisbane, Liberal National Party leader Campbell Newman saw debt escalate by 472 per cent after we made him debt free. We made him debt free in 2008 and he was so addicted to borrowing more that debt escalated by 472 per cent. They are debt junkies on the other side.

### Electricity Prices

**Mr SEENEY:** My second question without notice is also to the Premier. I refer to the financial stress Queensland families are suffering because of rising electricity prices and the fact that Queensland families have suffered a 63 per cent increase in electricity bills over five years, or \$628 per year on top of an average \$1,000 bill. I also refer to the government's decision to block a \$10 per year natural disaster element in the pricing while still approving the scheduled \$90 per year rise due on 1 July. Does this decision illustrate that the recent natural disasters have been overshadowed by the Bligh Labor mismanagement disaster as the real cause of the cost-of-living pressures on Queensland families?

**Ms BLIGH:** I thank the honourable member for drawing to the attention of the House and the community of Mackay that it is a decision of our government to prevent electricity retailers from including in their pricing the cost of recovery from disasters. What is it that the LNP is proposing? That we should have allowed them to pass this on? What a strange question.

**Mr SeeneY** interjected.

**Mr SPEAKER:** Order! The Leader of the Opposition, you have asked the question; the Premier is answering the question.

**Mr SeeneY:** I am being misrepresented, Mr Speaker.

**Ms BLIGH:** He is easily upset.

**Ms Nolan** interjected.

**Mr SPEAKER:** The minister will cease interjecting, as will the Leader of the Opposition, and allow the Premier to answer the question.

**Ms BLIGH:** This government believes that recovering from the natural disasters that we have experienced right across the electricity network costs money. People in North Queensland and Far North Queensland understand that when massive cyclonic damage is done it causes incredible damage across the electricity network and all of that costs money to repair. We made a decision—

**Mr Seeney** interjected.

**Mr SPEAKER:** The Leader of the Opposition will cease interjecting. The Premier is answering the question. I call the honourable the Premier.

**Ms BLIGH:** Our government made a decision to prevent electricity retailers from passing those costs on to the consumers of Queensland. I stand by that decision. I think it was a good decision. We have worked harder than any other state to keep electricity prices lower than other states. That is why here in Queensland we pay electricity prices on average almost 10 per cent less than New South Wales and 12 per cent less than Victoria. The biggest increases that we have seen across the country came from the Leader of the Opposition's Liberal Party mates in Western Australia. They hiked up the prices in Western Australia. We made a commitment to the people in regional Queensland that we would subsidise the cost of getting electricity out of the south and central parts of the state into the north and north-west of Queensland. We continue to do that. We also made a commitment to subsidise pensioners when it comes to their electricity and we increased that subsidy in last year's budget. We will protect those low-income earners.

**Ms Nolan** interjected.

**Ms BLIGH:** I take the interjection from the Minister for Finance that our subsidy into rural and regional Queensland on average saves \$580 per household every single year.

### Mackay Region

**Ms JOHNSTONE:** My question is to the Premier. What is the Premier's message to the people of Mackay and their beautiful region as the Mackay parliament wraps up today after a jam-packed week?

**Ms BLIGH:** I thank the honourable member for her question. Of course the honourable member comes from the great city of Townsville and she knows just how important it was to the people of her community to host the very first regional parliament that was ever held in Queensland.

I want to send a message on behalf of everybody—and I think this is one thing we share across the House—and that is to thank the people of Mackay and the region for embracing the opportunities that regional parliament provides. I know that many members on our side have had meetings with community groups and with individuals. I am sure that that is equally true for people in the opposition and among the Independents. I want to give a special mention to the parents and schools, as there have been almost 3,000 young people through here—and obviously not just sitting here where we can see them but they have been out in the foyer going through some very well-structured curriculum lessons. I hope they have found that valuable for their government subject. I also want to send a clear message to this region that we believe in the future of this region and we are going to deliver for that future. What the people have seen from our government this week is a commitment to a further \$300 million investment in the local road network.

**Mr Cripps** interjected.

**Mr SPEAKER:** The member for Hinchinbrook will cease interjecting. The Premier is answering the question and is not provoking the member in any way. I call upon the Premier.

**Ms BLIGH:** Thank you. We have made a \$40 million investment in the third new bridge for Mackay. Fursden Creek Bridge is coming on top of the Edmund Casey Bridge and the Forgan Bridge duplication. We have announced the stage 1 contract of the \$41 million Mackay trade training centre. We have opened with Central Queensland University the first regional medical imaging centre to train young health professionals from regional Queensland. We have announced the early start to Eimeo Road State School. We have seen an investment of \$4 million in two extra rehab beds and the appointment of the first ever urology specialist here in Mackay. We have also launched Skills Queensland's \$50 million investment fund and launched the draft Mackay Isaac Whitsunday Regional Plan, a blueprint for the future of this region. The message is clear from Labor: Labor sees a bright and bold future for the Mackay-Whitsunday-Isaac region. We will be delivering for this region every moment we are in government because we believe in it, and we are going to back it.



**Mr SPEAKER:** Order! It has been brought to my attention that the auditorium is quite warm this morning. If honourable members want to remove their coats, I do not think it is going to lessen the decorum but it may make members far more comfortable and less heated in their exchanges. So if they would like to remove their coats and that improves the order of the House, that would be wonderful.

### **Kalimnios, Mr M**

**Mr McARDLE:** My question is to the Minister for Health. Former deputy director-general Michael Kalimnios was blamed and sacked by the Labor government over the Queensland Health disastrous payroll debacle in June last year. Will the minister confirm the same Mr Kalimnios is an employee of a firm called Archeon, which has been engaged by Queensland Health as a consultant to consult on the budget for the Torres Strait and Northern Peninsula Area Health Service District and will meet with relevant Health staff on 1 June?

**Mr WILSON:** I thank the honourable member for the question. Queensland Health has 80,000 employees across 17 districts across Queensland.

**Ms Bligh:** The largest employer in Queensland.

**Mr WILSON:** It is the largest employer in Queensland providing 30,000 treatments to folk in Queensland every day across 33 major hospitals and hundreds and hundreds of other health facilities, and the honourable member expects that a minister of the Crown would have at his fingertips intimate personal knowledge of the engagement of one individual to provide—

**Opposition members** interjected.

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

**Mr WILSON:** One could expect that the CEO or the chairman of the board of Virgin not just in Queensland but in Australia would know the intimate detail of every engagement that takes place within Virgin! Whilst the shadow spokesperson asks this question, what he does not seek to do is fill the void—the enormous void—that has existed since 2009 of what the LNP's vision, plan and future ideas are for the future of Queensland's health services and medical services being delivered over the next five to 10 years. Not only do those opposite do that—that is, fail to fill that void—but I do give credit where credit is due: they did circulate a discussion paper. Members of Mackay, you may not know about it but they did.

**Mr SPEAKER:** Order! You will address your comments through the chair, thank you.

**Mr WILSON:** About 18 months ago they circulated a discussion paper seeking expressions of interest and ideas about what they might do around health and medical services. We have heard absolutely nothing since. Then six or eight weeks ago when the electoral leader of the LNP was elected for external electoral purposes—at least they know that; they outsourced their leadership—he said, 'We will wipe the slate clean.' Well, that was a very difficult and challenging task to do: the slate was already clear! It had no chalk mark on it at all! Mind you, they probably do use a slate when designing their future plans for Queensland Health and medical services in Queensland. We are bringing more services closer to Queenslanders. They are cutting services.

*(Time expired)*

### **Bligh Labor Government**

**Mr RYAN:** My question without notice is to the Premier. After another historic Origin win, can the Premier please outline in what other areas Queensland outshines New South Wales?

**Honourable members** interjected.

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

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

**Government members** interjected.

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

**Mr SEENEY:** Mr Speaker, I rise on a point of order. I am not sure whether there is anything in the standing orders about plagiarism, but there is something about asking the same question twice. I suggest this is the question that I asked the Premier yesterday and she had no answer. It has taken her 24 hours—24 hours!—to try to find something else other than football.

**Mr SPEAKER:** Order! You will not debate the point of order. Resume your seat. I listened very carefully to the question. I do not think it is exactly the same as the question asked yesterday.

**Honourable members** interjected.

**Mr SPEAKER:** Order! The House will come to order. I call the Premier.

**Ms BLIGH:** Thank you, Mr Speaker. I would suggest to the Leader of the Opposition that my answer yesterday had the desired effect. Our boys did us all proud last night at the Cauldron. There was a heart-stopping moment when New South Wales got in front, but the team did their best work of the night, coming from behind and overcoming that lead and winning on the night. It is that Queensland spirit that defines the State of Origin team and that resonates with Queenslanders because it is what they see all around them—in their families, their neighbourhoods, their businesses and their communities. They are as determined off the field as they are on the field to get back up again whenever they are knocked down. I thought it was a bit of genius yesterday when the Leader of the Opposition of all days—of all days—decided to come into this parliament and say on State of Origin day that Queensland is second best. Well, let us have a look.

**Mr Seeney:** Your government is second best!

**Ms BLIGH:** Who has the lowest average electricity prices? New South Wales or Queensland?

**Government members:** Queensland!

**Ms BLIGH:** Who has the shortest elective surgery waiting times?

**Opposition members** interjected.

**Mr SPEAKER:** Order! Those on my left will cease—

**Ms BLIGH:** Who has the lowest elective surgery waiting times? New South Wales or Queensland?

**Government members:** Queensland!

**Opposition members** interjected.

**Ms BLIGH:** Who has the biggest infrastructure spend—

**Opposition members** interjected.

**Mr SPEAKER:** Order! Those on my left will cease interjecting. I would say to those on my right that the chanting for Queensland should have been last night.

**Opposition members:** Hear, hear!

**Mr SPEAKER:** Respect the fact that it is a house of parliament. You have a large audience who expect you to behave with dignity and courtesy. I call the Premier.

**Ms BLIGH:** I reckon the audience would be happy to call 'Queensland!' anytime. What is the infrastructure spend in New South Wales? It is \$2,300 per capita. In Queensland it is \$3,331—almost \$1,000 more. What is the tax per capita in New South Wales? It is \$600 less for every man, woman and child in Queensland than it is in New South Wales. It is a sad day when good news about Queensland is considered provocative by the opposition. Which state has the highest growth in business investment? In New South Wales it is 1.7 per cent. In Queensland it is 7.5 per cent. Bundaberg Rum, mango Weis Bars, Fourx beer, Yatala pies: I know which state I would rather live in.

**Mr Seeney** interjected.

**Mr Emerson** interjected.

**Mr SPEAKER:** Order! The Leader of the Opposition and the member for Indooroopilly will cease interjecting. I give the honourable the Leader of the Opposition enormous latitude given his position. He is getting close.

**Ms BLIGH:** I think more people should see the way the Leader of the Opposition tries to tear down this great state every single time he opens his mouth. We on this side are proud Queenslanders—proud on the field and proud off the field.

### **Mackay, Child Safety**

**Ms DAVIS:** My question is to the Minister for Child Safety and Minister for Sport. Why has the minister failed to provide enough funding to the Mackay child safety unit to enable them to meet investigation and assessment deadlines, leaving Mackay services unable to complete 46 per cent of investigations and assessments in time frames, a quarter of investigations still open after two months and a massive case load of 25 cases per officer?

**Mr REEVES:** I thank the honourable member for her question—her first question as the shadow minister for child safety. I want to commend all child safety officers, who do an absolutely sterling job day in and day out—not only throughout Mackay and the Whitsundays but also throughout the whole of Queensland. These child safety officers have some of the most difficult jobs imaginable. They do not know from one day to the next the issues that are going to come up and who is going to be behind the door that they are knocking on in order to protect our most vulnerable people, our children.

I also want to thank the dedicated foster carers of the Mackay region. In fact, I am meeting them at lunchtime. We have 115 carer families in the Mackay region. Each of those families is working hard to improve the lives of the children they care for. As I said, I will be meeting them later today. These amazing foster carers and non-government support workers do an outstanding job.

In Mackay the Bligh government has also provided \$16 million over the next three years to our valued non-government care organisations, including the Churches of Christ's Pathways at Mackay, which will be funded nearly \$800,000 per annum to provide foster and kinship care services for children and young people. The Lifeline Community Care Centre at Mackay will also receive nearly \$350,000 a year to deliver family intervention services, to provide practical support services for children and young people living in care or in their family home. Then there is the IFYS, which provides safe places for young people who cannot stay at home.

The Bligh government works hand in hand with these organisations, because it knows that it is never too late to turn around some people's lives. We remain committed to helping children in out-of-home care reach their full potential. That is why we allocated \$1 million in Sport and Recreation funding to support these children in out-of-home care to participate in sport and recreation activities. This fantastic program provides an allowance of \$300 for those children to participate in swimming, music or art lessons or to be provided with sport uniforms. I am delighted to inform the House that from February last year to 30 April this year approximately 240 Mackay children have received this funding to help them reach their full potential. Who knows? Maybe they will play for Queensland in years to come.

Children and young people deserve every opportunity to lead active, healthy and happy lives, and the Bligh government is proud to recognise and support the work of our foster and kinship carers and our valued non-government partners, but particularly the staff of all child safety offices throughout the region.

### **Andergrove, Urban Land Development Authority**

**Ms DARLING:** My question is to the Deputy Premier, Attorney-General, Minister for Local Government and Special Minister of State. Can the Deputy Premier update the House on the progress at the ULDA's Andergrove site?

**Mr LUCAS:** I thank the honourable member for the question. The 22-hectare site, five kilometres north of the Mackay CBD in the suburb of Andergrove, is a joint venture between the ULDA and the Mackay Regional Council. It will provide more than 185 homes in a range of sizes and styles. Sixty-six of them will be available at less than the Mackay median house price. Not only will the houses in this area be affordable; 45 per cent of the entire area will be retained as bushland and open space. That is an area that is far greater than open-space areas in existing suburbs. That is what the ULDA will do.

The area was declared in April 2010 and initial civil works for stage 1 activity—11 lots, including a display village—were underway less than 12 months later. Fantastic progress has been made, and we will be addressing housing affordability. Work is also underway on stage 1B, which is 25 residential lots with the capacity for up to 32 dwellings on the north of the site. Construction of the homes will commence midyear, with the first residents moving in by the year's end.

So in just 18 months we have gone from a block of dirt to completed planning, to construction of a new community. This is a great example of a government delivering. Development applications for 41 lots in stages 2 and 3 have also been approved and work on these stages is expected to start late this year. Fergus Builders, River City Homes and Dixon Homes have been appointed as builder partners for this project.

I thank the honourable member for Mackay for being a great supporter. Of course, we know what Campbell Newman's attitude is to the ULDA. He said in the *Brisbane Times* on 29 March—

If I was elected premier, we will curtail this organisation that is unaccountable and unelected.

I found that quite interesting, because this morning I picked up the Mackay *Daily Mercury* and who is running for LNP preselection for the seat of Mackay? Julie Boyd. And who is chair of the ULDA? Julie Boyd. So he has not even told people who are his candidates of his attitude—or what their attitude should be.

But can I just say this on matters contemporary: yesterday in every workplace in Queensland we had people ribbing each other about whether they were from Queensland or whether they were from New South Wales or who people were supporting. There was one person in the entire state of Queensland who could not cop it and that was cranky Campbell Newman. Everyone in Queensland who had a go at a Blues supporter on his test was a xenophobe. He would have to go down in history as the first person in rugby league who was sold a dummy and then went straight out and spat that dummy. But the tantrum is not the point. If he cannot cop that, how can he cop the real heat that you get when you are the leader of a government? That is why, no doubt, he cut and run from Brisbane, because he cannot stand the heat. He spits the dummy.

### Mining Industry

**Mr DEMPSEY:** My question without notice is the Treasurer and Minister for State Development and Trade. With many mines across Queensland still waterlogged, with more than 500 gigalitres trapped in their pits, and Queensland Resources Council CEO Michael Roche reporting production down by more than 40 million tonnes, resulting in a loss of some \$600 million in lost royalties, I ask the Treasurer: why is this government's inaction putting at risk hundreds of millions of dollars in potential revenue for Queensland's floundering economy?

**Mr FRASER:** I thank the shadow minister for his question and for his concern for the mining industry in this state. Of course, we all know that it is a wellspring of prosperity for our state and has been throughout our 150 years and no doubt will continue to be a strong contributor to Queensland's prosperity, to the state's income and to generating jobs in this state. What did this government do ahead of the natural disasters that afflicted this state during the summer? Foreseeing the prevalence of rainfall that was occurring, we engaged with mining companies and offered them the opportunity for a program of temporary environmental permits. More than 70 were issued. This enabled mining companies which availed themselves of that opportunity—and not all of them did—to engage in releases above their normal permits at the time of the high rainfall.

Why? Because the concern with the water that we are talking about here is predominantly a concern about salinity; it is not about other heavy metals or other dissolved solids, but a salinity issue. The best time therefore to discharge the water is at the time that the water is flowing at greatest volume past the mine sites. So point 1: what did we do? We acted ahead of this and we put in place a temporary environmental permit and program.

**Mr Dempsey** interjected.

**Mr SPEAKER:** Member for Bundaberg, do not give a running commentary. The minister is answering the question.

**Mr FRASER:** And many availed themselves of that opportunity. Since that time we have worked with the industry in order to provide, where we can, the opportunity to undertake releases that give a balance between the need to resume full production in our mines and the need to protect our environment. We saw in the past that when these issues have occurred water quality issues in the Fitzroy Basin have been of concern to the community, and that is why we put in place new regulations to ensure that the water supply into Central Queensland in particular would be protected in these circumstances.

**Mr Dempsey** interjected.

**Ms Bligh** interjected.

**Mr SPEAKER:** Order! The crossfire between the Premier and the member for Bundaberg will cease.

**Mr FRASER:** We continue to work with industry in order to provide every opportunity to release this water in a balanced way, making sure that we get the mining production back, protecting the agricultural industries that rely on this water supply and also protecting the residents of Central Queensland who use this as their drinking water supply. It is a challenge to find that balance and we remain committed to doing it. Last week I visited the Peak Downs mine site, which is one of Queensland's largest mines.

**Mr Dempsey** interjected.

**Mr SPEAKER:** Order! The member for Bundaberg and whoever it is on the government side engaging in the crossfire will cease.

**Mr FRASER:** It is also one that has been affected most by the water retention. We continue to work with BMA in order to provide every opportunity to undertake the discharges, as ever getting the balance right between the economy and the environmental standards and people's drinking water safety. If the shadow minister here is professing that what he requires to do is to allow without regulation the discharge of saline water and put at risk the environmental quality of Central Queensland and the drinking water standards, I invite him to take the drive down to Rockhampton and stand on a street corner and tell the people of Rockhampton about it.

### Compulsory Third-Party Insurance

**Ms O'NEILL:** My question without notice is to the Treasurer and Minister for Trade and State Development. Can the Treasurer update the House on the results of the reforms to compulsory third-party insurance and is he aware of any alternative plans?

**Mr FRASER:** I thank the member for her concern for the cost-of-living issues that confront Queenslanders and for her advocacy for the people of her electorate. She will recall that at budget time last year this government implemented new reforms to compulsory third-party insurance which have delivered real savings to the motorists of Queensland. We put in place a reform—and this was questioned by the opposition—that was about removing inducements and trailing commissions to drive CTP lower for Queensland families. It chopped out, as of 1 July, \$24 to CTP, but it also reintroduced competition back into the sector. What have we seen since then? Competition has returned.

I am pleased to advise the House that as of 1 July this year motorists interested in shopping around can now save up to \$30 on their CTP insurance as competition returns. That means that the cheapest CTP insurance for class 1 registration is now \$307. What was it back in 2003 before we undertook the first wave of our reforms? It was \$357. That means that on 1 July it will be \$50 cheaper to pay your CTP in Queensland. I am happy to hold up that record of achievement against the latest thought bubble from the LNP leader Campbell Newman who was out earlier this week—not with a funded policy, not with a costed policy, but just a thought bubble—saying that he was going to freeze the scheduled CPI increase to registration in the first term should he win. Did he release a policy that costed it? No. It has been reported that this would cost \$107 million. I am relying on the report because there is no policy document. But, in fact, if you take account of the compounding effect and growth in registration, would it cost \$107 million? No, it would cost \$226 million. He has got the costings a mile wrong. More to the point, where does every single cent of registration in this state go? Right into the roads budget. So this is a \$226 million cut to the road budget.

Campbell Newman does not like answering questions. He does not like putting up the policies. But the questions do continue to grow. I understand yesterday he issued a clarifying statement protesting that he was not born in Tasmania but, in fact, born in Canberra—as if that answers the question. It just raises more questions. In my quest to find out what was the truth, I noticed on YouTube that he is now claiming to be 27. While I am hardly Donald Trump's 'hair' apparent, I think it is time for the long form. I think it is time that we found out where Campbell Newman is really from. Failing that he should provide a DNA sample because if nothing else it would be able to provide a research base for those terrible afflictions of a glass jaw and a thin skin. In the meantime the prescription is clear: the only thing he needs to do is have a cup of concrete.

### **Welford National Park**

**Mr POWELL:** My question without notice is to the Minister for Environment and Resource Management. I refer the minister to Welford National Park and table a photo of the DERM 'closed for business' sign standing indefinitely at the entrance to the park.

*Tabled paper:* Photo of Welford National Park [\[4544\]](#).

Considering Queensland had one ranger per 16,000 hectares of protected area in 2010 before yesterday's announcement of an additional 1,500 hectares in new and expanded national parks, how can Queenslanders have any faith in any announcement the minister makes and should Queenslanders get used to seeing more 'closed for business' signs on our state's protected areas?

**Ms JONES:** I thank the honourable member for the question because this goes to the heart of the difference between the Bligh government and our side of politics and their side of politics. What do we believe in?

**Mr Emerson** interjected.

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

**Ms JONES:** We believe in protecting Queensland's environment. What do they promise to do? Slash and burn.

**Mr Emerson** interjected.

**Mr SPEAKER:** Order! The member for Indooroopilly will cease interjecting. A question has been asked. The minister is answering the question.

**Mr Lucas** interjected.

**Mr SPEAKER:** Order! The Deputy Premier will cease interjecting. There is far too much noise and the member for Indooroopilly is keeping up a running commentary. I would allow the minister to answer the question.

**Ms JONES:** I remember a time when a man, who was born not in Tasmania but in Canberra, cared about the environment. He was someone who used to go around pretending that he cared about the environment.

**Opposition members** interjected.

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

**Ms JONES:** But now he is putting himself forward as someone who will stand with a group here, the LNP, that have promised to do the following things: while we have increased the number of park rangers across Queensland from 500 when we came into government to over 800 because we believe in managing national parks—

**Mr Dempsey** interjected.

**Mr Dickson** interjected.

**Mr Emerson** interjected.

**Mr SPEAKER:** Order! Those on my left! The member for Bundaberg and the member for Buderim will cease interjecting, as will the member for Indooroopilly. Member for Indooroopilly, you are on your last warning under standing order 253A(1).

**Ms JONES:** Never let the facts get in the way of a good yarn. Since we have been in government we have increased Queensland Parks and Wildlife Service rangers from 500 positions to over 800 positions because we believe in protecting Queensland's environment. This is something that I am passionate about and my colleagues and the Premier are passionate about.

**Mr Gibson** interjected.

**Mr Cripps** interjected.

**Mr SPEAKER:** Order! The member for Gympie and the member for Hinchinbrook will cease interjecting.

**Ms JONES:** The alternative that they will put to the people of Queensland is that they will abolish the Great Barrier Reef Protection Amendment Bill—that is, make sure that we damage the Great Barrier Reef and not protect it from run-off. Those opposite have promised to revoke the tree-clearing laws that meant that Australia met its Kyoto protocols.

**Mr Nicholls** interjected.

**Mr Cripps** interjected.

**Mr SPEAKER:** Order! The member for Clayfield and the member for Hinchinbrook will cease interjecting.

**Ms JONES:** They go to the election saying that they will rewind the Great Barrier Reef Protection Amendment Bill, cut the budget for the Environmental Protection Agency and the Department of Environment and Resource Management, abolish the Office of Climate Change, abolish the ClimateSmart Home Service, abolish any protection for the Great Barrier Reef and wind back funding for our national parks.

**Ms Bates** interjected.

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

**Ms JONES:** How can they come into this House and complain about how many park rangers there are, when they are on the record as saying they will cut Public Service jobs and what we have done is increased the number by 300?

**Ms Bates:** Springbrook doesn't have a management plan. How are you managing that?

**Mr SPEAKER:** Member for Mudgeeraba, you are on your last warning under standing order 253A(1).

**Ms JONES:** We believe in bringing parliament to the people of Queensland's regions, because we are passionate about making sure that we protect your environment, your economy and your lifestyle. What we have seen this week is an opposition that comes in here, day after day after day, promising more and more and more things that it cannot fund. Opposition members have not been open and transparent with the people of Mackay. The people of Mackay deserve some truth.

*(Time expired)*

### **Livestock Transporters Association**

**Mr SHINE:** My question is to the Minister for Transport. Could the minister please outline to the House the Queensland government's involvement with the Livestock Transporters Association?

**Ms PALASZCZUK:** I thank the member for the question. I am more than happy to tell the House about our productive relationship with the Livestock Transporters Association of Queensland. About \$4.5 billion worth of revenue is generated for our regional economies through the livestock industry in Queensland. In February 2011 alone, 647,000 head of cattle required transportation. That is why this government stands by the reforms that we are implementing with the industry. On two notable

occasions, we have joined forces to devise and refine the volume-loading schemes that have become the benchmark and envy of all Australian states. We are also working with the livestock transporters to deliver an extra 56 rest areas, which is an issue they are passionate about. On a number of occasions they have spoken with me about that issue. They have helped us with the national heavy vehicle regulator which is to be set up in Queensland. I have met with them on several occasions. We have a very productive relationship.

Therefore, recently I was very delighted to attend the Livestock Transporters Association of Queensland 30th anniversary ball. It is a signature event that in the past National Party members attended in force. In fact, they recalled tales about former transport ministers attending the ball. They talked about ministers such as Russ Hinze and the member for Gregory, who is a former transport minister. However, on the occasion of this ball it was surprising that there was no Leader of the Opposition and member for Callide, there was no member for Southern Downs, there was no shadow minister for transport, there was no member for Mirani, there was no member for Toowoomba South. In fact, not one member of the opposition was there. However, there was an unelected member of the LNP there.

**A government member:** Who was it? Was it Campbell?

**Ms PALASZCZUK:** No, it was not Campbell Newman at all. It was better than that. It was Bruce McIver. Bruce McIver was there. What did Bruce McIver do there? He stood up and started waving around membership forms! It was an embarrassment. It is a sure sign that the opposition is taking industry for granted when not one member could be bothered—

**An opposition member** interjected.

**Ms PALASZCZUK:** You were not even there. You could not even bother to turn up.

**Mr SPEAKER:** Order! The minister will direct her comments through the chair.

**Ms PALASZCZUK:** It is a very sad day when every one of you deserts your heartland.

**Mr SPEAKER:** Order! Direct your comments through the chair.

**Ms PALASZCZUK:** We will continue to stand up for the livestock industry. We will continue to work with them. Shame on you!

### Snapper, Fishing Bans

**Dr ROBINSON:** My question without notice is to the Minister for Main Roads, Fisheries and Marine Infrastructure. Now that the snapper RIS consultation period is over, will the minister rule out introducing snapper bans in 2011 and 2012 or is a preference deal with dangerous Greens more important than the job losses and economic pain such bans will cause to marine industries in Queensland?

**Mr WALLACE:** I thank the member for the question. This is a bloke who has told a few that he has a doctorate in marine biology, but we have found that to be incorrect.

**Dr ROBINSON:** I rise to a point of order. On no occasion have I ever claimed to have a doctorate in marine biology. I have a doctorate in international studies from the University of Queensland. I ask for that to be withdrawn.

**Mr SPEAKER:** Do you find that personally offensive?

**Dr ROBINSON:** I find that personally offensive.

**Mr WALLACE:** I withdraw. There is some conjecture as to what happens on the other side. They do not really know who their leader is and they do not know where their leader comes from. However, we on this side of the House know where our leader comes from and we know what our qualifications are. Our qualifications enable us to look after the fisherpeople of Queensland right across this great state.

I have told parliament about my great-granddad, who was the first stationmaster and postmaster in Home Hill. A lot of people in Mackay will know Home Hill. It is a great place, about three hours north of here. The road near Inkerman is called Wallace Road and it goes to Wallace Creek, which is one of the great fishing places of North Queensland. Fishing is in my blood, just as it is in the blood of a lot of people in Mackay. To people right across Queensland, whether they be in Mackay, Home Hill or Cleveland, I give a commitment that if they are catching snapper, barramundi or sooty grunter, or if like the member for Mount Isa they are catching sleepy cod from the dams, I will look after them. I am personally going through those RISs. Today I am meeting another delegation from Sunfish, which is a group that does a great job looking after fishermen across Queensland. I will come to a balance that looks after the fish stocks and fisherpeople as well.

My old granddad used to tell me, 'Craig, learn to fish and you can feed yourself for a lifetime.' That is exactly what we can do. Indeed, when I was a kid my dad was a fisherman. In those days there was not much money around. My mum and he survived on mud crab. They said that when I learned to crawl I crawled sideways. That shows how much fishing is in my family. I will stand up for the fishermen in Mackay, I will stand up for the fishermen in Cleveland and I will come to a balance so that my can kids can fish now and well into the future.

### **Mackay Region, Roads Projects**

**Mr WENDT:** My question is also to the Minister for Main Roads. Can the minister please inform the House about Main Roads projects in the Mackay-Whitsunday area that are nearing completion?

**Mr WALLACE:** I can and I am proud to do so. In Mackay the Labor Party has a great and proud tradition of delivering. This week we announced \$340 million in new money for Mackay.

**An opposition member:** NDRRA money.

**Mr WALLACE:** Listen to them whinge about the money for Mackay, but I will fight for more money for Mackay roads. There is a further \$54 million in works. I am not ashamed of myself for getting more money for roads for Mackay and I will get even more for Mackay residents, along with Tim Mulherin and Jan Jarratt, because they follow a proud tradition in this city. William Forgan Smith built the Forgan Bridge.

I want to highlight another \$164 million in projects that will be finished by the end of this year in Mackay. There is the \$148 million replacement and duplication of the Forgan Bridge, which is the biggest road project ever undertaken in this region. As I said, the original bridge was built under the Forgan Smith administration in the 1930s. That is tradition. Other projects worth about \$4 million will be finished by the end of this year. For instance, earlier this year I was at Horse and Jockey Road. We will install traffic signals at that very busy intersection with the Peak Downs Highway.

**Mr Johnson** interjected.

**Mr WALLACE:** I take that interjection. He is absolutely right. The member for Gregory is talking about the Peak Downs Highway. There will be lights at that intersection. On the Mackay-Eungella Road there is the completion of the shoulder sealing between the Peak Downs Highway intersection and Branscombe Road. We are delivering \$12 million of upgrades to the Bruce Highway, such as at the Boundary Road intersection and the City Gates intersection on the southern approaches. That is a \$50 million project for Mackay. That is part of our commitment to this area.

We follow a great tradition in Mackay. Labor has built Mackay over generations and we will continue to do so. Those on the other side of the House have no such traditions. However, they have adopted one tradition from Ireland. Every year for hundreds of years the Irish have crowned a goat to be their king. The LNP has adopted that tradition. 'Claytons' Campbell is the latest goat to be crowned the king of the LNP. Worse still, we do not know whether he is a Tasmanian goat or a Canberran goat. We do know one thing: he is a cranky billy goat with a glass jaw. This side of the House has a proud tradition in Mackay. I will stand with the member for Whitsunday and the member for Mackay and I will fight for further road funding to follow that tradition.

### **Torres Strait, Policing**

**Dr FLEGG:** I note that tomorrow is the first day of Reconciliation Week. My question without notice is to the Minister for Police, Corrective Services and Emergency Services. I refer to the concerns of local community leaders in the cape and the Torres Strait region who are worried about the possible shelving of the community police program and its implications for law and order in the area. Will the minister tell the parliament how the Queensland Police Service will replace community police and how it will cope with the language barriers and the loss of local community connection if this program is shelved?

**Mr ROBERTS:** I thank the member for the question. Policing in the Torres Strait region has been delivered essentially through three means. Firstly, it has been delivered through Queensland police being stationed on Thursday Island and Horn Island; there is a permanent police presence. In addition to that, there are police officers or people employed by the Police Service referred to as QATSIP, Queensland Aboriginal and Torres Strait Islander police. They are not fully sworn police officers, but under legislation they do have some powers in terms of implementing some local laws. There are some of those on the mainland as well and there are four on Badu Island.

The third means by which policing—and I use that term generally—is delivered throughout the Torres Strait is through what is referred to as community police. It is true to say that there is an issue in terms of the future of community police in the Torres Strait. At the moment the council employs those police under local government legislation; they are a council responsibility. At the moment they are



funded principally by council funds, but they also rely upon CDEP funding. The federal government will be phasing out CDEP funding. The latest advice I have received is that funding will now be extended to around April or June next year.

That being said, the government does recognise that we need to be working with the Torres Strait councils—so both councils, particularly that which looks after the outer islands—to ensure that a policing presence can be continued in some form. There have been a number of discussions with the Torres Strait council about this issue. I will be taking submissions to cabinet in the not-too-distant future about this issue. It is a matter which is the responsibility of the Queensland police in terms of providing policing resources to the Torres Strait. That has been done in conjunction with the community police, as the member has outlined.

We have, in fact, increased resources to the Torres Strait in recognition of the need for appropriate resources up there. The government has given a commitment for a new \$10 million to \$12 million police station on Badu Island. We have recently increased the air wing capacity out of Horn Island which has provided a significant boost to our policing capacity and our ability to respond to all of the islands. That is an issue which we will look to expand over time. We have a water police facility based on Thursday Island which services all of the outer islands in particular. Of course, over time our government will look to expand its policing presence. That is a commitment that has been spoken about. Indeed, over the next few years—or shorter than that—once the Badu Island Police Station is built, the people of the Torres Strait will see an increased police presence in that region.

### **Mackay Region, Arts**

**Mr CHOI:** My question is to the Minister for the Arts. As a lover of arts myself, I ask: can the minister advise the House of the importance of arts to the Mackay and Whitsunday communities and of any emerging threats to that creative strength?

**Ms NOLAN:** I can. Right across Queensland today people are talking about our state's great successes in the field of the arts. Nowhere is that more true than in Mackay. Just recently the Australia Council released a major report about participation in the arts. What it shows for Queensland is that the community that has the highest participation in community arts, with 65 per cent of people in the last year participating in a community arts event, is Mackay. Why would that not be the case?

Mackay has a great Artspace which was built with the help of this government, and that Artspace is the place where Queensland's first Warhol exhibition was held—not in Brisbane, but in Mackay. Mackay has a range of fantastic community arts groups such as Crossroads Arts, which does visual arts and creative development for disadvantaged people in the community, which I visited yesterday. Mackay also has an amazing performing arts sector with a range of choral, musical and theatre groups performing for the benefit of all people.

This is a community that understands that the arts lies at the heart and soul of a sense of place. Of all Queensland communities, this is the one that participates in community arts the most. So Mackay will be enormously concerned to hear of an imminent threat to that arts sector at the heart and soul of the Queensland community. That arts threat comes from the possibility of an LNP government led by Campbell Newman.

In the years that Campbell Newman has been Lord Mayor of Brisbane, he has consistently cut at the heart of the arts. The Brisbane Powerhouse, a great Labor project and one of Brisbane's primary arts centres, has seen its funding virtually stay the same in real terms over six years of that government. Late last year the LNP cut \$500,000 from the Brisbane Festival and this year it has cut \$750,000 from emerging artists—the funding that gives young artists a chance. It cut \$60,000 from the creative arts program and, worst of all, this year the BCC administration cut \$928,000 from the budget for, of all things, library books. That administration cuts funding from performing arts, from emerging arts, from creative arts and, worse, from festivals and, worst of all, from library books. We understand the importance of the arts and the LNP's record is to cut it.

*(Time expired)*

### **Queensland Reconstruction Authority**

**Mrs PRATT:** My question is to the Premier and Minister for Reconstruction. The Queensland Reconstruction Authority has advanced funds to almost all councils around Queensland, but these councils cannot access those funds without approval from the QRA. Could the Premier please advise how many claims have been approved for payment by the QRA, what has been the average time for processing and why has the amount of paperwork been so enormous?

**Ms BLIGH:** I thank the honourable member for the question. I do not have that data at my fingertips, but I am very happy to advise her of a couple of things. Firstly, I think it is important to understand that the system in relation to disaster funds has been the same for a number of years—that

is, that councils had to bear the cost and carry the cost of recovery themselves and then put an invoice in to the state and federal governments for reimbursement. What we have tried to do, given the scale of this disaster, is completely reverse that and give councils some funding upfront.

However, it is important to understand that that does not dislodge the previous system where the councils themselves took the risk, and councils are completely at liberty to get on with the work and do that themselves. There are many councils who have considerable capability and expertise in making determinations about whether a project is an eligible NDRRA project, and there are councils right across Queensland right now just getting on and doing the work. I would encourage the councils in the member's area to do the same. I am happy to speak to the Queensland Reconstruction Authority to have them speak to her councils about that.

**Mr Lucas:** Graeme Newton visited the South Burnett recently.

**Ms BLIGH:** I understand that the CEO of the Queensland Reconstruction Authority, Graeme Newton, visited the South Burnett I think as recently as last week.

**Mr Seeney:** That's right and mine, too.

**Ms BLIGH:** And parts of the electorate of the Leader of the Opposition. As I spoke about in the last sitting, there are some issues about accessing a separate fund for reimbursement for day labour costs that we have been working on with the Local Government Association of Queensland, and we are very close to finalising a proposed allocation of those funds. But, quite separate to that issue, there is nothing to stop councils from just going out and getting on with the job. Yes, they have to bear the risk that the project they get on with may ultimately not be eligible, but they have taken that risk and borne it very well with a great deal of capability for years, because things have to be fixed whether they are eligible NDRRA projects or not. I suggest that people should see this as an addition, not as a substitute. There is absolutely nothing to stop councils from just getting on with the job.

**Mr SPEAKER:** Order! The time for question time is over.

## WORK HEALTH AND SAFETY BILL

### SAFETY IN RECREATIONAL WATER ACTIVITIES BILL

#### Second Reading (Cognate Debate)

Resumed from 25 May (see p. 1678), on motion of Mr Dick—

That the bills be now read a second time.



**Mr WETTENHALL** (Barron River—ALP) (11.31 am): I rise to support the Work Health and Safety Bill and the Safety in Recreational Water Activities Bill being debated cognately today. I will firstly direct my comments to the Work Health and Safety Bill 2011.

The focus of the harmonisation of work health and safety laws is on achieving the best possible approach to health and safety for all Australian workers. It is acknowledged that each jurisdiction will face changes in current work health and safety arrangements in order to achieve the goal of consistent health and safety laws. The Workplace Relations Ministers Council, I understand, agreed that separate and specific work health and safety laws for particular hazards or high-risk industries could continue. The Safety in Recreational Water Activities Bill is one example of the approach Queensland has taken in connection with the important recreational diving and snorkelling industry in this state and in contemplation of other important recreational activities on the water in Queensland.

The council also agreed that if separate and specific laws continued then they should be consistent with the nationally harmonised work health and safety laws where possible, including with respect to the duties and defences. Queensland is the only jurisdiction to have stand-alone electrical safety laws. They were developed in 2001 following an independent review to provide a comprehensive, contemporary regulatory framework covering all sectors of the electricity industry and safety in homes. These laws are vital to safety in this state and, as a result, the government has agreed that the current Electrical Safety Act will continue as stand-alone legislation and will be harmonised with the national model Work Health and Safety Act. This bill, the Work Health and Safety Bill, amends the Electrical Safety Act to ensure consistency with the national model act while maintaining electrical safety standards in homes.

In addition, it is proposed to regulate dangerous chemicals and major hazards facilities under the Work Health and Safety Bill and repeal the Dangerous Goods Safety Management Act 2001. Technical experts from the government agree that the national model Work Health and Safety Act contains provisions which are virtually identical to those in the Dangerous Goods Safety Management Act. As well, the regulation of general work health and safety matters, hazardous chemicals and major hazards facilities under a single work health and safety act will align Queensland with other jurisdictions, and this will of course reduce confusion for employers and workers and make for a simpler system.

Queensland also has a number of other industry-specific safety acts, including the Coal Mining Safety and Health Act 1999 and the Mining and Quarrying Safety and Health Act 1999, that will be impacted by the harmonisation process. The government noted that, in agreeing to implement the model laws, it continued to support the retention of separate mining safety laws in Queensland but that these laws should be harmonised where possible, including the duties and defences. With mining employing so many people in this region and in the surrounding regions that it services, that is a very important issue for people who work in those mines and for their families. The harmonisation of mining safety laws will be undertaken as a separate process, with Workplace Health and Safety Queensland working closely with the Safety and Health Division in the department of mines and energy to ensure consistency with the model Work Health and Safety Act.

During this week's sitting of parliament we have heard much about the importance of mining to this region and indeed to the economy of our state and the jobs that it supports for thousands of people, particularly in our regions. Of course we have also heard a lot about the importance of agriculture and tourism. It is the tourism industry in particular which stands to benefit from the other legislation that we are debating today in this cognate debate, the Safety in Recreational Water Activities Bill. I just want to make a few observations about that and in support of that bill.

The importance of recreational diving and snorkelling to Queensland, to this region and to the region from which I come—the Tropical North—is paramount.

**Mr Watt:** Absolutely paramount.

**Mr WETTENHALL:** It is absolutely paramount. Queensland and the Great Barrier Reef offer some of the best, if not the best, diving and snorkelling in the world, and the tourism operators who take millions of visitors are also among the best, if not the best, in the world. Wherever people come from to enjoy their diving or snorkelling experience—whether it be locals going out for a dive and a snorkel, whether it be people from the south-east corner coming up to enjoy the Great Barrier Reef, whether it be people from interstate or whether it be people coming from all over the world—our government, in partnership with the industry, wants to make their experience not only the best holiday experience and dive experience that they will ever have but also a safe one. We want to maintain the high standards of safety that exist in Queensland.

It is interesting to note that 93 per cent of international divers and around 40 per cent of domestic visitors enjoying a dive holiday do so in Queensland. And why wouldn't they, with the fantastic diving and snorkelling opportunities that we have? Diving and snorkelling are very significant and important components of our tourism industry. They are of course a fantastic drawcard for Queensland. It has been estimated that the Australian recreational diving market injects \$1.4 billion into the economy each year. Currently, the recreational diving and snorkelling industry is regulated under the Workplace Health and Safety Act 1995, which will be repealed with the passage of the Work Health and Safety Bill 2011.

Both our government and the industry recognise the importance of continuing a strong regulatory framework for recreational water activities in Queensland reflecting the importance of dive tourism in our state. This bill protects the health and safety of people who take part in recreational water activities and it is designed to and will promote confidence that Queensland has the highest enforceable standards of safety for tourists.

The bill will impose a duty on anyone carrying on a business providing water activities and their employees to ensure the health and safety of their customers. The bill also requires officers of companies to exercise due diligence to ensure compliance with the bill. Any incidents, such as serious illness, injury or death, that arise out of the conduct of the business are required to be reported.

Over a million people take part in some form of organised diving and snorkelling activity each year. Literally millions of scuba dives and snorkelling expeditions occur in Queensland every year. That is why it is so important that Queensland maintains the highest standards of safety. That is what the bill aims to achieve.


Two million people visit the Great Barrier Reef every year and 85 per cent of them access the Great Barrier Reef Marine Park through our great regional centres of Cairns, Port Douglas and the Whitsunday region. Tourism is, of course, the main commercial activity in the park and accounts for 94 per cent of the 54,000 jobs associated with the Great Barrier Reef.

As I have mentioned, not only do we have the best holiday experiences and the best recreational water activities to experience in the world; we also have the best tourism businesses and the best tourism operators in the world. Some 820 of them are permitted to access the reef using some 1,500 vessels and aircraft. The vast majority of people who visit the reef will take to the water with their scuba gear or their snorkel. I commend the industry for the fantastic experiences that they offer our tourists.

I also want to commend the industry—organisations like the Association of Marine Park Tourism Operators—and acknowledge them for their work and for working with government over a long period to develop the existing regulatory framework and their code of practice that has served them well and for working with government to also develop this new legislation which will enable the industry to maintain its excellent safety record and enhance Queensland's reputation for safe water activities.

This region, the Whitsunday region, offers some unparalleled opportunities to take part in recreational water activities with its superb access to the Great Barrier Reef. Tropical North Queensland, Cairns and Port Douglas, as I have mentioned, are world-famous diving and snorkelling destinations. They have been so for a very long time and will continue to be. That is why it is so important that we have a strong framework to protect the safety of people who visit those wonderful regions.

I conclude by once again thanking the people of Mackay for welcoming the parliament here. I have holidayed here in the past and visited here as part of my role as a member of this parliament. It has been a great privilege to do that. It is a wonderful place to visit and to holiday. It is also a great place to have the parliament. With those few comments, I commend these bills to the House.

 **Hon. D BOYLE** (Cairns—ALP) (11.45 am): I, too, am pleased to speak on these important and historic bills for Australia and particularly Queensland in terms of their impact. In the first instance I wish to address the dive industry, an industry that I have had close associations with in my years as the member for Cairns. I think other members have already put it on the record, but it bears repeating that the Australian recreational diving market has been estimated to contribute \$1.4 billion to the economy each year. It is a very substantial industry. I am pleased to hear that so many members of this House understand that.

That was not so when I first became the member for Cairns in 1998. At that time, the Borbidge government was reviewing the regulations associated with the dive industry. While that review was well intentioned, there was a mood in Brisbane—being led by the then Borbidge government—of punishment of an industry which they saw as small, unregulated, uncontrolled and potentially risky. That was far from a correct image of the Cairns diving industry. I became associated with the industry by speaking up for them in that review and making sure that the increase in standards, which were certainly needed at that time, was nonetheless sensible and sensitive to what is a major plank in our tourism industry for Queensland but especially for those key communities and key cities down the coast parallel with the Great Barrier Reef.

For overseas and interstate visitors, recreational water activities, especially recreational diving and snorkelling, are a major feature of holidays in Queensland and a major feature of why they come here. The Great Barrier Reef is on top of the key destinations that people around the world wish to visit at some time in their lifetime. They do not come simply to look at the water; they come to have the courage to get in and explore.

Queensland is a stopover for 93 per cent of international divers coming to Australia and an estimated 40 per cent of domestic dive holiday-makers. That begins to help us understand that the dive industry in Queensland is not only bigger but also more developed—more sophisticated—than the dive industries of other states of Australia. Of the estimated two million scuba dives conducted in Australia in 2005, about 1.2 million occurred in Queensland. This is in addition to an estimated 2.3 million Queensland snorkel dives. If we were to look more closely at Queensland it would come as no surprise that, given that the preponderance of international tourists who visit Far North Queensland are based out of Cairns, the great majority of dives and snorkelling excursions done in Queensland are done in the warm waters and balmy climate of Cairns and Far North Queensland.

I have a confession to make as the member for Cairns. While having had the privilege of being a minister in the Beattie and Bligh governments for the last seven years, I have not been able to be as active in my electorate as I was in the early years as the member for Cairns. So it has been some years since I have visited some of my constituents, for example on Green Island, and since ceasing to be a minister I have had the chance to look closely at how our dive operators are performing and understand how international tourists are experiencing Cairns.

But having stepped down from the ministry, I am pleased to let members know that I have been able to spend more time in my electorate catching up on some of these activities. I recently took the opportunity to go to Green Island and to meet with my constituents on Green Island, amongst them one of the lifesavers on the beach at Green Island. I was suitably attired, as honourable members will understand, and felt that I should join in the experience of Green Island while I was at work, so to speak. Lifesaver Travis Simmonds told me some things about the international tourists who visit Green Island

and the Barrier Reef that I had not understood so well. Many of them come from countries where, either due to the climate or where they live, access to water sports and water activities just does not exist. They are not practised swimmers and often they cannot swim well. They have certainly never in their whole lives been in water where they can snorkel, let alone go diving.

Their lack of experience and knowledge of the water is balanced on the other hand by the tremendous enthusiasm they have when they get to the Barrier Reef to experience this huge adventure, and they rush at it sometimes with limited knowledge. That keeps people like Travis very busy and seriously engaged, particularly with international tourists who also sometimes have limited English language abilities. People like Travis make sure that they take on this experience and this adventure and enjoy it, that they see the wonders of the Great Barrier Reef while at the same time behaving in ways to protect themselves in terms of their own health and safety as well as others in the group. On that day I did not stop at Green Island but decided that it was important for me to visit the outer Great Barrier Reef along with many international tourists. So from Green Island we sailed to the edge of the reef—that is, about an hour's trip. Unfortunately, it was a day where the weather was not wonderful. The sea was choppy and it was a bit rough on the boat. There was quite a lot of cloud cover and a sprinkling of rain. Unfortunately some of those who do not have their sea legs experienced some nausea and difficulty. They were then a bit nervous about getting in the waters of the outer Barrier Reef.

I was blown away by the skills of the staff on the Quicksilver boat in terms of the kind of training they had not only in understanding the environment of the Great Barrier Reef but also in preparing people for snorkelling or diving; in providing the kind of safety information that they needed to have in multiple languages; in being able to answer questions and distribute information in multiple languages; in being able to rehearse people before they went snorkelling in the proper use of the equipment, the placement of the nosepiece and the mask and in the wearing of stinger suits to protect against the sun as well as stingers. It was just something to behold and all members of this House—I am sure all Queenslanders—would have been proud to see mostly very young people, very educated people, very hospitable young people hard at work implementing the very high standards that we already have in the Queensland dive industry. It was a very hard day at work for me. I know there are some who do not believe that that was hard work on that particular day, but I do have photos of myself hard at work. For those who need to see them to be sure that that was actually a working day, I would be pleased to provide a viewing.

Nonetheless, despite the sophistication of the dive industry in Cairns and other places in Queensland, the activities still have their risk. There are people who experience health problems, breathing problems, and there are even occasionally deaths—fatalities—on our reef during snorkelling and diving activities. As I have already indicated, one of the reasons for this is that some people are not fully aware of what this experience is going to be like in that they are naive. Cairns has not only healthy and fit young backpackers who come up for adventure tourism but also increasingly a number of baby boomers—people who are now hitting their 60s and who are not always in the best of health and not even necessarily aware of some difficulties they may be having in terms of cardiac health or who are not practised at managing chronic diseases such as asthma and other conditions that can affect their diving experience. The best is done to protect them, to warn them and to encourage people who do have any chronic disease problem to make sure that they have been checked by a doctor before they go, but sometimes still unfortunately events can occur. As Dive Queensland's figures demonstrate however, the risk considering the huge millions of dives and snorkles that take place every year is quite minor.

It is this context in which Queensland has been the only state or territory that has comprehensively regulated the recreational diving and snorkelling industry under occupational health and safety laws, and currently this is done through the Workplace Health and Safety Act 1995. The recreational diving and snorkelling industry recognises the importance of retaining current Queensland regulations to prevent fatalities in recreational diving and snorkelling, and so too of course does the Queensland government. The Queensland regulations and code of practice were developed collaboratively with the industry and establish a level playing field for dive operators. Importantly, they reassure the community and tourists that Queensland has appropriate standards that are enforced. What will happen now, however, is that the Work Health and Safety Bill we are debating will repeal the Workplace Health and Safety Act 1995 under which recreational water activities have been regulated as part of the process of the national reform of workplace health and safety legislation.

When the national government first announced this, there was considerable nervousness amongst the dive industry. Dive Queensland has worked closely with the Queensland government and has a very good partnership in delivering the best in terms of safety and the best in terms of the industry's integrity and its growth. But it was concerned that there may be, through this push to have national model workplace health and safety laws, a diminution of Queensland standards and that we would lose the leadership that we have established by other states having presently lesser standards and wishing to maintain those lesser standards than Queensland. Dive Queensland has been ably led over many years by a good work colleague and a good mate of mine, Mr Col McKenzie. Col is also active with the Australian marine park tourism operators group. It, too, has consistently worked with governments, particularly the Queensland government, to ensure the protection of the reef and the wise

use of the reef by tourist operators and tourists. They were nervous that this would be a bill that would diminish the standards for the Queensland dive industry and that the national government may be preoccupied, as it sometimes is, with Sydney and Melbourne and sounding good in the southern states and would not take account of what is really an industry heavily based in Far North Queensland.

However, I am pleased to put on the record and make sure honourable members know that the dive industry was indeed impressed with the consultation that was undertaken by the federal government and was particularly pleased to have the support of the Bligh government in making representations to ensure that its particular perspectives and its high standards were not to be diminished in any way by the development of the new work health and safety laws. I want to address those for several minutes.

The harmonisation of work health and safety laws is part of the Council of Australian Government's national reform agenda aimed at reducing the regulatory burden and creating a seamless national economy—indeed a worthy objective though one that can be difficult to achieve given the very different industry basis and activities of states such as Tasmania and Queensland. The objects of harmonising workplace health and safety laws through a model framework are: to protect the health and safety of workers at all times—and there is no argument about that—to improve safety outcomes in workplaces; and to reduce compliance costs for business. How important is that.

As members of government, we really understand that it is very difficult with today's accountability standards. Businesses have so many licences that must be obtained, so many standards that have to be met and so many compliance systems and accountability systems to meet and report on regularly. To demonstrate not only the standards of compliance but also the importance of easing the regulatory burden and minimising the costs, yet in a climate of workplace health and safety, I note the announcement made by Minister Kate Jones in relation to the Department of Environment and Resource Management changing the licensing arrangement for many small businesses. That change will mean that the process is much simplified and the costs are hugely reduced. That is the kind of small business improvement that I know many businesses in Cairns will recognise.

Therefore, that balance that we believe we will achieve through this bill—of protecting the health and safety of workers and looking after small business opportunities yet at the same time maintaining standards—is one that has been difficult to achieve, but I congratulate all who were involved because indeed it has happened. There are those who say that we have too much in the way of regulations. Yet I have a good example of how the regulations for workplace health and safety are operating right now in Far North Queensland.


All of us are aware of the dreadful damage that has been done on the Cassowary Coast by Cyclone Yasi, of the need to get underway with the work of repairing the major infrastructure damage to so many houses and the rebuilding entirely of so many houses. I am pleased to say that that work is gearing up. The predictions are that over the next month we will hear an even louder sound of hammers banging away all day, seven days a week, to really make that work happen as quickly as possible. But we are not settling for any lesser standard. The workplaces still have to be healthy and safe for the workers, the contractors still have to meet the standards of the BSA and the houses have to comply with the cyclone safety standards. In fact, many of the houses that were damaged have to be lifted to a new level of category 5 compliance, which did not exist before. As this parliament is sitting, we have 10 two-person teams out inspecting work sites right across the Cassowary Coast to make sure that we are not only doing the work but also doing it well.

At the national level, the development of the model Work Health and Safety Act regulations and codes of practice has been progressed by the Strategic Issues Group of Safe Work Australia and I congratulate them on their good work. Members of the Strategic Issues Group included the Australian Industry Group, the Australian Chamber of Commerce and Industry and the Australian Council of Trade Unions. You pretty much know you are going to get a good outcome when you have the unions and industry sitting at the table as well as, of course, representatives from all of our state and territory governments around Australia.

At state level, there has been ongoing consultation on the act's regulations and codes of practice with representatives of key stakeholders, including the Queensland Workplace Health and Safety Board, the Electrical Safety Board, the Queensland Council of Unions, the Australian Workers Union, the Electrical Trades Union, the Australian Industry Group, and the Chamber of Commerce and Industry Queensland. There is no doubt that the model Work Health and Safety Act compares favourably with Queensland's Workplace Health and Safety Act 1995 in terms of overall approach. It marks the end of a long process and it is a successful change.

While recognising the benefits of introducing these new laws, the Bligh government was not prepared to let a vital part of our tourism sector—the dive industry—become unregulated. Therefore, I absolutely support and congratulate the minister particularly on the government's decision to prepare the stand-alone legislation of the Safety in Recreational Water Activities Bill so that we can maintain our high standards of safety in recreational diving and snorkelling. That is what we are doing today. We are

acting nationally in terms of workplace health and safety and we are acting locally to protect our world-renowned, eminent dive industry and to ensure that we have the best practice and the kind of leadership that we are showing now and that that continues for the years ahead. I commend the minister and I commend the bills to the House.

 **Mr FOLEY** (Maryborough—Ind) (12.04 pm): I join with the member for Cairns in mentioning the wonderful dive industry that we have on the Great Barrier Reef. I am sure that when she retires she will have more time to dive with other diving luminaries in this parliament such as the member for Springwood, who also likes to don the snorkel occasionally. I note that when the member for Cairns mentioned she had photographic evidence of her trip to Green Island the member for Everton protested and said that he did not want to see the photos. But I am reliably informed that he looks sensational in a stinger suit, anyway. But the ever-stylish member for Surfers Paradise was more gracious and said that he did want to see the photos.

**Mr Langbroek:** Slide night.

**Mr FOLEY:** Yes, a slide night. Facebook is alive and well. Before I touch on other parts of the bills that we are debating cognately, I want to mention the dive industry. I would like the minister to clarify whether lifeguards are caught up in the legislation. Obviously, surf-lifesavers perform their duties in a voluntary capacity so it is not such an issue. But I would like the minister to clarify the situation relating to paid people such as lifeguards.

Yesterday in his contribution the member for Buderim noted that three weeks ago—on 5 May—a diving instructor from the Gold Coast who had been charged with manslaughter walked free from the court after a magistrate found that he had no case to answer. The diving instructor had been charged over the death of a 20-year-old student who had drowned during a scuba-diving excursion in April 2009. In a state like Queensland, where there is a massive dive industry, we must be absolutely vigilant in prosecuting cases of shonky dive practices. Without casting any aspersions on the abilities of the Magistrates Court, I would like to see cases involving a death tested in the District Court. If I were the father of the 20-year-old who died I would probably be less than happy with that outcome.

The Barrier Reef not only is off the Mackay coast but also extends right down to almost Fraser Island and Lady Elliot Island. The ecoresort on Lady Elliot Island is just a fabulous dive spot. Recently my son worked there, and some of the photos he brought back showed that the area has some of the best dive visibility going. But, of course, we need to legislate a duty of care on the part of all diving instructors and dive businesses to ensure safety is paramount in terms of the participation of divers.

I support very strongly the Work Health and Safety Bill 2011. The bill effectively fulfils Queensland's obligation under the program of harmonisation of workplace health and safety laws right across Australia. It will reduce red tape and compliance costs for businesses and in particular small businesses, particularly those that employ workers in more than one state jurisdiction—and we have plenty of Queensland businesses that do that. This bill is the Queensland version, if I might put it so simply, of the model workplace health and safety laws that were produced and drafted by Safe Work Australia after much consultation with employer representatives, unions, industry representatives and other relevant stakeholders. In my opinion, the product from Safe Work Australia is probably as close to perfect legislation as you can get. The bill implements the Queensland section of the model harmonised workplace health and safety laws. It repeals the existing Workplace Health and Safety Act and replaces it with a new proposed Work Health and Safety Act 2011.

This new act makes a variety of mostly positive changes to requirements governing health and safety in Queensland. I think all of us in this parliament would treat workplace health and safety issues with the absolute seriousness that they deserve. There are some fairly scary statistics when we look at this particular issue. In the 2009-10 year the Notified Fatalities Statistical Report has some very chilling findings. There were 124 notified work related fatalities: 111 workers and 13 bystanders. Most fatalities involved men, with 115 in total. There were nine fatalities of women, including four bystanders. Five industries accounted for seven out of every 10 notified work related fatality. Twenty-three per cent of fatalities occurred at a workplace primarily engaged in agriculture, forestry and fishing; 17 per cent in construction; 13 per cent in manufacturing; 11 per cent in transport and storage; and five per cent in mining. The most common causes of the fatalities were: vehicle incidents, which resulted in 26 fatalities; falls from a height, 20; being hit by falling objects, 18; being hit by moving objects 18; and contact with electricity, 12. Of the 26 fatalities caused by vehicle incidents, 10 fatalities occurred on public roads and 16 occurred elsewhere, including six fatalities during air travel. As we can see, this is a problem across many different industries and many different modes of travel and transport. It is a problem that we need to take more seriously than we are at the moment. I do not think that anyone would deny that these figures are completely unacceptable and that we have to do everything in our power to ensure that when a mum or a dad or a brother or a sister leaves for work in the morning they return home later that evening safe and well.

The challenge we then turn to is creating laws that strike the right balance between employers taking responsibility for the health and safety of their employees and employees themselves taking responsibility for their own personal health and safety and the health and safety of their colleagues. Obviously there can be all the regimes in the world for the procurement of a safe working place, but if people ignore those standards there will be the same outcome. It is imperative that both employers and employees take workplace health and safety very seriously.

The bill makes changes to the current laws that go a long way to fulfil this. The first positive change I would like to comment on is division 2 section 19(1) of the bill which changes the requirement for employers to ensure the health and safety of employees to 'ensure, so far as is reasonably practicable, the health and safety of' employees. That is a very welcome and necessary change. Some might say that could lead to a lawyer's picnic, but I think we would all acknowledge that, while employers have the lead role in ensuring the safety of workers, there is only so much they can reasonably do, which is what I said before. That is acknowledged in the bill, which defines clearly what is reasonably practicable.

I relate this situation to a constituent of mine who had an employee who simply disobeyed the employer's safety policies which he was trained in and that sadly injured another employee. In this particular case the employer had done everything in their control to ensure the safety of employees, yet there is still a very strong possibility that they will be prosecuted under the current act for supposedly failing to ensure the safety of their employees by virtue of the fact that the employee got hurt. Employees do get hurt, and if they get hurt whilst ignoring the safety standards that have been put in place and they have been trained to follow I do not think that is fair. I support this element of the bill because I think that gives the situation a lot more equity.

The second aspect that I would like to refer to is the change to the law that now will require the regulator—that is, Workplace Health and Safety Queensland—to prove all elements of an offence instead of the regulator providing the allegations and the employer or the employee having to provide the evidence to disprove it. That is a huge difference. This will change what is known as the reverse onus of proof. I thank the minister for the briefing that was arranged for the Independents on this particular issue. For me this is plain commonsense. Every other stratagem of legal opinion, every other discourse that takes place in the courts, works on the presumption that people are innocent until proven guilty. The reverse onus of proof seeks to reverse that situation. This bill restores that principle to occupational health and safety law and I think that it is not before time that that has been done.

I would now like to refer to clause 28 which inserts the level of duty of care that individual workers must take responsibility for. As I said before, this is critical to the effective operation of a two-tier workplace health and safety system. I believe that this will make workers more conscientious in following safety procedures and protocols. I congratulate the government on this because I know how hard it would be for the Labor Party, particularly with its affiliations with trade unions, to support this type of clause which prima facie would seem to lessen the rights of some of the members. To its credit it has stuck with it and I think the commendation is in order for that.

The next point I would like to address is the duty that officers have under this proposed act and the fact that officers can be individually prosecuted as well as the relevant business or undertaking for breaching their duty of care. The duty of care for officers includes a requirement for due diligence which is defined as taking responsible steps—

- (a) to acquire and keep up-to-date knowledge of work health and safety matters; and
- (b) to gain an understanding of the nature of the operations of the business or undertaking of the person conducting the business or undertaking and generally of the hazards and risks associated with those operations; and
- (c) to ensure that the person conducting the business or undertaking has available for use, and uses, appropriate resources and processes to eliminate or minimise risks to health and safety from work carried out as part of the conduct of the business or undertaking; and
- (d) to ensure that the person conducting the business or undertaking has appropriate processes for receiving and considering information regarding incidents, hazards and risks and responding in a timely way to that information; and
- (e) to ensure that the person conducting the business or undertaking has, and implements, processes for complying with any duty or obligation of the person conducting the business or undertaking under this Act;

and—

finally—

- (f) to verify the provision and use of the resources and processes mentioned in paragraphs (c) to (e).


I have some concerns regarding this and I will go through them now. The problem is that the definition of the word 'officer' is a very broad definition. It is now not just an officer for the purpose of the Corporations Act that has to show due diligence as part of their duty of care, but it now includes a broader range of persons. I quote from clause 247—

- (1) A person who makes, or participates in making, decisions that affect the whole, or a substantial part, of the business or undertaking of the State, Commonwealth or another State is taken to be an officer of the State, Commonwealth or other State for the purposes of this Act.
- (2) A Minister of a State or the Commonwealth is not in that capacity an officer for the purposes of this Act.



Subclause (2) ensures that ministers are not officers but everyone else down the food chain is. Subclause (1) encompasses a very broad range of people. As an example, does that mean that the managing director of a multinational organisation whose decisions affect the whole business is responsible to fulfil the requirements of due diligence under section 27 for one of his organisation's sites in Queensland, or the Director-General of the Department of Health in relation to all hospitals and nursing homes in Queensland? In some organisations there would be hundreds of officers whose decisions affect the whole or a substantial part of the organisation. It seems ridiculous to me to expect every one of those officers to be the full bottle and show the due diligence required under this section. Perhaps there needs to be a tightening up of the definitions. I would like the minister to respond to my comments on that particular issue during his summing-up.

The bill also increases the penalties for offences under the act. I think they are quite appropriate, considering the devastating impact that workplace health and safety incidents have on families and colleagues of the victims. In conclusion, I would like to congratulate all parties involved in the introduction of this legislation. I look forward to it passing.

 **Mr MOORHEAD** (Waterford—ALP) (12.19 pm): I rise to support the Work Health and Safety Bill 2011 and the other legislation being debated in this cognate debate. I intend to focus my comments on the Work Health and Safety Bill 2011 as I think the members for Cairns and Barron River, in their erudite contributions, have dealt comprehensively with the other bill.

The bill before the House provides for nationally consistent workplace health and safety legislation. Frankly, this is long overdue and is part of an evolution that has been occurring in this country for decades. A few decades ago we had the Factories and Shops Act, which regulated health and safety in workplaces in Queensland. It took a very prescriptive approach that provided such things as how many feet and inches a printing machine should be from a wall and how many screwdrivers a person could use on a particular type of machinery. That prescriptive approach did not apply to the modern workplace.

This bill delivers on the evolution of modern, flexible workplace laws that deliver higher standards of safety for workers and also deliver efficiency as part of a seamless national economy. I pay tribute to not only the minister in this parliament but also the Gillard government for their leadership on this issue. This is a very difficult political issue. For decades, governments of many political persuasions have shied away from it. It is fantastic to see that our national government has taken this issue and delivered for both business and workers in Queensland.

However, we should be upfront that, in establishing one set of regulatory regimes across the country, there will be swings and roundabouts and there will be winners and losers. That is a fact of bringing together regimes that have arisen in different historical contexts and through many debates in the respective states. Some people will want to move to a lowest common denominator approach, taking the easiest option in all those regimes. Others will want the highest common factor approach, taking the highest standard in each state. It is simply not possible to take either of those approaches. This bill brings solid standards that meld together and keeps the overall standard of workplace health and safety strong. While some individual prescriptions might come and go, overall the bill before the House provides for a strong standard of workplace health and safety.

This bill has been produced following months and years of consultation with industry, unions and governments from around the country. At the end of last year I was deeply disappointed to hear some national business groups criticise this process and the outcomes of that consultation. I thought that was an outrageous entry into the debate on this subject.

This regime is put in place for the benefit of businesses across this country. It will ensure that businesses that operate across state borders can continue with their same risk management processes whether they are in Queensland, New South Wales or anywhere else. They were not happy with everything they got and neither was the Australian Council of Trade Unions. I agree with the minister in this regard: if one side was happy and the other side was unhappy, we would have a significant problem on our hands. The criticisms from those business groups showed a real lack of leadership and a pandering to a small number of people who had concerns about this. It did not show the sort of leadership that says, 'This is a great win for us but it is also a process of compromise.'

Obviously, one of the biggest changes is in the fundamental obligation on persons conducting a business enterprise. In our state, that relates to the inclusion of the words 'reasonably practical'. However, for those people for whom this is a new term I have to make it clear that the provision that the management of risk must be as far as reasonably practicable is not an excuse for undertaking activities that are inherently dangerous and unable to be made safe. Even if you try to make it safe but it simply cannot be made safe, do not do it. Being 'reasonably practicable' is not a get-out-of-jail-free card for that type of activity. It is an explanation of how the onus works.

One of the items in the bill I have raised with the minister and his staff is the role of training. The bill provides a new regime of training of workplace representatives. I thank the minister for his discussion around this issue. Fundamentally, we can introduce all the legislation in the world but until we change workplace cultures we do not deliver safer workplaces. An important part of any safe workplace

culture is an employer who provides leadership to their workplace and also workers who are empowered to raise safety issues and feel comfortable bringing them to the employer's attention and, if need be, the regulator's attention. Under this legislation, that role is given to trained workplace representatives.

Our current Workplace Health and Safety Act 1995 provides a training obligation for training representatives, and that has been warmly welcomed by workplace representatives. The new Work Health and Safety Act will provide a different regime for training, commencing on 1 January 2012. I believe there is an opportunity for some of the training that will commence at the start of this act to be provided in a timely way, early in the operation of the act, to ensure that workplace representatives are full bottle on what is in the new legislation.

Fundamentally, the obligations on employers and employees are very similar as they apply in the workplace. However, with some of the new powers and obligations for workplace representatives, it is important that those workplace representatives have an opportunity to understand what is a very large and complex piece of legislation and continue to have confidence in fulfilling their role in the workplace. There is nothing so safe as a workplace with strong employer leadership, but also it needs employees who are trained and confident in delivering their obligations under the act and ensuring that employers are meeting their obligations. Employee workplace representatives are in the workplace all day, every day and they know what is happening.

This act applies to obligations on persons conducting a business whether they are workers, labour hire workers, occupiers or visitors to premises. It does not necessarily rely on an employment relationship. That has been the case for some time, but this bill makes that abundantly clear. What is one of the important ways that a person carrying on a business enterprise ensures that their workplace is safe for this wide range of people? It is to have a sign-on register. Prior to coming to parliament I had a job where I visited workplaces regularly. Every single one of those, particularly in manufacturing, had a sign-on register. I had to wear a tag, most of the time I had to have proper inductions and I had to have appropriate protective equipment. Therefore, in question time this morning I was horrified to hear that the member for Mudgeeraba had gone onto a construction work site without signing in—

**Mr Wallace** interjected.

**Mr MOORHEAD:** I am not sure if she had a blue card for the construction industry, whether she had the appropriate induction process for that construction site or whether she had protective equipment. Workplace registers play an important role in ensuring that the person who has an obligation under this act can know who is on their workplace, what they are doing and whether they are meeting their obligations under the act. It may be that the actions of the member for Mudgeeraba are also a breach of the Education (General Provisions) Act, which I note is also under the administration of the minister who is responsible for this bill. The plain and simple fact is that the actions of the member for Mudgeeraba put at risk not only her life but also the lives of others. If there was an incident at that place, the person who had the obligation under this act to ensure that she was safe would not have known if she was on the premises, would not have known if she was in the building—

**Dr DOUGLAS:** I rise to a point of order. I would question the relevance of that comment about workplace health and safety.

**Mr DEPUTY SPEAKER** (Mr Ryan): Order! There is no point of order. The member for Waterford has the call.

**Mr MOORHEAD:** For the benefit of the member for Gaven, I might also bring my speech directly to a clause in the bill. If one looks at the obligation created by clause 29 of this bill, one would see that the member for Mudgeeraba would be in breach of this legislation had it been in place. I am sure it is probably a breach of the existing legislation as well. To go into a workplace, contrary to the instructions that visitors have to report to the site office, is—

**Mr Malone** interjected.

**Mr MOORHEAD:** I will take that interjection. The member for Mirani tries to deny that she went onto the workplace. Firstly, she took the photos. Secondly, when the Minister for Government Services put the allegation in this place this morning, the defence of the member for Mudgeeraba was, 'I was there out of hours,' which is a shameful indictment. It makes it worse. She was there when there was no safety in place.

**Dr DOUGLAS:** I rise to a point of order. The member is making an assumption about what the member may have done.

**Government members** interjected.

**Dr DOUGLAS:** No, no, no. Excuse me—

**Mr Kilburn:** She told us.

**Dr DOUGLAS:**—Mr Deputy Speaker, I ask for your protection.

**Mr DEPUTY SPEAKER:** We will wait for the House to come to order. I need to hear the member's point of order.

**Dr DOUGLAS:** The member has made an assumption that the member concerned, which in this case is the member for Mudgeeraba, was actually on site, on the space, taking photographs.

**Mr DEPUTY SPEAKER:** Member for Gaven, what standing order are you referring to with your point of order?

**Dr DOUGLAS:** He's discussing another member.

**Mr DEPUTY SPEAKER:** There is no point of order. The member for Waterford has the call.

**Mr Kilburn:** You weren't here because you got kicked out. She actually said she was there.

**Mr MOORHEAD:** I am happy to be corrected if the parliamentary record shows otherwise—

**Dr DOUGLAS:** I rise to a point of order. One of the members has just stated that I was not here for that discussion because I was out of the parliament at the time. I was in the parliament at the time. I found that comment offensive and I would like it withdrawn.

**Mr Kilburn:** Okay, I will change it. You weren't listening then.

**Mr DEPUTY SPEAKER:** I have not heard the comment. Which member are you referring to?

**Dr DOUGLAS:** The member here.

**Mr DEPUTY SPEAKER:** The member for Gaven has found a statement offensive.

**Mr Kilburn:** I am not actually at the microphone.

**Mr DEPUTY SPEAKER:** I ask the member to withdraw.

**Mr Kilburn:** Okay, I withdraw. You were here. You obviously weren't listening then.

**Mr MOORHEAD:** Yesterday in her question to the Minister for Government Services, the member said that she had been to the site with an A grade asbestos inspector, which I accepted. This morning when the allegation was put to her that she had not followed the appropriate safety procedures, her response was—and I was in this place and if I have misheard her I will surely come in here and correct the record—that she was there out of hours. That does not provide a defence. In fact—

**Mr Wallace:** It makes it worse.

**Mr MOORHEAD:** It does make it worse.

**An opposition member** interjected.

**Mr MOORHEAD:** I am not a solicitor, actually. I might take offence at that allegation. I am not a solicitor. Turning up at a work site out of hours when there is no safety in place and wandering on to a site, which the member herself says is dangerous, is entirely outrageous. Ironically, she has raised this matter during debate on a bill that contains laws that she would actually be in breach of had it been in force. The worst part of all of this is that, rather than take that complaint directly to the minister, directly to the office of Workplace Health and Safety Queensland, the member held it up, stored it in her back pocket and turned up to question time to try to get a headline in the *Daily Mercury*.

The issue here is that, if someone sees something that is unsafe, they have an obligation, a moral obligation, to take immediate action to try to have it corrected. If that person has duties under this act, they also have a legal obligation to do that. The shameless exploitation of asbestos by the member for Mudgeeraba was a shameful episode this morning, particularly when this is added to the record of the Liberal and National parties in this state when it comes to asbestos.

Who stopped the installation of asbestos in schools in this state? Wayne Goss! Wayne Goss stopped it when he came to government. When were the National Party and the Liberal Party governments told that asbestos was dangerous and should not be used in schools? It was 1974! That is 15 years from the time they knew it was dangerous until the time they stopped using it. That is a shameful record. To come to this place and try to shamelessly exploit that issue I think casts a shadow on that contribution.

Importantly, when it comes to asbestos, the profile of injury in this state has yet to peak. Unfortunately, there is a legacy of people who have contracted this latent disease over decades. We will continue to see the number of people who are diagnosed with asbestos related diseases increase over the next decade. This government has put in place processes that provide a compassionate response to people who have been diagnosed, a quick resolution of workers compensation schemes and, importantly, immediate practical assistance. As well, the government has a range of programs to prevent asbestos exposure.

One of the growing areas of concern is people carrying out renovations in homes that have asbestos sheeting in them. There is a very informative brochure prepared by the Queensland Asbestos Related Disease Support Society and Queensland Health that provides home handy people with the information they need to perform work in their home in a way that does not expose them to asbestos. Unfortunately, sometimes there is a misunderstanding about what is the safest way to deal with asbestos and on many occasions the safest way is to leave it alone. When it is not broken, it is not putting fibres into the air and it is actually very safe. It is there because it is an inert substance. People should be very careful before they rush in and try to remove asbestos from their home.

One of the big challenges in workplace health and safety is always enforcement. When it comes to workplace health and safety there is a great diversity of cultures and a great diversity of outcomes. Unfortunately, the small to medium enterprises do have a great deal of work to do to improve their record. In many industries, large workplaces have the support and compliance processes in place to ensure that those obligations are met. But sometimes small to medium enterprise businesses are not aware of the obligations they have and they may not have access to some of the training that is available to explain some of the simple and effective ways that risk management can be undertaken.


This bill does provide for a comprehensive enforcement regime. In particular, the bill provides for increased penalties. I think it is a fair compromise to move the onus of proving an offence to the person who has the duty under the act rather than to the prosecutor. I think that is a very fair balance. If it is made harder to prosecute, there should be very tough sentences for those who have breached those duties under the act.

Unfortunately, the culture of workplace health and safety has been seen as a culture of too many people accepting injury as a way of life. If we compare the behaviour and expectations that we have in the workplace, particularly when it comes to enforcement, to the behaviour and expectations we have outside the workplace, there is a significant difference. The penalties in this bill are significant. However, the penalties that are imposed on a person who negligently causes the death of a person outside the workplace—and it would be manslaughter—are significantly greater. On many occasions the penalties that are applied to people who kill others while driving a motor vehicle are significantly greater than those in workplace health and safety legislation. Like road safety legislation, like the criminal law, we are there to protect the life and the quality of life of people and their physical wellbeing. This I think does justify a balancing of those penalties against the expectations of the community outside of the workplace.

The bill also provides for an extended period of two years in which regulators can institute proceedings. This is an important amendment, in my view. Often workplace incidents involve very complex questions, often with an engineering and factual basis. There is also in many cases limited witness evidence. These incidents often occur in parts of the workplace that may have only two or three persons working in them or sometimes a person working by themselves. Importantly, there have been unfortunate instances where persons who have a duty have attempted to cover up an incident in which a person has been injured. This extended time for instituting proceedings means that the regulators will not reward people who attempt to cover up those facts.

There remain some important parts of the bill where an onus is placed upon the person who has a duty to prove that they have met the requirements for the excuses provided under the bill. So it is still the obligation of the regulator to meet the main elements of the offence while the excuse will be required to be met by the person who is proposing that as an excuse to their prosecution. Importantly in this area, the person who has that information is the person who has that duty. That person is the one who is in the best position to provide that information to any proceedings—and probably the only information, frankly.

This is an important step forward in workplace health and safety legislation in this country. I support it. I do recognise the very difficult political task that is behind it, and I really do celebrate the leadership of this government and the Gillard government in bringing this dream to fruition for the seamless national economy here in Australia.

 **Hon. DM WELLS** (Murrumba—ALP) (12.41 pm): In this cognate debate I will be speaking to the dive safety legislation. It is customary when one has a vested interest in any particular bill to declare that vested interest. I do not have a pecuniary interest in this bill, but I do have a vested interest: I am a diver. I think diving is a fantastic activity. It is almost unique as an activity. It is perhaps the only sphere of human activity where you can move unexpectedly in three dimensions—almost the only activity. Politics perhaps would be another case.

I admit that I am a diver and I am a diver who learnt to dive here in Central Queensland, in the Whitsundays. It is a great pleasure to speak to the dive safety legislation. I am not alone in this respect. I am going to throw a few of my colleagues in the deep water here because there are a number of dive enthusiasts in the parliament. There is the member for Pine Rivers, the member for Sunnybank, the member for Whitsunday, the member for Cook, the member for Rockhampton and the member for Cairns and, Mr Deputy Speaker Kilburn, may I especially salute you as a fellow diver.

Perhaps it is unwise to mention that there are so many members on the government side who are keen divers because we do want the opposition to support this legislation. This is legislation about dive safety. When they hear that there are so many government members who are keen divers, they might want to oppose this legislation just in the hope of securing a few by-elections. I suspect that the ghostly immanence that they have instead of a leader might look forward to having some by-elections. They might even be prepared to put the life of the honourable member for Cleveland on the line in order to achieve that. But I do note that what we are seeking to regulate with this legislation is in fact an industry and in fact an area of human activity where significant risk can be incurred.

Not everybody who goes out to the sea to have a dive comes back. The safety record in Queensland, as a number of members have already testified, is much better than anywhere else in the world. That is something of which we are entitled to be proud and that is something which we are determined to preserve. However, what I want to do today is draw the attention of the House to a number of the risks which divers incur. I want to draw attention to some of the risks that divers do subject themselves to.

Obviously in any extreme sport or in any extreme human activity there are going to be risks. Nobody would want to stop people from engaging voluntarily in exhilarating activities that nevertheless involve risk, but what you would want to do is regulate those activities in a way that would ensure a minimum amount of risk. I want to draw attention to some of the risks that diving involves and indicate the ways in which this piece of legislation inhibits those risks. I think there are about three different categories of risks. There are dive trauma risks, there are organisational risks and there are environmental risks. In those three categories—

**An opposition member** interjected.

**Mr WELLS:** The honourable member opposite mentioned sharks. I think those would have been one of the environmental risks.

**Mr Dempsey:** Barracudas.

**Mr WELLS:** Over on that side there are a whole lot of gummy sharks. May I begin first with the dive trauma risks. I will give two examples. One is the bends. If you ascend too quickly—

**An opposition member** interjected.

**Mr WELLS:** The honourable member may be wet but he is not a diver and he is not witty. The bends occur if somebody ascends too quickly, and the only cure for that is a hyperbaric chamber. Another risk that can occur is narcosis of the deep. Too much nitrogen in the system can cause narcosis of the deep which results in very strange behaviour.

**Mr Elmes:** That's why there are so many divers on the other side—all that have strange behaviour. You've all been down there too long.

**Mr WELLS:** The only thing honourable members opposite have ever been immersed in is folly. The risk of nitrogen narcosis is significant because it leads to strange behaviour down at the bottom of the ocean when all sorts of accidents can occur. There are instances of divers who have got 'narced' who have been seen offering their breathing apparatus to passing fish. These things can lead to serious injury. They can lead to death. They can lead to disaster.

The second category to which I would like to refer is the category of organisational risks. You can, for example, be the subject of boat strike. If the flags are not out and the area is not adequately defined where diving is taking place, people can be run over by boats, and this has happened. Another risk that you can incur is the risk of simply getting lost. With your indulgence, Mr Deputy Speaker, I will tell you an amusing story about divers getting lost, but behind this amusing story lies a large number of sad ones.

I was on a Barrier Reef island and a dive master and I decided that we would have a shore dive. The island was a small one. We decided we would go in at due north and we would swim a shallow dive anticlockwise to nine o'clock, to due west, and emerge from there. We did that. We went in and we swam around the corner of the island and we came out, and there on the beach we found a couple of American tourists, who were there apparently on their second honeymoon, lying on the beach enjoying the Australian sunshine.

**Mr Lucas:** Did they enjoy you turning up?

**Mr WELLS:** They were rather surprised. I see that the Deputy Premier is following this with great interest. They were rather surprised to see two people in scuba gear walking on to the shores of the island. They said to us, 'Hello,' and my dive buddy on that occasion said, 'It's great to be back in New Zealand.' The two American tourists said, 'Oh, no, but this is Australia.' My dive buddy said, 'Oh dear,' and turned around and walked back into the water.

It is easy enough for people to get lost. If people get lost on a dive they can get left behind. It is really important to count them in and count them out. There are a whole range of organisational risks that can occur. As well as the risks that I have mentioned, there are the simple risks of the person who is keeping the boat not knowing how many people have gone out and how many people are coming back.

Now I will turn to the environmental risks. These are the ones that people think of first. The first interjection we got was about sharks. The environmental risks—the risks that people think of most; the risks from sharks and other sea animals—are the least of them. We all know that when Peter Beattie was looking for a red herring on one occasion he went and found some sharks in a tank. He swam with tame ones. The wild ones are no more troublesome because human beings in rubber suits are not part of their usual diet. Consequently, divers are very rarely attacked by sharks unless they do something extremely foolish.

People do not usually get injured by sea animals unless they provoke them. I do know that some people behave like cowboys at times. I remember being on a night dive here once. It was a long time ago and before the statutory provisions came into force that would have prevented it. It was a very long time ago. It was a night dive with a couple of cowboys who thought it would be fun to wake up a few stingrays that were lying on the bottom of the ocean in the depths of the night. A person has to do something really stupid to incur the major risks.

The honourable member for Cleveland referred to that great underwater environmental campaigner Tony Fontes who was the dive instructor who taught me to dive more than a couple of decades ago. I remember when I was learning to dive from Tony here in Central Queensland—just down the road at Airlie Beach—somebody said, ‘Tony, what is the best defence against being eaten by a shark?’ He said, ‘Always dive with a buddy.’ The questioner said, ‘Are sharks less likely to attack two people than one?’ Tony said, ‘No, but it reduces your chances of getting eaten by 50 per cent.’

The reality of it, though, is that it is very unusual indeed for wild animals to attack a diver. The main risks are the organisational risks and the risks of dive trauma. How does the bill address these risks? It places a duty of care upon dive operators, upon individuals and upon companies to ensure that best practice is followed. By establishing that legal duty of care the consequence of the bill is that everybody who engages in these activities does so knowing that they are legally liable if they get it wrong. There is nothing that makes people take care as much as knowing that there is a legal liability.

So what happens in Queensland is that when divers go into the water they get counted in and they get counted out. The honourable member for Cairns spoke a little while ago about how care is taken in her area even to ensure that people are properly clad for protection against the sun. A whole range of these things can be done simply by organisational arrangements that ensure that divers are not subject to unnecessary risks.

The serious risks of dive trauma—risks like the bends and narcosis of the deep—only occur if a person gets it wrong. If their bottom time is too long—and I am not talking about how long a person is sitting in the chamber; I am talking about how long they are sitting at the bottom of the ocean—that is when they are going to suffer from these kinds of traumas that can be incurred during diving.

**Mr Lucas:** What about ocean currents?

**Mr WELLS:** Of course, ocean currents can wash you away. The Deputy Premier is interested in ocean currents. I notice that the Deputy Premier yesterday quoted Shelley. Perhaps I will give him some Tennyson—maybe the gulfs will wash us down. Ocean currents can do that. Again, this is something that can be guarded against by the appropriate planning of dives.

The mantra is always plan the dive and dive the plan. The thing to do is to ensure that discipline is always maintained. People keep the charts properly so that their bottom time does not exceed that which is safe. This bill makes it a requirement on those proponents who are setting up dives to ensure that this sort of thing happens. If they take these necessary precautions, which this bill requires by providing for codes of conduct and duty of care, then the risk is minimised.


I would like to say a few words in praise of Central Queensland. I have dived in a lot of places, as you have, Mr Deputy Speaker Kilburn. I have dived in the kelp forests in southern Australia. I have dived in islands of the Pacific. But nowhere—just nowhere—compares with the Great Barrier Reef of Queensland. There is great beauty here that is unsurpassed anywhere else on the planet.

**Mr Lucas:** Wynnum Creek is pretty good.

**Mr WELLS:** I notice that the Deputy Premier is infatuated with Wynnum Creek. I am speaking of things maritime rather than riverine at the moment.

The canvas on which I am attempting to paint is a canvas which encompasses much more than half of the world. On this planet there are two worlds. There is one above the waterline and there is one below the waterline. The world below the waterline is very much more beautiful but less regulated than the one above the waterline. It is the Labor government of Queensland which is introducing the appropriate degree of regulation to that second world—a world which holds enormous beauty but significant risk. This is a very useful piece of legislation and it is most significant that here in Central Queensland we are introducing a piece of legislation that is so core to the economy of this area and so core to the interests and so redolent of the beauty and magnificence and wonder of this glorious part of the world.

Sitting suspended from 1.00 pm to 2.30 pm.

 **Mr O'BRIEN** (Cook—ALP) (2.30 pm): It is a great pleasure to rise to speak in favour of the two bills that are currently being debated in the House. I will limit my comments mostly to the Safety in Recreational Water Activities Bill, which mostly deals with amendments to the dive industry in Queensland. I start by emphasising the importance of the dive industry in my electorate of Cook. The electorate of Cook is the northernmost seat in the Queensland parliament and has more coastline than any other electorate and, obviously, the most number of dive sites and the most amount of reef. Both the

Great Barrier Reef and some of the reefs in the Torres Strait are important reefs that have great potential for diving and are an untapped resource in the Torres Strait for increased dive tourism, and I will speak more about that later.

As other members have said, the Australian recreational dive market has been estimated to contribute \$1.4 billion to the economy each year. For overseas and interstate visitors, recreational water activities, especially recreational diving and snorkelling, are a major feature of holidays in Queensland. Queensland is the stopover for 93 per cent of international divers coming to Australia and is the destination for an estimated 40 per cent of domestic dive holidays. Of the estimated two million scuba dives conducted in Australia in 2005, about 1.2 million occurred in Queensland, and that is in addition to an estimated 2.3 million Queensland snorkel dives.

My electorate contains the best of the Great Barrier Reef, and I can proudly say that. People in the Whitsundays would probably argue otherwise, and I am sure they could probably argue a good point. There is quite a large dive industry based out of Port Douglas in my electorate where I live, and it is a very important part of the economy of that town of about 3,000 or 4,000 people. Over 30 boats go out to the reef each day from Port Douglas taking divers who come to Port Douglas from all across the world. The market in Port Douglas, as I am sure it is in the Whitsundays, is a complex market. There are different levels in the market at Port Douglas—from the bottom end of the market with the backpacker market to the higher end with charter boats and people who specifically want to dive particular spots and who are prepared to pay a premium for the privilege of going out on some very luxurious and expensive boats.

The market for dive tourism is a very broad market. There is a mass produced side of it, but there are also some niche parts of it that are perhaps the creamier part of that particular aspect of the economy. The most important thing about the broad range of the market is that it is safe. The most important thing—whether people have come as backpackers to do a resort dive, a dive that does not need a ticket but is accompanied by a master diver, or people are in groups of two or three on an exclusive dive—is that people come back safe and alive.

The issue of safety is a real issue. It is a difficult issue to talk about because we want to promote the industry and we do not want to let people know that they could die while they are diving and snorkelling, but the risk is real and deaths do occur. Some well-known deaths have occurred in reefs off the coast of my electorate. Obviously the Lonergans sparked a whole heap of reform internally within the industry when they simply did not get back on the boat. I will not go into that particular case, but it was obviously an important moment for the industry and for government to realise that we had to address safety in the industry and that we had to take some positive steps to ensure those sorts of things never happen again, and that is part of what we are doing here today. I must say that post that incident the industry has done an enormous amount of work to ensure that sort of incident does not happen again.

The other celebrated life that ended in my electorate was of course Steve Irwin, who was killed off Port Douglas by a stingray. That was a tragic set of circumstances obviously for the family and for the industry as well, because it highlighted the dangers that exist for people when they venture out on to the Great Barrier Reef.

Most of the deaths that do occur on the reef are not the result of safety breaches by industry. A lot of them are just people who get on to the reef for the first time to snorkel but who are not in the best physical condition. Most of them get lost in the marine wonderland that is the Great Barrier Reef and they overexert and overextend themselves and their abilities and come to an end that way. Today we are addressing some of these issues to ensure that people who are on the reef are appropriate to be on the reef and that they are snorkelling and diving within their means.

My first trip to the Great Barrier Reef was when we went to Port Douglas for the first time. We were living in Cairns at the time and it would have been about 1978 or 1979. We went out on a famous boat that went out of Port Douglas in those days called the *Martin Cash*. That was a lovely boat and we had one of the most fantastic experiences that we ever had. That day I snorkelled for the first time and fell in love with the beauty and the magic that is the Great Barrier Reef. Even though I was just a child at the time, I remember swimming around and being nervous because the beauty of the reef is so wonderful and it is easy to just get lost and to lose yourself and to keep swimming and exploring and perhaps lose sight of the boat. That is also the case for scuba divers if they are not careful and if they are not prepared. Because the place is just so magical, there is a real risk of people simply just getting lost in the marine wonderland that is the Great Barrier Reef.

The day that we had on the *Martin Cash* was a particularly important formative memory for me. I promised myself from a very early time when I was living in Cairns that I would go to the reef every two years. I made a promise to myself that I would do that. I thought there was no point living in this wonderful place if I did not get out to the reef every two years. I stuck to that for quite some time but, unfortunately, becoming a councillor and then a member of parliament means that you just cannot get out to the reef as much as you would like. However, I did take my son out on the Quicksilver out of Port Douglas last year and it was interesting to see how much had changed in, say, the four or five years since I had last been out there and the facilities that are available to people now.

But more important and perhaps more scary is just the number of people who are out there on the reef at the moment. I went out on the Quicksilver boat, which can take in excess of 250 people to its pontoon. There are a number of boats that go out there, so there could be 400 or 500 people on the pontoon owned by Quicksilver at any one particular time. All of those people in the water need to be managed very carefully to make sure the risks are absolutely minimised, and that is the importance of this bill being debated today. The government cannot be strict in its regulation in terms of saying, 'Thou shalt do this,' and, 'Thou shalt do that.' The industry must take responsibility to ensure it takes the appropriate steps so that everybody who goes out on those boats in the morning comes back in the afternoon.

By and large, what I saw from the industry that day was a strict set of safety guidelines and procedures. When we went out in the morning I think three or four members of staff went through with the counter to count exactly how many people were out and all of those counts had to marry up. Then on the way back before we could set off in the afternoon they went through all of that again to make sure that the tally was the same and they all checked off with each other. They all counted independently and they all checked with each other to make sure that nobody was left behind.


The same situation goes with diving. I did a resort dive off Green Island probably about four years ago now and the safety instructions and guidelines that we had to go through were quite strict. The process began with us filling out a form in terms of our medical history—whether we had asthma, whether we had other conditions that could prevent us from diving. Then we had to sit down with the dive master who gave us some further information that he needed to give us. He laid down some very strict rules about what we could do and what we could not do. Essentially, we had to be linked to the dive master at all times. We were not able to be separated. He took two of us down—obviously only two could go down at any one particular time—and the dive was of a short duration. I thought that they were strict guidelines. I do not have my dive ticket yet, but it is on my bucket list, as I am sure it is on the list of many other members as well. I am going to wait until my son is old enough to be able to get his ticket as well. I am going to get my dive ticket with him. Until then I will continue to do resort dives and snorkel dives. This legislation deals with dive companies and boat companies to make sure that those recreational activities are safe and regulated.

The other issue that I wanted to talk about was the potential for the dive industry in the Torres Strait. There is a dive industry in the Torres Strait. As members know, there is a string of reefs that goes through the Torres Strait archipelago. Most of the diving that is done on those reefs is commercial diving as part of the rock lobster industry. Prior to that, there was the pearling industry, which was a cornerstone industry in the Torres Strait—something that the people there are very proud of up to this day. But the onset of plastics saw the pearling industry discontinue. There is a strong tradition and history of diving in the Torres Strait and it continues now through Torres Strait Islanders participating in the rock lobster industry. A great number of Torres Strait Islanders and traditional owners in the Torres Strait participate in that industry.

But there is not a lot of dive tourism. I have dived in the Torres Strait for rock lobster—unsuccessfully, I can report, but thankfully the person who was with me knew what he was doing and he was able to get us a few lobsters. That day it occurred to me that there is a great potential for diving both in the beautiful reefs but also as part of commercial fishing arrangements that the Torres Strait Islanders should be engaging in. Obviously, there are some inhibitions in terms of getting there. It is a long way to go and it is expensive to get there, but I think the potential for dive tourism and fishing tourism around lobsters is great. It is a matter that I am speaking with the government about developing. In fact, we just had a meeting at lunchtime where the member for Everton and I were talking about those sorts of activities in terms of Indigenous businesses and how we can continue to promote and grow Indigenous businesses. This is just one small idea that I think has potential for those people in the Torres Strait who are desperately in need of expanding their economic activities. Honourable members, this is an important bill—

**A government member:** What did you have for lunch?

**Mr O'BRIEN:** Unfortunately, I did not have rock lobster for lunch. This is an important bill and I commend it to members.

 **Dr DOUGLAS** (Gaven—LNP) (2.45 pm): As has been stated before, the Work Health and Safety Bill is Commonwealth template legislation that is said to be driven by need, a need for national consistency, COAG itself and efficiency. These are the four points of justification, as stated by the minister in his second reading speech. Strangely, Queensland is the first state to adopt the legislation. At the very start that seems to be a cause for concern. This bill is being debated in cognate with the Safety in Recreational Water Activities Bill. The bill does not make big changes, but it has some problems. We are intending to support the bills. I would like to examine both bills' goals and the mechanisms to highlight potential deficiencies in the legislation.

As William Wordsworth said, in modern business it is not the crook who is to be feared most; it is the honest man who does not know what he is doing. In summary, the Work Health and Safety Bill has a redundancy problem, primarily with the industrial courts. It seeks without reason to draw in those who



may not legitimately reasonably be included, it weakens existing provisions to allow escape hatches and, finally, its penalties provision may be excessive and not appropriate for the offences. These points have been raised by previous speakers to this bill.

The bill has some very sensible approaches. These are linking general workplace health and safety matters, hazardous chemicals and major hazards facilities under a single act. That means that the Dangerous Goods Safety Management Act 2000 will no longer apply and there is no diminution in the regulation of standards. The removal of privilege against self-incrimination deemed defence provisions is also an issue, but I add fairly that the inherent simplicity and sensibility of having common laws in workplace health and safety is a laudable goal. This legislation assumes that other states will follow. It will be all for naught if that national consistency is not achieved.

Like all other speakers, I have listened to the speeches of government members, too. I think in them there has been a total lack of balance with regard to the issues of workplace health and safety. In respect of Labor, its direct links to unions and the need for Labor government members to state values to ensure one's own political certainty—to continue perpetuating the myth of Labor's strong credentials for workplace health and safety in the substance of those contributions—is both academically dishonest and self-defeating. I say that because evidence both nationally and globally shows that the greatest advances post industrialisation for worker safety have been achieved through technical innovation, greater demand through trade, public health improvements and greater consumer participation.

Organised labour's contribution beyond the lesser substantive inputs has arguably been limited to raising selected trade craft wage claims, shorter working weeks, holidays and, critically, political representation. Therefore, if Labor really contributed, it was at the pulling, not at the pushing, end. This is not unreasonable, but it is very important to understand where one's impact is rather than perpetrating the myth ever longer and confusing your own supporters. This is the case with the Work Health and Safety Bill and to have these bills separate further compounds the myth. This is absolutely the major issue raised by this bill and its objectives. It probably is also its greatest handicap and the reason the bill may not achieve that which it aspires to do.

In no particular order I want to talk about myths that have been routinely presented here as statements of fact. Firstly, no-one is to blame for asbestos use—not James Hardie, not CSR, not the Queensland government, not John Howard, not Labor. The issue is one of initially blue cryolite—the key mutagenic multisilica agent which was discovered post use. We are biological structures. As humans, some naturally occurring metals and composites have saved lives or they have killed us. I raise the issue of lithium, thorium, titanium, steel, chromium and also mustard gas, which is the basis of all modern chemotherapy. For those who may not realise, platinum is in the same case. We are collectively judged by what we do, both with asbestos itself and the consequences of it, and that is the important issue here. No-one is to blame. All that does is prevent medical progress. The asbestos management steps in this bill are practical and sensible and I support them.

The next major myth is placing prosecutions in the Magistrates Court linking to the District Court rather than the Industrial Court, I presume to facilitate greater justice. But who says so? Where is the evidence for this? Is the adversarial system and the consequentiality of linking it to tort law the logical step to resolve industrial disciplinary arguments? Two hundred years of history suggests that it is not. This bill promotes the myth.

The third and greatest myth is that being first not only is best but also creates harmony. That word is used in the minister's second reading speech. Coleridge was right when in the *Rime of the Ancient Mariner* he spoke of 'a sadder and a wiser man', for such unsubstantiated assumptions are the result of wanting to be first when it is prudent sometimes to sit back and to try to deliver a result that is focused on the individual and the circumstances, not a party's reach for political advantage.

The Safety in Recreational Water Activities Bill is a direct lift of the Work Health and Safety Bill and has had a doubtful case made for its being a worthy stand-alone piece of legislation. This bill is being debated in Mackay, which for many years was—and arguably it remains—the gateway to Australia's greatest natural wonder: the Great Barrier Reef. Diving, the minister correctly states, is a \$1.4 billion national economic injection industry of which Queensland attracts 60 per cent from scuba divers alone. This has critical relevance to the Gold Coast, where recreational diving, both scuba and free diving, is one of our major tourist attractions. The Gold Coast has the closest major diving zone to a major city in the Southern Hemisphere, for those who do not know. For those who are suddenly scratching their heads and wondering where it might be, it is the Gold Coast Seaway, which has one of Australia's greatest naturally occurring collections of sea animals in any one place at any one time on any day and is just 25 minutes from the airport and 10 minutes from the Southport CBD. One does not need a boat to get there; one can get there by bus or car.

The minister correctly states that the aim of this bill is to create stand-alone legislation so that Queensland can maintain its high standards of safety in recreational diving. The dangerous part of this bill is the same as that of its parent. That is, by being so prescriptive it transfers arguably too great a responsibility back to the operators of business in this area and places much too little responsibility on those who use the business. In doing so, in an area that has really considerable risk, it may make the

very entry price excessive or even prohibitive. It probably does imply that we will see more cases in our courts like the one that was mentioned today of a dive master being acquitted of a charge of manslaughter of an overseas tourist who lost their life.

I would like to expand on the bill and where I see problems may arise. It has been raised by a variety of members, including the member for Maryborough. Critically, what the bill does is group the final prescriptive all-risk exclusion by a requirement for due diligence for officers of companies of a business undertaking recreational water activities and complying with the Safety in Recreational Water Activities Bill. To start with the last point first, due diligence is an all-embracing term. The words 'due diligence' first came into common use as a result of the United States Securities Act 1933. So long as broker dealers exercised due diligence in their investigation into a company whose equity they were selling and disclosed to the investor what they found, they would not be held liable for a nondisclosure of the information that was not discovered in the process of the investigation. The term has slowly been adapted for other situations. It can be a legal obligation but is more commonly applied to voluntary investigations. It includes a number of concepts involving either an investigation of a business or a person prior to signing a contract or an act with a certain standard of care. I do not intend to repeat the definition in the bill because the member for Maryborough covered it by referring to division 4, clause 27(5)(a) to (f) in the bill. It is a very strict demand because of its all-embracing nature yet its relative difficulty when dealing with a tourist requesting a service who may not fully disclose all relevant information or may have forgotten it and a business owner has no easy means of obtaining such critical information.

In Australian law the expression encompasses both civil and criminal jurisdictions. In criminal law, due diligence is the only available defence to a crime that is one of strict liability. Once the criminal offence is proven, the defendant must prove beyond reasonable doubt that they did everything to prevent that act from happening. It is not enough that they took the normal standard of care in the industry; they must show that they took every reasonable precaution. Criminal offences are generally recognised in one of three ways on the issue of fault, and that is where this comes into play: mens rea offences, where prosecution must prove fault elements—the mental element as well as the physical element, the actus reus; strict liability offences, where the prosecution is not required to prove any fault elements but where there is a defence of reasonable mistake available and any other statutory defence such as the due diligence defence; and absolute liability offences, where proof of fault is required and defence of reasonable mistake is not available.

I sought to emphasise this not only because of the very serious implications of this change to the law but also because of the impact of the provisional improvement notice, PIN, and the ability of any employee to generate a PIN. It is no wonder no other state has agreed to this. The member for Bulimba correctly stated the impact of due diligence on an officer of a business or the business itself when she stated that, beyond absolute knowledge alone, 'they will have to understand the health and safety risks involved in the operation of a business or undertaking' and, furthermore, 'this is going to ensure that all executive officers involved in the running of a company are accountable'. I do not think the member was fully briefed by the Attorney-General on the implication of that and what those statements mean and prescribe, especially who is going to define what an officer is. The change will have a greater industrial impact because of the transfer of manufacturing industries, and many other industries, into overseas jurisdictions where this will not apply. This critical change may, and I believe will, lead to major job losses.

This Work Health and Safety Bill follows on from the 2009 bill. I think it is a job destroyer. Under the changes, businesses will now have to comply with the new Commonwealth legislation because this is template legislation agreed to in COAG. There are significantly increased maximum penalties and directions for courts regarding those offences. This follows on from the 2009 bill, which critically introduced the provisional improvement notice which can be generated from within by an employee, disgruntled or otherwise.

The aspirational goals of the bill are those that reasonable people would expect. I think parts of the bill are quite good. Those aspirational goals are: the duty of care; adding the due diligence obligation, which seems like a catch-all; ensuring health and safety for clients as an aim of the business; correct reporting requirements; and a link for workplace health and safety inspectors who monitor the issues of compliance with due standards for section 33 of this bill. This basically means that they have an ID card and it then links to the bill's objective and they are all bound by the legislation. But what it does is make the entry cost, the compliance cost and potential enforcement cost or actions that come from that more substantial.

Safety must always be at the core of any process, and that is always the case in any business, but it has to also be affordable, efficient and not unduly restrictive. I do not accept that this bill gets the balance right and may be an overreaction for what is historically a very well operated industry in the case of the dive industry. Annually in Australia there are only 10 scuba accidents and 12.4 snorkelling accidents out of two million and 2.3 million dives respectively. There may be no changes at all to those

figures without major technical advances and a major change to PADI and NAUI standards required of all divers. We have heard today of people diving who are unlicensed even when they are diving with a dive master.

The evidence for this has to be both overseas evidence and the reticence of other states to join in with this legislation. The results over time may be the only way to judge whether the extra red tape and compliance with changes justify the legislative step. If it saves a life then it is probably worth it. If it does not then maybe it is not. With one in 400,000 fatalities annually, which is three times lower than the nearest comparable country, I do not believe that it is justified. Therefore, why have a bill that excludes things like jet skis, jet boats and parasails? I make that point because currently on the Gold Coast there is no requirement for noise control—of all things—on jet boats operating in our waterways. There are massive boats, largely New Zealand owned and operated—

**An honourable member:** You could line them up and down the Nerang River.

**Dr DOUGLAS:** I do not think so. The member should listen to what is going on. Those boats take huge numbers of tourists. They have taken over some of the Gold Coast Broadwater canals. This issue should have been covered by the bill. From the moment they start loading people in the morning, the noise is deafening for residents and it goes on throughout the day. The noise travels right over the Broadwater. Of course, noise travels both outwards and upwards. There are many people living in high-rise buildings that are literally on the Broadwater. Noise also carries over water, particularly with the wind. No new workplace health and safety—

**Ms Spence** interjected.

**Dr DOUGLAS:** No, this is the jet boats. We want the same rules to apply to them—and we would have liked to have seen it in this bill—as apply to vehicles, trucks and that sort of thing. As I have said, we have no rules—

**Ms Spence** interjected.

**Dr DOUGLAS:** It could have been added. This is the sort of thing that should have been in this bill. It should apply to all watercraft. The way the legislation is written leaves a gap open. The minister needs to urgently add this as an amendment to the bill. We need noise mitigation. These bills are really a single bill, despite the claims about national consistency with a unique Queensland flavour. It is one of those major pieces of legislation that has been prepared for a regional parliamentary sitting. It is a typical Labor response to a perceived problem with a top-loading of compliance measures on service providers, with a few loopholes that allow reasonable escape hatches, thereby not attracting too much angst. I doubt that this is the correct process when approaching areas where safety is the issue. Chest beating, bland statements and lots of words written on paper mean very little if the strategy and the motive are not very sharp. I am saying that this is not very sharp.

What have we learned from the Coroner? What is the broader industry saying? I do not think their voices have been heard in this bill. Humility is a great teacher. Being first is not always the smartest option.

**Ms Spence:** Is this the book of platitudes coming out now?

**Dr DOUGLAS:** Right at the end, just for you, Leader of the House. 'Wisdom is oftentimes nearer when we stoop rather than when we soar.' I started with Wordsworth and I will end with him.

**Mr LANGBROEK** (Surfers Paradise—LNP) (3.02 pm): It is my pleasure to rise and follow the member for Gaven in speaking to the Work Health and Safety Bill and the Safety in Recreational Water Activities Bill. It has been a great pleasure to be here. I know there is a little bit of Thursday afternoon torpor amongst the audience and the members of parliament, but the member for Gaven did his best to rouse members from their torpor.

**Mr Wettenhall:** You can put it back.

**Mr LANGBROEK:** I will endeavour not to put the honourable member for Barron River back into his! It has been very pleasant. I acknowledge the honourable member for Mirani, the shadow minister, for his contribution to this bill and our shadow minister for marine infrastructure who also made a contribution. I will mainly deal with the Safety in Recreational Water Activities Bill. The shadow minister for marine infrastructure and others made the point that we have a great safety regime within our diving and snorkelling industries. I note from the policy objectives of the explanatory notes, the reasons for the bill—and the member for Gaven referred to this—state that the definition of recreational water activities has been drafted broadly in the event that government wishes to regulate other similar activities in the future. That is the issue that I want to deal with.

Queensland has 7,500 kilometres of great coastline. Before lunch we heard from the honourable member for Barron River and the honourable member for Cairns about the pride they take in their areas. I know all members who have electorates that include part of the coastline are very proud of where they are from. Those areas include the Great Barrier Reef, where we are now—

**Mr Hoolihan:** The Capricorn Coast.

**Mr LANGBROEK:** I take that acknowledgement from the member for Keppel—the Capricorn Coast, Fraser Island and North and South Stradbroke Islands. The member for Mirani is now at the table and I know his electorate also covers a lot of that great coastline. My own electorate of Surfers Paradise is based around one of Australia's premier surfing beaches. It includes portions of the Nerang River Broadwater and the iconic Southport Spit. The member for Gaven referred to the diving activities that occur at the seaway, which is in the electorate of the honourable member for Broadwater, but it borders my electorate at the land portion of the Spit. Also in my electorate is part of the Nerang River Broadwater with its canal systems and the river system.

On the coast, we have tourism and related service industries. Many of us have chosen to live and work there because of the lifestyle, with recreational access to superb waterways and beaches. Spending time on or by the water is an inseparable part of our lifestyle. In my community, a constant message is water safety. I know that in bringing this bill forward, the honourable minister is ensuring that Queensland is part of a national model of work health and safety. However, by having a separate section for safety and recreational water activities for diving and snorkelling, he is also saying that we need to maintain the great standards that we have in Queensland. Other members have made reference to those issues. The Queensland industry is to be congratulated for having such a great regime.

We have to be reminded and are reminded of our personal obligation to balance enjoying our maritime environment and ensuring our own safety and that of others. I turn to the five surf lifesaving clubs in my electorate. The member for Maryborough and the member for Buderim have asked the minister for clarification on the situation with lifesavers. In my electorate we have the Southport, Surfers Paradise, Northcliffe, Kurrawa and North Beach clubs. They are great clubs and include the champion Australian surf club, announced at the recent lifesaving championships hosted by Kurrawa Surf Lifesaving Club. All year volunteer lifesavers give freely of their time to train. In this place today, I acknowledge their services. The volunteer coast guards monitor recreational boaters. Like the lifesavers, they are often called to rescue boaties in distress. The professional life guards employed by the Gold Coast City Council do an invaluable job to make our city safer. The point that I wish to make is that, although we all try to take every advantage of the opportunities that our beaches and waterways offer, they can be very dangerous places. Like the member for Gaven, I ask that consideration be given, as per the definitions in the explanatory notes, to expanding the recreational water activities currently defined in the bill to include some other activities.

The bill we are debating is about providing health and safety legislation that will form part of the system of nationally consistent work health and safety laws, but it does not address the multiple responsibilities that we all have to ensure our own safety when in or on the water. Not all of us enjoy the luxury of owning our own boat, either powered or sail, although in my electorate I doubt there would be many homes that did not have a surfboard or some other piece of recreational water equipment. However, that means that when people choose to spend time in or by the water, they need to access one of the many operators who hire out equipment such as boats, jet skis or diving equipment. Those operators are covered under this bill. There is an inherent risk for people who do not have the necessary skills or, more importantly, training to operate that equipment. On occasions that has had tragic results.

On the Broadwater in April 2008, a British couple, Dr Sridhar Shekar and Dr Divya Patel, hired a jet ski. Neither was an experienced jet ski operator. Dr Shekar was driving the jet ski and his wife was his pillion passenger when the jet ski hit a moored boat. Dr Shekar died from head injuries and his wife was seriously injured. At the time of the accident, jet ski riders did not need a licence if they were accompanied by a licensed operator and they did not need to wear helmets. They still do not. The coroner who investigated the accident recommended jet ski users be licensed and wear helmets. Those recommendations were rejected by the Bligh Labor government. All that will be required is for an individual to pass a competency test before they can hire a jet ski. Speed limits will be reduced from 40 to 30 knots and 30-knot limiters will be phased in for jet skis over two years. I will return to the issue of speed in our waterways.

In July last year a female pillion passenger on a jet ski had her leg severed when she was thrown from the ski into the path of another boat. On 28 February this year, two-time Queensland windsurfing champion Linda Pesschier was severely injured when she was hit by a jet ski whose operator claimed he did not see her. The jet ski rider was not acting stupidly or recklessly, but he had not been properly briefed on how to keep a lookout for others in the water. In a very well publicised case, on Boxing Day last year a hoon on a jet ski deliberately ran down a swan which was so badly injured it later had to be euthanased.


Each of these incidents may have been preventable, and that is the point that this bill fails to address. It is a truism that an ounce of prevention is better than a pound of cure, and that also applies to safety on and in the water. I reiterate my point that we are all responsible for ensuring our own safety and that of others. Where this bill is lacking is that it is more focused on dealing with individuals after an incident has occurred than on attempting to prevent that incident from occurring in the first place.

We also have concerns that the legislation seeks to shift responsibility for dealing with breaches of recreational water safety by industry operators from the Industrial Court to the Magistrates Court, which, under this Bligh Labor government, is already struggling to deal with its case load. Matters involving industrial breaches should more properly remain the preserve of the Industrial Court.

That said, I am not in favour of a nanny state that attempts to regulate and control every facet of our lives, but I am in favour of sensible regulations that seek to create a safe environment for all. Whether it is jet boats, as the member for Gaven mentioned in his contribution, or the increasing use of jet skis in our waterways on the Gold Coast, there is no doubt that this is becoming an issue. The member for Mermaid Beach has also made mention of this in a number of his newsletters and contributions that I have seen on the Gold Coast lately.

To complete my contribution, I would like to raise a point in relation to speed limits on waterways. Operators of jet skis or people who waterski may well be operators who fall under this legislation. Last year a speed restriction of six knots was introduced on many popular multiuse waterways in the Gold Coast region. This includes the Coomera River from Paradise Point to Sanctuary Cove, Browns Inlet, Paradise Point Channel, Hope Island Channel and all the waters of the Logan River and the Nerang River in front of Rivage Royale. However, an area which is specifically excluded and which is in the middle of my electorate is the Nerang River between the Via Roma to Surfers Paradise, or the Isle of Capri bridge, and the Bermuda Street bridge. This stretch of the Nerang River is popular with waterskiers and jet ski users, and many might remember it from its days as home to the world-famous ski show. Recreational boat owners, speedboats, wake boats, waterskis and other craft regularly traverse it, but it has become a dangerous speedway for some reckless operators. I am concerned, as are many of my constituents who live along this stretch of the river, that a tragic accident is inevitable unless the six-knot speed limit is extended to the stretch of the Nerang River between the Via Roma and Bermuda Street bridges.

Our beaches and waterways are a magnificent asset to this state, and I am privileged to represent an electorate which has some of the best that Queensland has to offer. In closing, we need to send a clear message that safety in our recreational waters is everyone's responsibility, and we need legislation which creates an environment in which all forms of recreational water activities can operate safely together. While we will be supporting this legislation, it does not achieve all of that.

 **Ms GRACE** (Brisbane Central—ALP) (3.13 pm): I rise this afternoon to support the Work Health and Safety Bill and the Safety in Recreational Water Activities Bill. I will concentrate my comments mainly on workplace health and safety and the WorkCover changes. That is an area in which I have worked for most of my life. I think I can offer this House some insight into how this legislation will work.

The labour movement—and coming from the union movement as I have—has always worked on the principle that workers go to work and they sell their labour, not their health. That has formed the guiding principles whenever we have looked at occupational health and safety. As a Labor government, we have also looked at the issue as being tripartite in nature. We have always embraced this as a tripartite relationship in that, in order to provide a healthy and safe workplace, the three parts of the equation must work together—that is the employer reps, the worker reps and the government—to make our workplaces safe and secure.

Before I entered parliament I was deputy chair of the Workplace Health and Safety Board. I take the opportunity to give my regards to Vince O'Rourke, the current chair of the Workplace Health and Safety Board. Vince, a former CEO of QR, has done an excellent job in chairing the Workplace Health and Safety Board, which works very hard to ensure workplace health and safety. I was also a union official before I entered parliament and workplace health and safety and workers compensation are things I never gave up.

My father was severely injured in an industrial accident in the workplace when he was working in a tannery in Brisbane. He was in his early forties when the accident occurred and he never worked again because of that injury. The accident happened because of faulty equipment, but I will not go into more detail about that. It was very difficult for my family, having six girls and a father who was no longer able to work. It certainly shaped my thinking of occupational health and safety. Many in this room know that as general secretary of the QCU I never retreated from my duties in regard to that area.

I am very happy to be here today to talk about a national scheme. To be quite honest, I never thought we would actually achieve it. I am positive that we would never have achieved it under a federal conservative government. It was a federal Labor government that achieved it under the stewardship of the then industrial relations minister, the current Prime Minister, Julia Gillard. Every time we have talked about the harmonisation of workers compensation or of occupational health and safety in this country, conservative governments have always wanted to drive down workers' entitlements to the lowest common denominator. It was never about lifting the standards around the nation. It was never about saying, 'What is the best that each state has to offer and how can we incorporate that?' It was always about bringing it down. So consequently there was not that trust, that confidence, that we would ever be able to achieve a national standard. So it is really great to see all the current state, territory and Commonwealth governments, which enforce their own safety laws, now coming together. As a state we are embracing that and bringing about consistent laws.

It is important to harmonise workplace health and safety laws. It was recognised as an important issue by the Council of Australian Governments and the Productivity Commission. Quite clearly, it will remove confusion for businesses. It will also bring about equitable safety standards across jurisdictions and industry. It will bring about some equity. Of course, we are going to have good policy.

**Mr Moorhead** interjected.

**Ms GRACE:** Exactly! I take the interjection from the member for Waterford, who said that workers who work across state borders will now be able to do so under consistent workplace health and safety legislation, and that has to be of benefit to those workers as well.

We have seen some conjecture from some speakers. I found a lot of the input from those opposite to be lacking in depth and detail. It is quite distressing that an issue as important to workers as occupational health and safety is so little understood by those opposite. Some members have stated that no-one has been consulted. However, as I said, this issue has been going around for a long time. In fact, the initial step taken on drafting model laws was taken on 4 April 2008 by the Hon. Julia Gillard. A panel was requested to review this and it was conducted by an advisory panel, chaired by Robin Stewart-Crompton, a very capable person who later looked at the Queensland workers compensation scheme. As part of the review, employers and unions were all invited. The negotiations went on at not only a state level but also the national level. There was no secret about what was being done in relation to this issue. There was extensive consultation. Members have only to look at page 18 of the explanatory notes to see the list of all the people who had input into these laws to gain an understanding of the depth of information that had been gathered.

I have a lot of regard for the member for Mirani. I think the member for Mirani is a very decent person. I think it is great that this parliament is comprised of different types of people from different occupations and the community. I do not know to whom the member for Mirani was talking, but we have only to look at the amount of discussion, negotiation and representation to gain an idea about the type of consultation that took place before we reached this point.

Let me tell members that it is very difficult. The unions are wary. The employees are wary. They are all in there, but there is good faith because we have always approached this, as I said, on a tripartite basis, respecting each other's position in the workplace and not questioning why a union would enter a workplace for occupational health and safety matters or why an employer should or should not be involved. We embrace them all. That is the way we work. That is in our DNA. Unfortunately, it is not in the DNA of those opposite. Consequently, the lack of depth of understanding of this important issue was breathtaking to me.

There were a number of submissions received by Safe Work Australia and others—hundreds of submissions from around the country and from Queensland. The model act was looked at and endorsed some time ago and here we are today in Queensland discussing this bill. There were a number of comments made in speeches previously in relation to this matter. There was a concern about labour hire companies or contractors being included in the workplace health and safety laws and that somehow those opposite were going to have a look at this and decide whether or not this was something they were going to continue. Let me give those opposite a few points in relation to this matter.

I think the definition of this bill covering people who conduct a business or undertaking is absolutely paramount. A worker in this country, in this state, should be a worker regardless of who they are working for. It was under the employment and workplace relations ministers in the Howard government that we saw the biggest explosion in this country's history in the number of workers working for labour hire companies. In fact, the conservative government in this country loved labour hire so much—and the LNP in this House love it so much that they have even outsourced and labour hired their leader now. There is a labour hire company out there that employs their leader and it is called the LNP, the Liberal National Party.

During 1998, when Reith was the workplace relations minister and Tony Abbott was the employment minister and then he took on employment and workplace relations, we saw an explosion in the number of labour hire workers, casual workers, temporary workers, sham contracts, workers on individual contracts. In fact, the explosion was so great that, when I came to Mackay to open a QCU building in Brisbane Street, I remember walking around the town and I could not believe the number of labour hire company offices in the city of Mackay. They were everywhere. In fact, I would hazard a guess that those in the audience would agree that in order to get a job in this town you actually had to go through a labour hire company. Companies were not even employing anymore.

This explosion of labour hire occurred under federal law. There were no jobs unless you went through a labour hire company. Why were they so keen to do this? Because the employer had no responsibility to that worker. Who was the actual employer of that worker? It became the labour hire company. So if the worker on the job site got injured, they had a contract with the labour hire company. It was a case of saying, 'That person's injured. They can't do the job. Fetch me another one.' There was no caring, no responsibility. They did not have to pay workers compensation. They were not mentioned in occupational health and safety laws.

There were arguments about who actually had responsibility for the safety of that worker. It went to the High Court. Even to determine who a worker was in this country you had to go to the High Court. A worker did not even know they were a worker such were the sham arrangements being pursued by the Howard government. It was this state Labor government that initiated the inclusion of labour hire, group training schemes and the rest not only in workplace health and safety laws but in WorkCover law as well. It was a fantastic move where we took it right out, but unfortunately it only applied in this state. So we have to cover all of those people or else we are going to have workers who do not have any coverage whatsoever.

Group training companies sprang up, because guess what? Who was going to train these workers? So it was the neglect by the Howard federal government of not putting any money into training, of allowing employers to enter into sham arrangements and of allowing labour hire companies to explode beyond belief in this country, and guess what? A dozen or so years later we have a skills shortage in Australia—surprise, surprise! Nobody is training. Nobody is protecting workers. And guess what? We now face a skills shortage, and I put to the House that it is because of the neglect by that government over such a long period of time under the stewardship of Tony Abbott and Peter Reith.

When it came to Queensland laws, we ensured that these workers were covered, and I am very proud to say that we are continuing to ensure that under the national system. We restored the balance under workers comp. We covered all workers, and I will go a little more into that when I talk about workers compensation.

There were also comments made in here, I think, by the member for Kawana. I think there was something said about inspectors having untold powers or words to that effect. I have a copy of the *Hansard* here. He said—

The bill provides regulators with strong, heavy-handed, excessive powers to obtain information to help them make workplaces safe.

I am quoting from *Hansard* in relation to the bill which provided the regulators. It is absolutely imperative that when an accident happens inspectors are able to get the information. Let me give the House a couple of examples. A worker fell on a steel rod at a building site and the rod pierced his body. Immediately after the investigation took place members would have noticed that yellow caps were placed on top of those rods at building sites to prevent that from happening again. It was by conducting an investigation that information on the processes of their work was obtained.

Let me give another example. A worker is injured by a machine—the guards may not have been there or the switches might have been faulty—and the machine is fixed immediately. That is information that is received so that that machine can be fixed immediately. You have to do that because you cannot send a worker back on that machine until the problem has been rectified.

Let me give an example of poor scaffolding. One of my constituents lost his life—and I feel for the family—due to the collapse of scaffolding. Is there any chance, as the member for Kawana has suggested, that the inspectors would not get the exact information in relation to that scaffolding and that they would send another worker up that scaffolding after what had occurred? That is just not what would happen. There are enough protections in the legislation about the evidence that is received and that it then cannot be used against the worker in civil or criminal activity. That is clear in the legislation. Let me tell those opposite that if the union officials on that board who I knew thought for one minute that that evidence was going to implicate workers, they would not have agreed to this particular section. There are adequate protections there, and all those opposite are doing is scaremongering and not understanding exactly what is in this legislation.

When I was an industrial officer for the Bank Employees Union I would investigate bank hold-ups. What we found was a pattern. The branches that were being targeted were the ones where you could enter the bank from a back door. So immediately on investigation we were able to close the rear entrances to those branches so that workers had to come through the front door and therefore workers were protected and they were not a target for robberies. These are just a few examples of what happens when you interview workers and glean information.

When it comes to workers compensation, there are a number of changes which I fully endorse that come from an investigation and review that was conducted again by Robin Stewart-Crompton. There were five specific terms of reference and the report made 51 recommendations to improve the Queensland workers compensation scheme. Following a period of public consultation, the government approved the implementation of all 51 recommendations in the report in March this year. The majority of the recommendations can be implemented administratively. However, there is one recommendation that does require changes, and that is that the scheme be reviewed every five years.

Once again, the member for Mirani came into this place misleading the House saying that somehow the workers compensation system was in debt. Let me tell the member for Mirani how it works. The actuaries look at the scheme. They look at the claims history. They do an actuarial analysis. They make predictions out to five to 10 years. They then see that something needs to be done or else the liabilities are going to extend beyond what is there. At no stage is there a debt. At no stage are they insolvent. At no stage do they owe any money. They are merely making an insurance actuarial analysis

and they give the board, and the government, recommendations about what needs to be done. I say to those opposite that this Labor government has a proud history of moving very quickly with that, ensuring that our unique, well-funded, well-provided, excellent system of workers compensation—the best in the country—is maintained, enhanced and corrected. So any suggestion that somehow it is in debt, it is insolvent or anything like that is completely untrue.

Once again in the area of workers compensation, we had the member for Kawana raise the issue that somehow the board is stacked with union bosses. He claimed that I was wrong when I said that that was rubbish. I maintain that view. I have in my hand a list of the current board of directors. He is right that there are two union officials on that board. Two of the most experienced union officials in this state are on the WorkCover board. They are Bill Ludwig and Ron Monaghan, the secretary of the QCU. He took my job when I left the QCU. They are two very experienced union officials. Two out of seven members are union officials.


The chair of the board is Ian Brusasco. Ian Brusasco would probably take great umbrage at being referred to as a union boss. He never has been. He is a pharmacist by trade. He is very ably supported by the deputy chair of the WorkCover board, Terry White. Guess what? Mr Terry White has been on the board since 1997. He has been there the whole time. The rest of them are employer representatives. Yet somehow the board is 'stacked with union officials'. Two out of seven are union officials. Is that rubbish or is that rubbish? It is absolute rubbish to say that.

Then we have the management team. Ian Brusasco has done a fantastic job when it comes to workers compensation in this state. He is very dedicated. He works incredibly long hours. He has done an incredible job in maintaining the integrity of the system and balancing the rights of workers with the ability to pay.

The chief executive of WorkCover is Tony Hawkins. He was appointed not by us but by the Borbidge government in 1998. I met Tony Hawkins when he was appointed and I have worked with him for many years. He is an honourable and very experienced man in the area of workers compensation. He has done an excellent job. To suggest by innuendo or by one's body language or by being smug that there is something wrong with this I think is a disgrace. I think it reflects poorly on the member for Kawana.

In this legislation there is the proposal to ensure that workers continue to accrue sick and annual leave whilst on workers compensation. Prior to the referral of the state industrial relations power to the Commonwealth on 1 January 2010, private sector employees were entitled to accrue sick leave and annual leave while absent on workers compensation. I believe that that should definitely be the case. They are on paid leave and consequently they should not lose entitlements to those conditions. There was a technical issue whereby that provision was removed. This legislation puts that back in for injured workers.

We would never have achieved this legislation without a federal Labor government. It has been the Labor government in this state that has brought about conditions that are worthwhile for workers. Conservatives have added nothing to this at all.

 **Hon. MM KEECH** (Albert—ALP) (3.33 pm): I say to the honourable member for Brisbane Central that she was a champion for workers' health and safety when she was state secretary of the QCU, and in her role as the honourable member for Brisbane Central she continues that great tradition. I congratulate her on her passion and on her speech.

I rise to speak in the cognate debate and to support the Work Health and Safety Bill and the Safety in Recreational Water Activities Bill. I will be focusing on the second bill. Before I do that, I point out for the audience that the electorate of Albert is on the Gold Coast—halfway between Brisbane and the central Gold Coast. I thank the residents of Mackay for their wonderful hospitality whilst the parliament has been in this part of Queensland. In particular, I would like to thank the staff of the Mackay Grand Suites in Gregory Street who have done an absolutely sterling job in ensuring that we have been well looked after. I thank the staff and manager at the Mackay Grand Suites.

In supporting the bill, I want to recognise that the Bligh Labor government is absolutely committed to safe workplaces and minimising health and safety risks in all workplaces, whether they be offices, building sites, factories or farms, and for those workers lucky enough to work in the state's recreational water activities. During this debate we have heard many members, both government and non-government, talk of their passion for water related activities. I do not particularly share their passion for activities under the water. My enjoyment for physical activity is on land, in particular cycling and bushwalking.

Like the member for Woodridge, I recall having wonderful opportunities when I lived with my family in Papua New Guinea and when I was a teacher at the international school at Bulae and my husband was the marketing manager for Ricegrowers International. Like the member for Woodridge, our holiday destination was Madang—an absolute paradise when it comes to snorkelling and diving. We would stay at Jais Arben for a weekend and certainly enjoy snorkelling. I was not game enough to do any diving, but the snorkelling was fantastic. I have also had the opportunity to do some snorkelling in the waters of the Whitsundays.



This bill is very important given that Tourism Queensland tells us that an estimated \$1 billion is spent by international visitors and \$547 million is spent by Australians on diving throughout Australia. Tourists who come here to dive stay longer and spend more money. To ensure that their stay is enjoyable and that we attract more visitors, it is very important that the scuba-diving and snorkelling industry is regulated.

Part of the appeal of recreational scuba diving and snorkelling, as with other adventure sport activities, lies in its element of danger. These activities are conducted in an environment with inherent risks. As we know, that is part of the attraction. Risks such as bad weather can be anticipated but, of course, never eliminated.


As we have heard this afternoon, there have sadly been some significant diving and snorkelling incidents in Queensland in the past. They had the potential to impact on the industry's reputation. There have been incidents such as operators failing to log divers in and out of the water. In the 12 months to March 2007, Queensland hosted an estimated 3.5 million dives and snorkels. In Queensland between 1998 and 2010—over that 10-year period—70 recreational diving and snorkelling deaths were investigated.

When I was first appointed tourism minister, one of the first industry round tables I called was one through Dive Queensland. I note the member for Cairns's recognition of an absolute champion for diving in Queensland, Mr Col McKenzie.

**Ms Boyle** interjected.

**Mrs KEECH:** I take the interjection by the member for Cairns. He was an absolutely fantastic president of Dive Queensland. He is passionate not only about diving throughout Queensland but also about the safety aspects being highlighted. I am not surprised that he has stepped down from that role and that he continues to give back to the industry, particularly with regard to safety. He does that not only here in Australia but also internationally. I know that he would be absolutely thrilled with these regulations that the Bligh Labor is bringing to the parliament today.

As we know, tourists and the local community deserve a well-regulated Queensland recreational scuba diving and snorkelling industry, as do the workers in these industries. That is why the Queensland government has recreational diving and snorkelling regulations and a code of practice in place for one reason, and that is to increase safety. I commend the minister and the government on the extensive and lengthy consultation with the industry that has occurred in the lead-up to this bill. The industry has told us plain and clear: if the industry is not regulated, the risk of illness and death is likely to increase and an unregulated industry may attract fewer participants. It is for this reason that I very strongly support the bill because it is most important that owners and their staff have full knowledge that they have a duty of care to divers and customers. I am very pleased indeed to support this bill.

 **Ms DARLING** (Sandgate—ALP) (3.40 pm): I am pleased to rise to speak in support of the cognate debate on the Work Health and Safety Bill and Safety in Recreational Water Activities Bill. This afternoon I will confine my comments to the Work Health and Safety Bill. Work health and safety is an important issue for all Queensland employers, workers and their communities. By pursuing good health and safety practices, businesses face fewer workplace injuries and benefit from higher employee retention rates and enhanced corporate image, not to mention the importance of course of worker health and safety to workers and their families. Good health and safety is best sustained through a focus on performance outcomes which can be reported and monitored over time. There can be no doubt that measurement of health and safety performance demonstrates a commitment to improving the health and safety of workers.

On the national stage the level of health and safety performance is measured through the National Occupational Health and Safety Strategy 2002-2012. This national strategy was agreed by all Australian governments, the Australian Chamber of Commerce and Industry and the Australian Council of Trade Unions in 2002 and demonstrates the commitment of all parties to work together on national priorities. The National OHS Strategy set national targets to reduce the incidence of work related injuries and fatalities. Jurisdictions have been working together well through the harmonisation process over the past two years and we will use this opportunity to refocus efforts, better pool resources, share learnings and identify key initiatives for a new strategy post 2012. All jurisdictions and social partners have commenced work on the development of the new national strategy and it will be a key organising document to drive strategic actions and build on previous successes. Over the coming months there will be consultation workshops held in all capital cities and also in some regional centres. At these sessions interested stakeholders will take the issues and strategic outcomes identified by the health and safety regulators and explore some new national activities. Overall, the national strategy has enabled harmonisation and has made a significant contribution to achieving a national outcome and I very much look forward to the new national strategy in 2012.

As part of the harmonisation process and reform legislation, the Work Health and Safety Bill also repeals the Dangerous Goods Safety Management Act 2001 which regulates dangerous goods and major hazards facilities. In a comparison between the model Work Health and Safety Act and draft regulations and the Dangerous Goods Safety Management Act, it was confirmed that the model laws

covered the existing requirements of the dangerous goods legislation. As a result, the regulation of dangerous goods and major hazards facilities will be incorporated into this Work Health and Safety Bill and remove the necessity for retaining a separate Dangerous Goods Safety Management Act. The regulation of WHS matters, hazardous chemicals and major hazards facilities under a single Work Health and Safety Act will align Queensland with other jurisdictions and will reduce confusion for employers and workers on the required standards that need to be met. While all industries with hazardous chemicals and dangerous goods will no longer be regulated under a separate act, I am advised by the government's technical experts that there will be no reduction in standards as the national model work health and safety regulations and the code of practice adopt the existing national standards which are currently legislated for in Queensland.

Industry supports the repeal of the Dangerous Goods Safety Management Act since it removes the inconsistencies with other jurisdictions and will result in the regulation of hazardous chemicals and dangerous goods under one piece of legislation. The repeal will also result in the abolition of the flammable and combustible liquids licensing regime and also the removal licence fee which is administered by local government. Since this licence is actually unique to Queensland, it has not been adopted by the national model legislation which focuses on those regulations common to the majority of jurisdictions. Consultations between the Queensland government, the Local Government Association of Queensland and the Brisbane City Council over the abolition of this licensing regime have been very productive and the LGAQ recognises that Queensland is the only jurisdiction with this licence fee and that it will be phased out under the new bill. The Queensland government has worked closely with the LGAQ, the BCC and other councils to make the transition from the licensing regime as orderly as possible, and this is reflected in the transitional provisions in the bill. The Queensland government has responded effectively to local government concerns to ensure that safety standards for industries with flammable and combustible liquids will not be reduced by the abolition of the licensing scheme. The model Work Health and Safety Bill will streamline the regulation of industries with hazardous chemicals and dangerous goods by removing duplication and unnecessary red tape. More importantly, the hard work and persistence of the Bligh Labor government has guaranteed that the current level of safety standards for this industry sector has been retained in the model bill.

Finally, I want to speak to the Electrical Safety Act amendments. As noted by the minister in his excellent second reading speech, these changes will not see any reduction in Queensland's standards for electrical safety. Far from it. In fact, Queensland is the only jurisdiction to have stand-alone electrical safety laws. They were proclaimed in 2001 following a joint ministerial electrical safety task force and an Ombudsman review to provide a comprehensive contemporary regulatory framework that covers all sectors of the electricity industry. The laws therefore apply to electricity generation, distribution networks, workplaces, the manufacture of electrical appliances and electrical safety in homes. As an aside, my dad was a sparkie and at the old SEQEB branch in Banyo he used to test all of the small appliances for electrical safety. I know this because we would bring home all of the juicers, blenders and toasters and they would be all around our kitchen—once we knew they were working safely of course. The proposed Work Health and Safety Bill amends the Electrical Safety Act.

**Opposition members** interjected.

**Ms DARLING:** We actually did drink a lot of carrot juice, would you believe, because that is how they tested the juicers and the blenders.


**An opposition member** interjected.

**Ms DARLING:** I will not accept all interjections from those opposite today. The proposed Work Health and Safety Bill amends the Electrical Safety Act to ensure consistency with the model Work Health and Safety Act while maintaining electrical safety standards in non-workplace settings.

**An honourable member** interjected.

**Ms DARLING:** Never acknowledge others' envy. There has been ongoing consultation with electrical industry stakeholders throughout the development of the bill, with stakeholders indicating their support for proposed changes, as I am sure members opposite are pleased to hear. Stakeholders consulted include the Electrical Safety Board, the Electrical Trades Union, the Queensland Council of Unions, the Electrical and Communications Association, Master Electricians Australia, the National Electrical and Communications Association, Energex and Ergon Energy. The bill makes some notable changes to the electrical safety legislation, but we have moved to ensure that dedicated electrical safety legislation is retained and that electrical safety standards are not diminished as part of the harmonisation process. These changes will ensure consistency in the application of both general work health and safety and also electrical safety legislation in the workplace and for those in control of a business or undertaking and their workers. In particular, the changes align offences and penalties with those in the national model Work Health and Safety Act; amend existing obligations to duties of care and other minor terminology changes to match that of the national model Work Health and Safety Act; and align provisions for inspectors and enforcement powers, enforceable undertakings and legal proceedings to replicate the provisions of the national model Work Health and Safety Act.

Other parts of the Electrical Safety Act, such as the licensing of electrical contractors, the Electrical Safety Board, the Electrical Safety Commissioner and board committees such as the Electrical Licensing Committee, are retained as per existing provisions. As a result of aligning offences and penalties with those in the national model act, the bill significantly increases penalties for breaches of electrical safety duty. The increase in penalties represents a strengthening in the sanctions for those who fail to meet their electrical safety duties and who put other lives and property at risk. I believe that the changes to the electrical safety legislation and all of the amendments within this bill will help improve safety and compliance and benefit the entire Queensland community. I commend the bills to the House.

 **Hon. JC SPENCE** (Sunnybank—ALP) (3.50 pm): I would like to make some comments this afternoon, primarily in relation to the Safety in Recreational Water Activities Bill 2011, and congratulate the government and this minister on this initiative. As the minister outlined in his second reading speech, a majority of jurisdictions in Australia do not feel the need to regulate recreational diving and snorkelling, and I think that is disappointing. Today we have heard that the diving market is worth about \$1.4 billion to Australia and we have also heard from quite a number of speakers this afternoon who are very proud of the diving that we have in Queensland—from North Queensland down to the Gold Coast. We should be very proud of our natural attractions.

I think, though, there is a danger in it for Australians and for Queenslanders particularly to think that our natural attractions alone will continue to attract international divers. There is a lot of great diving around the world apart from in Queensland and there is a lot of diving around the world that is cheaper than it is in Queensland. We are proud of our safety record, and we should be, but my experience—and I have dived a fair bit around the world; I have dived with Germans, Russians, Malays, Thais, Filipinos, Indonesians and Fijians, all dive masters—is that every dive master I have ever dived with is very proud of their safety record and takes the safety of their diving very seriously. So I do not think we should think that, just because we have a proud record in Australia, we are somehow superior to other countries in the world. Other countries treat their dive markets and their tourism industries just as seriously as we do in Australia. If we are going to keep ahead of the market in terms of international tourists and the diving market, we have to set these new standards and I am very pleased that the Queensland government is going down this path today.

Although I have dived a lot in Queensland and around the world generally, I regularly dive on the Gold Coast. We have heard from the member for Gaven and the member for Surfers Paradise today just how fantastic diving on the Gold Coast is, particularly in the Gold Coast waterways. One of the attractions of the Gold Coast waterways is that you do not have to get into a boat; you can dive from the surf or from the land. When conditions are too rough to venture out—and let us face it, often they are in Queensland—it is great to just be able to go in from offshore.

One of the things I have been lobbying for with a number of people on the Gold Coast is the establishment of more dive attractions down there. We are vying to have the next ex-Navy vessel to be scuttled off the seaway from The Spit. There have been extensive studies done and consultants have looked at this issue and it is all looking very positive. We also want to lobby for a number of smaller wrecks and artificial reef constructions which will complement a major ship scuttled off the Gold Coast Seaway. In that way we would have a dive trail operating from the Gold Coast Seaway. So that is one positive initiative that the Queensland and Australian governments and the Gold Coast City Council are looking at to enhance diving on the Gold Coast.

There is a waterways destination working group on the Gold Coast. In fact, I understand that the wife of the member for Gaven, Councillor Susie Douglas, is an active participant of that working group. I think we can actually exploit a lot more of our dive tourism with such initiatives that do not cost a lot but will mean a lot to the regular recreational divers on the Gold Coast and to our international tourist market.

Another thing that we are lobbying for very seriously is the installation of a ramp and a platform at the Gold Coast Spit. At the moment, anyone who wants to dive on The Spit generally struggles over uneven rocks and handmade concrete pads to get into the water. I would have to say that when you are in your full kit of diving gear—with your tanks and everything else—climbing over those rocks and getting out is quite a dangerous undertaking. We would like to see a set of stairs constructed down The Spit to make diving more attractive and to enable less active people to dive.


I would have to say that one of my greatest dive experiences was when I dived in Malaysia with a woman who was 74 years old. She was quite a frail old lady. She could not put on her diving gear in the boat. She could not put on the tank. She was too frail for that. So the dive master got her in the water and once she was water and she was buoyant she was just as able to dive as anyone else. That means that people can dive throughout their lifetime. If we have these set of steps on The Spit we could enable a lot more people to enjoy the experience of diving.

The Gold Coast Seaway has 406 different species of fish. Surprisingly, it is one of the world's great destinations for diving. Many people do not think of diving there—except locals, who, I have tell members, are out there every day of the week taking advantage of the wonderful location. As I said, it is cheap to dive on the Gold Coast because you do not have to pay for a boat. You can just get in there and dive at any time—day or night, any day of the week.

I am really working hard with the Department of Transport and Main Roads and this waterways destination working group to effect these changes on the Gold Coast to improve our diving market down there. Anyone who dives on the Gold Coast knows that it is a destination where a lot of international tourists get their diving licences. My observation is that people are getting their diving tickets on the Gold Coast, particularly Asian tourists, because we have quality trainers there and we are regarded as a safe destination to learn how to dive and to get a licence. I am very pleased that the government has introduced these changes.

I cannot agree with some of the comments made by the member for Gaven about a code of practice being too great an obligation on dive operators. From listening to his contribution today, it seems that he regards dive operators as large scale organisations, whereas in Australia they are generally small scale organisations. The dive masters themselves are very hands-on. I know from meeting many dive masters around the world that they are very happy to have tough regulations because they operate by those tough regulations anyway, so these impositions will not come as any extra burden on them. So I cannot agree with the member's assessment—or perhaps his assessment of the opposition—that these conditions are too great an obligation on the operators.

We know that 93 per cent of international divers come to Queensland. Although there are some great dive spots in Western Australia, I think Queensland is probably one of the easiest dive destinations to get to in Australia in terms of cost and ease of flights for international tourists. So it is important that today we ratify the Safety in Recreational Water Activities Bill 2011. I am very pleased that I belong to a government that is paying great attention to this really terrific industry and to the safety of this industry. So I commend this legislation to the House.

 **Hon. CR DICK** (Greenslopes—ALP) (Minister for Education and Industrial Relations) (3.57 pm), in reply: Mr Deputy Speaker, can I begin by seeking your indulgence to, along with other members, acknowledge and thank the people of Mackay for their hospitality during the past three days. It is a historic time for this city and a historic time for members of the Queensland parliament to be sitting in a very important regional part of our state. I want to thank the people of Mackay, as I know all of my colleagues in the parliament will, for their hospitality and their friendliness over the past few days.

This has been an important debate and it is an important day in the history of work health and safety in Queensland. As we pass these bills, I want to thank all honourable members for their contributions to what will be two very significant pieces of legislation on the statute books in Queensland. The Work Health and Safety Bill is a win-win for Queensland workers and businesses, forming as it does an integral part of a national reform agenda that will result in harmonised workplace laws across Australia. So for the first time we will have a single law that will operate across Australia.

At the moment we have nine different jurisdictions, including the Commonwealth jurisdiction, that have separate work health and safety laws. For the first time in our nation's history we will have a single law that will operate across state and territory boundaries. That is a very significant thing for our nation, and I am proud—and I anticipate this—that the Labor government in Queensland will be the first government to successfully move this bill through the parliament. Queensland will again lead the way.

The Work Health and Safety Bill removes the confusion, complexity and duplication caused by Australia's multiple work health and safety regimes. This will save the Queensland economy more than an estimated \$30 million a year. Workers will have more stringent protections and business will benefit from reduced red tape and compliance costs. In addition, this bill is complemented by the Safety in Recreational Water Activities Bill. I thank all honourable members who spoke on that bill. There were a number of very eloquent contributions by members of the government on that bill speaking about their own experiences in their own electorates and the importance of the dive industry to Queensland, a very significant industry not just in this part of Queensland but all the way down the eastern seaboard of our state. It is a very significant industry contributing to the Queensland economy. We want to have the best standards in the nation. That is what this bill will help deliver. We have a strong partnership with industry. Labor governments have continued to ensure that we have the highest possible standards of safety and regulation in partnership with industry in the nation.

There were two criticisms raised by the shadow minister in his speech: one related to consultation on the bill and one related to the alleged unseemly haste that this bill was being passed through the parliament and the rush that the parliament was being put to to pass this legislation. The honourable member could simply have read the explanatory notes to the bill. The explanatory notes do run to 150 pages, but he only had to make his way to page 18. If he had the wherewithal to read 18 pages, which I do not think is an onerous task for any member of the opposition—it might be a challenge for them but I do not think it is onerous to read 18 pages—he would have seen a page setting out in detail the parties consulted in relation to the development of this bill.

**Mr Malone** interjected.

**Mr DICK:** I will take the honourable member's interjection. He says, 'We don't know what they said'. Can I say in relation to the Australian Industry Group, the Australian Chamber of Commerce and Industry and other entities consulted, it is a damning indictment on the opposition if they do not have any links to the Australian Industry Group, the Australian Chamber of Commerce and Industry or the Chamber of Commerce and Industry in Queensland.

**Mr O'Brien:** You can't even pick up the phone now, Ted.

**Mr DICK:** They cannot even pick up the phone—I take the interjection from the member for Cook—to ring peak business groups to see what their view is.

**Mr Malone** interjected.

**Mr DICK:** The member for Mirani says they do not work on the weekend. This bill has been on the table of the House for two weeks in accordance with the standing orders of the parliament. Nothing has been rushed through this parliament. If the honourable member thinks two weeks is not enough to do his work, he should seek to change the standing orders of the parliament. That has been the way in this parliament for many, many years. Frankly, it does not behove well for the third shadow minister that I have dealt with in this parliament that he has not been able to get across this bill, even though he is new, in a short space of time.

This has been a national process that has been ongoing for a number of years. Consultation has been lengthy, inclusive and comprehensive. In fact, there are few bills that have come into this parliament that have had such extensive consultation as the Work Health and Safety Bill. It has involved consultation with representatives of employer associations, workers, legal groups and dive operators in relation to the Safety in Recreational Water Activities Bill. All of those groups have been consulted, as well as the national process that has been running for a number of years now, including the release of a draft bill for public consultation. I do not know what the predecessors of the current shadow minister were doing, but that bill has been out in the public arena for a considerable period of time. The criticism when it comes to consultation has no substance whatsoever.

Those opposite are not doing their work. I have said this on a number of occasions. They think they can be a small target; they think they can sit by and waltz into government. As I have said before, this is the laziest and most complacent opposition in the history of Queensland. We have had two years of all sorts of criticisms and condemnation from the opposition. They have said that they do not support asset sales. As soon as they changed their leader everything they stood for, everything they said in this parliament is, in the words of the punitive leader of the opposition—not the leader in the House, not the leader in the parliament, but the leader outside the parliament, Campbell Newman—null and void. This is not a group of politicians with conviction, with a belief in any particular set of principles; it is a group of politicians who seek power for power's sake. I have said that before in the parliament. The community in Mackay and other places will judge them.

**Mr RICKUSS:** I rise to a point of order. I ask for a ruling on relevance.

**Mr DEPUTY SPEAKER** (Mr Elmes): There is no point of order.

**Mr DICK:** What business, unions and work health and safety experts have told us is that they want this bill to move forward. They want national seamless work health and safety laws in Queensland. They want it done as soon as possible to give them certainty and to maximise the time they have to get ready for the implementation of the law which will commence on 1 January 2012. There comes a time when good intentions have to be put into action and that is what Labor governments do. I am proud that we are the first state moving this bill through parliament.

It is the priority, of course, that Labor governments give to protecting workers that we have given this the highest priority in the legislative program. I reaffirm in relation to the argument that this has been rushed through parliament that the national work health and safety bill was endorsed by workplace ministers in December 2009 following extensive consultation with all stakeholders, including, as I have said, employers, industry, the legal profession and other interested parties. That has been able to be publicly accessed.

The member for Mirani also complained that the costs and benefits are not readily quantifiable. That has been assessed by Access Economics, an independent economic agency, and it has indicated that this will save industry about \$30 million. One would have thought that the traditional party of business in this state would have applauded an ability to move legislation through the House that will cut red tape for business, give certainty to workers and reduce the cost to business. One would have thought we would have been applauded for this move but, of course, those opposite do not have that charity in them.

Other jurisdictions are moving the bill through their parliaments. In South Australia the bill was first introduced on 7 April. It was withdrawn on 3 May and reintroduced, on a change of ministers, on 19 May. The Australian Capital Territory, the Commonwealth government and Victoria are currently drafting and, I am advised, are expected to introduce the bill during their winter sittings. In the state of Tasmania—well known to the alternate leader of the opposition; he spent some time there and has some roots in Tasmania—as well as the Northern Territory, the governments are awaiting approval to commence drafting. Western Australia—the home of a conservative government—has indicated it will

harmonise its health and safety laws but, of course, will not implement those aspects of the bill that protect unions' rights to enter various workplaces. They do not support increased levels of penalties to protect workers. They do not want to allow health and safety representatives to have direct access to workers and to direct workers to cease work. They do not support a range of other things that strengthen the very important and historic role of trade unions to protect workers in the workplace. I certainly hope that is not the intention of the Liberal National Party in Queensland, but nothing would surprise me. So rushed is the bill that it was introduced by the New South Wales Liberal coalition government into the New South Wales parliament on 4 May despite the fact they were only elected in March. It did not seem to be much of a rush for them. They are keen to move forward to support business and to ensure the rights of workers are protected. I do not think anyone could say that we are rushing this. The member for Mirani's criticism that we were the first jurisdiction to pass this legislation is completely unfounded.

The member for Mirani was also critical of the fact that prosecutions will be conducted in the Magistrates Court rather than the Industrial Court. That was also mirrored in the contributions—if one can call them that—from the member for Kawana and also the member for Gaven. They should be aware that there are only a handful of appeals heard in Queensland each year. It is not anticipated that this change will have any negative impact or impose any additional workload on the court system. They were consulted through the drafting of this bill.

Currently, magistrates hear all offences in the industrial jurisdiction and, because of their nature, category 1 offences only rarely occur. Those are serious breaches of the law and, thankfully, only occur rarely. I am advised that currently appeals are minimal and it is not likely that there will be any significant increase in this area. Certainly we hope not, as we would encourage all duty holders and all employers to comply with the law. More importantly, this change follows the recommendations from the national review. I really do not understand the criticism of the general courts in Queensland, which deal with civil and criminal matters each and every day, handling those sorts of matters.

During the debate an issue was raised in relation to the privilege against self-incrimination. It was claimed that that privilege had been removed under clause 172 of the bill. I want to address that issue, to allay the concerns of honourable members. Under clause 172, a person is not excused from answering a question or providing information or a document on the grounds that the answer might tend to incriminate them or expose them to penalty. This question has been well and truly explored as part of the national reform process. It was discussed in reports of the national review and the model occupational health and safety laws, completed in January 2009, which were submitted to the Council of Australian Governments. An exposure draft of the model bill was released nationally for public comment in late 2009, before the model bill was finalised.

The current Queensland Work Health and Safety Bill before the parliament reflects the key provisions of the model work health and safety bill that the jurisdictions agreed to adopt under the intergovernmental agreement on regulatory and operational reforms in OHS. Both the Australian Law Reform Commission and the Queensland Law Reform Commission have acknowledged previously that the privilege against self-incrimination may be varied by statute where it is outweighed by other significant factors, for example an urgent need to protect health and safety. Parliaments in Australia and around the world often make this decision. In this case, we hold as absolutely paramount the consideration of the health and safety of workers.

**Mr Wendt:** Absolutely paramount.

**Mr DICK:** It is absolutely paramount. This is a decision that governments have to make every day. We say that the privilege of self-incrimination should be suspended for this purpose only, to obtain information to ensure workplaces are safe. There are safeguards, of course, and I will talk about those. As I have said, the justification for varying the traditional privilege against self-incrimination was that otherwise inspectors and regulators would have only limited access to critical information, which would compromise their ability to maintain work health and safety protections. As I have said, maintaining safe workplaces and practices is regarded as a significantly important objective to justify some variation to the right to silence.

The compliance provisions of the bill before the parliament focus on identifying the cause of the breach in order to protect the community by preventing injuries and fatalities caused by unsafe work practices. Importantly, the new provision will also include protections for the rights of persons under the criminal law. Under the bill, the powers of investigators must be exercised only in conjunction with safeguards that limit the consequences for people giving evidence. Under clause 172, the answer a person provides to an inspector is not admissible as evidence against that person in civil or criminal proceedings other than proceedings arising if the answer is misleading or false. If it is a false answer, of course you can be pursued for perjury or similar offences. Otherwise, it cannot be used against the person in any other court in Queensland. The person is protected from the evidence being used against them in subsequent legal proceedings if they answer truthfully.

The Work Health and Safety Bill goes further than the national model work health and safety bill. We have taken it that next step to ensure we have the highest protection in the country. The bill sets out what is called a derivative-use immunity. Any other evidence, directly or indirectly derived from the

answer a person gives, is not admissible in any court. That is an important thing. It is not something that we do lightly. We do it with very significant and deliberate thought. We have done it after a lot of public deliberation and we have put in those safeguards. We see this as the best way to ensure the protection of workers in Queensland.

The member for Mirani criticised the need for employers to consult with employees. He said that already occurs without legislative mandate. We say that is an important thing to enshrine in Queensland law. Consultation is at the heart of ensuring workplaces are safe and workers are protected. We would always encourage employers and duty holders to consult with workers and others and to do so protected by the law and without the need to use the very significant powers in this act to get the best outcome. We always look for cooperation in the workplace, supported by Workplace Health and Safety Queensland. However, those powers will be used as necessary to ensure workers are protected.

The need for and benefits of consultation between an employer and worker have been long recognised. The 1972 Robens committee report is the basis of all Australian health and safety laws. That report stated—

The involvement of employees in safety and health measures is too important for legislation to remain entirely silent on the matter. For a long time that principle has been adopted in Australian law and we enshrine it in this bill.

The member for Mudgeeraba spoke little about the bill and a lot about asbestos, which of course was comprehensively rebutted by the Minister for Government Services earlier today in what was a demolition of the improper claims she made in this parliament about the safety of schools in this community. As the Minister for Education, I strongly support the Minister for Government Services in ensuring that we take whatever action is necessary, as Labor governments have for many years. We lead the nation in protecting the community and protecting schools. A comprehensive replacement program has been implemented in Queensland schools. All asbestos roofs have been replaced. We spend \$18 million a year replacing asbestos-containing materials in Queensland schools. Any urgent work is done immediately. We have the highest level of qualification for asbestos contractors. It is a very significant thing and the government takes it very seriously. We will always act in the best interests of Queensland children and their families.

The member for Kawana made a contribution on the bill. He was critical of what he said was a perceived lack of consultation with the Queensland Law Society. In fact, the member for Kawana said he rang the Law Society and spoke to somebody unnamed who said, 'We don't know anything about the bill.' I do not know to whom he spoke. Maybe he spoke to the receptionist. I can assure the honourable member that the Queensland Law Society has been well and truly consulted. It does not augur well for someone who seeks to be the Attorney-General of Queensland that he has such poor links with the Queensland Law Society. I assure all honourable members that the president of the Law Society, Bruce Doyle, was consulted on the bill, as was Mr Gerry Murphy, one of the most distinguished personal injury lawyers in Queensland. They support the bill. All of the parties consulted on the bill support the bill.

**Mr Bleijie:** Did they give you written advice—public written advice?

**Mr DICK:** I am not tabling the written advice. There is no written advice. We consult with those groups constantly. The member for Kawana, who seeks to be the Attorney-General, has such links with the Queensland Law Society that he does not know its position on the bill. In relation to the preparation of this bill, we consulted with the Bar Association of Queensland and the Australian Lawyers Alliance along with an enormous number of individuals representing both business and workers. Page 18 of the explanatory notes sets out all of the parties we have consulted with to ensure the bill is right.

The member for Kawana made reference to the operation of the Queensland courts. I assure him and all honourable members that our courts will be able to handle the hopefully small number of cases that will be pursued in this matter when the bill is implemented.

One of the criticisms by the opposition was the increased red tape. The bill will not increase red tape; the bill will slash red tape as part of this significant reform process. It is not only a significant microeconomic reform in our nation's and state's history but also a significant reform to how work health and safety operates in Queensland. That is recognised by industry and employer groups that strongly support the bill.

I will make some comments about specific issues raised by other members, including the issue of surf-lifesaving activities raised by a number of honourable members. The second bill being debated cognately this afternoon focuses on safeguarding people taking part in recreational water activities. That bill defines 'recreational water activity' as an activity carried out for the purposes of recreation on, in or under waters, under the management or control of a person conducting a business or undertaking.

Recreational surf-lifesaving activities conducted by Surf Life Saving Queensland will fall under this definition. The bill sets out the duties and operating requirements of a person conducting a business or undertaking, such as Surf Life Saving Queensland, to minimise or prevent harm for people when providing recreational water activities. The person must give people enjoying recreational surf-lifesaving activities, for example, and others present, such as onlookers, the highest level of protection from hazards and risks associated with the activities as is reasonably practicable in the circumstances.

The provisions of the Work Health and Safety Bill will require a person conducting a business or undertaking, such as Surf Life Saving Queensland, to ensure the health and safety of Queenslanders. Surf Life Saving Queensland has a primary duty of care under the Work Health and Safety Bill to protect its workers—as all duty holders have under the bill—including volunteers, from harm during surf-lifesaving activities and to ensure the safety of the workplace as far as reasonably practicable. Importantly, the two pieces of legislation will operate in tandem, with the Safety in Recreational Water Activities Bill covering the field only in relation to the health and safety of people for whom a business or undertaking, such as Surf Life Saving Queensland, provides recreational surf-lifesaving activities and anyone else present while the activities are being provided.

Surf Life Saving Queensland was consulted in the development of the bill as is set out. It supports the bill as it is drafted. Individual surf-lifesavers do not owe that duty of care; it is the organisation and a number of other sporting and recreational organisations that need to ensure the highest level of care for volunteers and others. That is the law as it is currently in Queensland.

The member for Surfers Paradise raised some issues in relation to recreational water activities as well. While his contribution set out a number of significant incidents that had occurred, of course they really relate to the operation and use of maritime equipment such as jet skis. The member for Gaven also talked about jet boats. The operation of those watercraft, just like the operation of motor vehicles and other land based transportation, is regulated by appropriate legislation in the transport sphere.

**Dr Douglas:** The problem is they're not.

**Mr DICK:** Of course, there is an opportunity for the honourable member to introduce a bill in this place if he seeks to change the law. I am advised that there are significant matters already under consideration by the Coroners Court, and that is the appropriate forum for those matters—through transport legislation to rectify those things. It misconceives the legislation, which is about taking action to protect workers in workplaces or other places where there is a duty holder as defined under the act. Principally, all pieces of work health and safety legislation are preventive mechanisms to protect workers and other Queenslanders in their workplaces or other places subject to the law. It is not about regulating the operation of specific equipment. There is other law that can regulate those as well.

Just briefly, I also express my thanks to all honourable members for their interest in this bill, a significant and historic bill, and for their contribution in the debate. I would also like to thank a very significant number of policy officers in the department who have worked very hard on this legislation. They do sterling work for the Queensland community and the Queensland Public Service and they have my full support. I would like to particularly thank Mr Brad Bick, Mr Aldo Raineri, Mr Paul Goldsbrough and Dr Simon Blackwood, who were supported by a number of policy inspectorate staff as well as Workplace Health and Safety Queensland and the Electrical Safety Office. I want to thank them particularly for their work.

The provisions in these bills will lead to enhanced safety protection and greater certainty for employers in relation to the application of work health and safety laws throughout Australia. The bills before us are part of a quantum shift in workplace health and safety and will also ensure that Queensland's world-class safety in recreational water activities standards are maintained. It has been a long time coming. We must now act decisively in the interests of working Queensland families and their communities. I commend the bills to the parliament.

Question put—That the Work Health and Safety Bill be now read a second time.

Motion agreed to.

Bill read a second time.

Question put—That the Safety in Recreational Water Activities Bill be now read a second time.

Motion agreed to.


Bill read a second time.

### Consideration in Detail (Cognate Debate)

#### Work Health and Safety Bill

Clauses 1 to 6, as read, agreed to.

Clause 7—

 **Mr MALONE** (4.25 pm): As we go through the bills I will make a few comments on some of the clauses. As I indicated previously, the LNP will be supporting the bill. I do need to clarify the situation in which we found ourselves. The bill was brought into the House on 10 May and was 12th or 13th on the list. We were informed on the afternoon of Friday, 20 May that this bill would be coming before the House during this sitting in Mackay. We were briefed, I believe, on the 23rd. Obviously, this is a very significant bill. We have made a decision to support the bill. However, we will be looking at how the bill works in practice and will ensure the assurances we have been given by the minister are actually in place.



I wish to raise a couple of issues with the minister regarding clause 7, which sets out the definition of 'worker'. I will be brief because I am conscious of the time. It indicates that a contractor or a subcontractor is defined as a worker. The member for Brisbane Central commented on the number of people in Mackay who work through labour hire companies. She is absolutely right. This is simply because it has been so difficult for major firms to put people into the workforce. It has been a very difficult time in that regard. The labour hire firms have actually taken up a niche in the market. It has been necessary under the circumstances in which we found ourselves.

I take on board the criticism of the labour hire companies. I am concerned that we are seeing contractors and subcontractors being designated as workers. In relation to that particular specification, we have contractors who are doing millions of dollars worth of contract work and I wish to know where they stand under this legislation in terms of being classified as a worker. Secondly, I see in the bill that volunteers are also classified as workers. How does that change their role and what implication does that have for people like me who work for Lions and previously for Apex? How will this definition affect those people?

**Mr DICK:** I acknowledge the issue raised by the honourable member for Mirani and I indicate that the definition of 'worker' is a very broad definition. It includes a person who performs work as an employee, a contractor or a subcontractor, as the member has identified. It also includes an employee of a contractor or subcontractor, an employee of a labour hire company, an outworker, an apprentice, a trainee, a student gaining work experience and even a volunteer.

**Mr Malone:** I don't have a problem with that.

**Mr DICK:** I am not taking that as a criticism; I am trying to explain the issue broadly for all honourable members. A person could still be considered a worker regardless of whether the work is performed for gain or award. Most occupational health and safety acts in Australia currently use the term 'employee' in their usual legal meaning. However, the national review of the national health and safety laws recommended the use of the broader term of 'worker'. The employer-employee relationship currently used for assigning duties in occupational health and safety legislation was concluded to be inadequate to capture the complex array of modern working arrangements. I think that lies at the heart of it.

The nature of work changes and it is continuing to change significantly—how people are engaged, the work that they do, the basis of their remuneration. We have moved away from what was historically, when I went to law school, described as a master-servant relationship. That is how historically employees were seen, in that context of master and servant, which has its roots deeper in history. As the nature of work has changed, so, too, must the law change to reflect the changing nature of the economy and the work environment in Queensland. We are trying to capture this. All states and territories and the Commonwealth are trying to capture the changing nature of work and the changing nature of obligations on employers and duty holders.

The approach in this bill is to ensure that all types of workers are protected from workplace health and safety risks. That is the paramount consideration, because the duties of care will extend beyond the employer-worker relationship. To do otherwise would create a complex hierarchy and, I would say, a potentially unjust hierarchy of working relationships. Some would be in; some would be out. Where do you draw the line and on what basis? Why should some people be protected and some not? We say that we do not think that is appropriate. We should not be by default—by putting some people in and some people out—encouraging people to structure work or employment relationships such that they could avoid obligations under work health and safety laws. We want to ensure we protect the health and safety of all workers.


Defining a worker more broadly ensures that the concept encompasses the myriad work arrangements operating in the modern business and economic environment to capture employees, contractors, labour hire workers, volunteers, apprentices and students on work experience. That is a particular issue up here in Central Queensland with the significant, exponential growth in mining and how people are engaged in various capacities, not just in mines but in all ancillary industries surrounding the mining industry and service industries as well. So that is the principle behind that.

But it is always covered now, under the new law, by the reasonably practicable test. So the duty has to be to protect the worker, or the volunteer, or the subcontractor, or the employee of the subcontractor, or whatever the relationship is. The steps taken must be reasonably practicable in the circumstances. In the case of a volunteer, it would only have to be reasonably practicable. It is not going to be the same standard as someone in a traditional employer-employee relationship. We think that is the best way to proceed at this time.

Clause 7, as read, agreed to.

Clauses 8 to 115, as read, agreed to.

## Clause 116—

 **Mr MALONE** (4.32 pm): This clause is about workplace entry by WHS entry permit holders. I probably should read the definitions. They state—

**official of a union** means a person who holds an office in, or is an employee of, the union.

**relevant person conducting a business or undertaking** means a person conducting a business or undertaking in relation to which the WHS entry permit holder is exercising or proposes to exercise the right of entry.

**relevant union** means the union that a WHS entry permit holder represents.

**relevant worker**, in relation to a workplace, means a worker—

- (a) who is a member, or eligible to be a member, of a relevant union ...

I particularly want to raise an issue around that. I do take on board what members have said in relation to investigating accidents. As an employee myself, I understand exactly the situation in terms of investigating accidents. But I am also conscious that previously we have had issues with union officials gaining entry to workplaces where there is no problem with workplace health and safety. Indeed, under this definition it would indicate to me that it is possible for a union official carrying a WHS permit to enter any workplace because it would be possible that a member of staff could be eligible to be a member of a relevant union. Obviously I understand the background of getting information when there is potentially a dangerous situation, but I am also conscious of the other side of it. The minister and I both know that from time to time—I am not saying that all union officials are like this—union officials do overstep the mark.

**A government member:** Employers overstep the mark, too.

**Mr MALONE:** Yes. I need to be assured that that is not the case. I need to hear the minister's response to that.

**Mr DICK:** I thank the member for Mirani for his question. I understand the issue he is raising, but I would encourage him to look at the significant array of requirements to be satisfied before the power of entry—which seems to be the concern of the member—can be exercised. There are a significant range of requirements that are set out in subsequent clauses of the bill, covering clauses 117 through to 151, including penalties—criminal penalties effectively, such as a fine—that will occur if the requirements of the bill are not satisfied.

You only have a right to entry if you are a workplace health and safety entry permit holder. The bill sets out the basis upon which an entry permit can be issued, and that is set out in division 5 of part 7, including the need for a statutory declaration that the individual is an officer of the union; has satisfactorily completed the prescribed training; and holds, or will hold, an entry permit under the Fair Work Act or an industrial officer authority.


Then there are requirements in relation to entry, as the honourable member has flagged across the bar table, and in relation to notice of entry and so on. There is some controversy about the time of entry. Some argue strongly that there should not be any notice given, and there is some merit, I must say, in that argument. However, that was an agreement that was struck at the national level. Notice must be given during the usual work hours of the workplace at least 24 hours but not more than 14 days before entry. I think there are sufficient safeguards in this bill that allow businesses, employers and duty holders to be satisfied that they will be protected.

But we see this as an important mechanism. It is not exercised every day of the week. It is not exercised that often. I would encourage the opposition to hold to these provisions. They are important mechanisms. Consultation lies at the basis of any safe workplace. But where that consultation or the ability to consult breaks down then there need to be regulatory measures and legislative measures to enforce protections.

Clause 116, as read, agreed to.

Clauses 117 to 171, as read, agreed to.

Clause 172—

 **Mr MALONE** (4.38 pm): As I indicated in my speech in the second reading debate, we still have some concerns about clause 172—abrogation of privilege against self-incrimination. In real terms, clause 172(1) is a reverse onus of proof. Both I and my legal advisers behind me have listened very carefully to the minister's explanation of this particular clause. Again, we will obviously take on board what the minister has said. We are reasonably comfortable with the explanation that the evidence that has been given to an investigator cannot be used in a court. Under those circumstances we see how this comes together. We are happy enough with the explanation of the minister.

Clause 172, as read, agreed to.

Clauses 173 to 275, as read, agreed to.

Clause 276—

**Mr MALONE** (4.40 pm): Clause 276, the regulation-making power, gives the power to create regulations under the act. Obviously we have not seen the regulations. They will come in at a later stage. We have seen previously under Labor governments that the regulations have been so onerous that small businesses have struggled to fill out the paperwork. We do need some assurances that that is not going to be the case. I would imagine that the minister has seen draft regulations that will probably follow assent to this bill. We need to get some assurances on that. I thank the minister's advisers for the briefing. It was obviously late, but it was very useful from our point of view. Thank you very much.

**Mr DICK:** I indicate to the honourable member that there is a process going on now to nationally harmonise regulations and codes of practice. That is a significant process that is proceeding. They were available for public consultation, if I am not mistaken, until the end of April or thereabouts. They were available for public consultation for a number of months. We are working through those at the moment. That will be a significant thing for Queensland. It will be a significant thing for employers and employees. We want to ensure the highest possible standard. A lot of this is transferring over the current regulations and codes of practice that exist. But harmonising them at a national level presents some challenges.

I have said publicly that we want to continue to ensure very high standards for the protection of workers and other individuals under the regulations and codes of practice. We are working through that. Similarly, we are looking for them to commence at the same time as the new act—that is, 1 January 2012. They will be subject to the normal regulatory requirements in relation to the making of regulations, including, as necessary, regulatory assessment statements and so on, before they are made.

**Ms SIMPSON:** I ask the minister what the cost is to small business of the new regulations and codes of practice that he calculates Queensland businesses will incur—that is, businesses which are not multijurisdictional, that are solely Queensland operators and particularly those in the building industry? How many pages of regulations and codes of practice are also proposed?

**Mr DICK:** I thank the email from Campbell Newman. Sorry, I thank the honourable member for her question. The reality is that we have not yet finished the regulations and codes of practice. We have not yet drafted them so it is difficult to look at the consequences of them. As I said earlier, we are looking to ensure continuity. The critical thing for Queensland is to ensure continuity with the current regulations and codes of practice so business and other duty holders will continue to operate in the same environment as they are now. I cannot guarantee or say that there will not be changes and that there will not be variations. This has been part of the national process. It has been a very significant thing to get all Australian jurisdictions to agree on a single bill to go before all of the Australian parliaments. But we managed to get there with goodwill by both employers and workers. We are going to continue down that path.

There is a significant consultation process. All of the groups that I mentioned earlier in the debate have been asked to comment and provide feedback on those regulations and codes of practice too. We will continue to work through that process through Safe Work Australia, which is the national regulatory group, the oversight group for workplace health and safety. I will take a personal interest in that when we get towards the final form of the regulations and codes of practice.

**Ms SIMPSON:** I noted the very flippant interjections from the Deputy Premier about the serious issue of regulations. This government claims that this process is about reducing red tape. For the information of the Deputy Premier, who is so flippant about red tape and its impact upon our industries, one industry, the construction industry, has estimated that the model codes of practice which range in size from about 20 to 120 pages and the model regulations which contain 582 pages of new prescriptive requirements will have quite a significant impact for those operators who are not multijurisdictional and are just operating in Queensland.

It is a legitimate question to ask on behalf of our small businesses that are being asked to embrace a new world of red tape, courtesy of this government that says it is trying to reduce red tape. It is a laudable aim to have safe workplaces and we support having safe workplaces. However, we are very sceptical, and personally I am extremely sceptical, of this government's ability to actually implement this in a competent way. It has a history of creating a big mess. When it claims it is going to reduce costs it typically increases costs. We support safe workplaces. It is the implementation of these laws that I question when it comes to red tape.

We have just heard from this minister that they are still working through this but this is supposed to be implemented on 1 January. I table a list of some of the regulations and codes of practice that will have to be altered.

*Tabled paper:* Document titled Model Codes of Practice, Model Regulations [\[4545\]](#).

The list is quite significant. It does not cover all of the industry specific regulations.

When those in this government are flippant about the impact of red tape I draw their attention to the fact that industries, such as the construction industry in my area and in many other parts of Queensland, are gutted. People are struggling. Businesses are closing. Red tape is not helping.

I want to also remind the minister and the flippant cabinet ministers who do not care about small business that the explanatory notes to this bill actually state that for single jurisdictional employers who do not benefit from a reduction in cross-border red tape, the cost imposed is likely to be low or neutral when compared to the normal costs associated with a regular process of legislative review and change. That is comforting. In other words, they have a whopping lot of charges and red tape now and there will be an unknown amount of red tape in this bill. The minister cannot give us any assurance with regard to our existing operators.

It is legitimate to ask about Queensland businesses that are already struggling with red tape. On 1 January there will be a new set of regulations and new codes of practice that they have to adopt. It may come as a bit of a surprise to all the Labor hacks who have had government jobs all their lives or have worked in ministerial offices and never had a job or employed anybody, but there are people with businesses that are closing. I draw to the government's attention what is actually happening. The latest ABS building approvals data for Queensland, which was released on 5 May, shows that for the state there was a 6.1 per cent decline in total building approvals. In May 2011 there was a three per cent decline in trend estimates in Queensland from March 2011. I am concerned about that and it is a pity that the government is not.

On the Sunshine Coast we are seeing jobs leaving the area and businesses close, and that is a story that is repeated in many other regional communities that are struggling. We have seen a most worrying situation where the building industry in particular is struggling. I want to quote some of the figures from the Sunshine Coast. The most recent Australian Bureau of Statistics data puts the Sunshine Coast growth rate at just 2.3 per cent, which is a significant reduction. But to quote the Urban Development Institute of Australia Sunshine Coast president—

We've lost 14,000 workers in two years, including 2,500 in the last quarter alone.

I have tabled that list of just some of the many regulations that we are waiting to see. I remind the government that asking people to turn up at seminars and take time out of their small businesses to go to yet another round of briefings on their legal implications as to how they can comply with the law costs people, and that is important. We have not had an answer from the government or any care or concern.

*(Time expired)*

**Mr DICK:** Well, the member for Maroochydore has the smoking gun, hasn't she? She has got the list of number of pages after we have been consulting nationally for three months up until 7 April on all of the new regulations and codes of practice. So she has got the secret document, hasn't she, after the whole world knew what we have been doing for three months because we put it out there for the whole world to see. So a devastating critique—not—by the member for Maroochydore. I would counsel the member for Maroochydore that if she wants to cast aspersions on the background of members on our side of the House she should look at the background of members on her side of the House.

**Government members** interjected.

**Mr DICK:** I am not commenting on the member's background—others have interjected in that regard—but of course both of Campbell Newman's parents were ministers in the federal government. Some said he was born in the back of a Comcar, but I could not comment on that. So one needs to be very careful in this place. We all come from different backgrounds with different experiences and I do not think we should be casting aspersions on each other's backgrounds.

We are going to work through this, but this is a long process. This goes back a number of years and the process continues until 1 January 2012. We are out there at the moment talking to the community. We are now working through those regulations and codes and practice. We are going to try to keep the same standards—transition as best we can from where we are under the old legislation to where we will be under the new legislation—to ensure the impact is limited. But I cannot guarantee that there will not be an impact. I do not know the extent of the impact because we have not finished the process yet, but the issues the member has raised are important to ensure that business is not overly burdened by it. But it is about getting that balance between ensuring seamless national work health and safety with the highest possible protection for Queensland workers and avoiding red tape, and of course this bill before the parliament today reduces red tape for industry.

Clause 276, as read, agreed to.

Clauses 277 to 410, as read, agreed to.


Schedules 1 to 5, as read, agreed to.

### **Safety in Recreational Water Activities Bill**

Clauses 1 to 57, as read, agreed to.

Schedules 1 and 2, as read, agreed to.

### Third Reading (Cognate Debate)

 **Hon. CR DICK** (Greenslopes—ALP) (Minister for Education and Industrial Relations) (4.54 pm): Mr Deputy Speaker Elmes, before moving the third reading of the bills, I congratulate you on your stewardship of these bills, your first bills through the parliament. You did a terrific job.

**Honourable members:** Hear, hear!


**Mr DICK:** And I look forward to more indulgences from you as your career continues in that high office! I move—

That the Work Health and Safety Bill be now read a third time.

Question put—That the Work Health and Safety Bill be now read a third time.

Motion agreed to.

Bill read a third time.

 **Hon. CR DICK** (Greenslopes—ALP) (Minister for Education and Industrial Relations) (4.54 pm): I move—


That the Safety in Recreational Water Activities Bill be now read a third time.

Question put—That the Safety in Recreational Water Activities Bill be now read a third time.

Motion agreed to.

Bill read a third time.


### Long Title (Cognate Debate)

 **Hon. CR DICK** (Greenslopes—ALP) (Minister for Education and Industrial Relations) (4.55 pm): I move—

That the long title of the Work Health and Safety Bill be agreed to.

Question put—That the long title of the Work Health and Safety Bill be agreed to.

Motion agreed to.

 **Hon. CR DICK** (Greenslopes—ALP) (Minister for Education and Industrial Relations) (4.55 pm): I move—


That the long title of the Safety in Recreational Water Activities Bill be agreed to.

Question put—That the long title of the Safety in Recreational Water Activities Bill be agreed to.

Motion agreed to.

## PRIVILEGE

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


 **Mr SPEAKER:** Honourable members, I refer to a matter of privilege raised by the honourable member for Burnett this morning regarding the power to grant indemnities and the Deputy Premier and Attorney-General's response to an answer to a question without notice yesterday.

I have read the correspondence tabled by the honourable member for Burnett, the *Record of Proceedings* of yesterday's proceedings and the Attorney-General Act 1999. Section 7(1)(c) of the act provides the Attorney-General with the power to grant immunities. It is true that the act does not detail the processes for the granting of the immunities, but I find nothing confusing in the Attorney-General's answer to the question, the central point being that immunities are only granted after submissions have been received from an appropriate authority such as the Director of Public Prosecutions. I have not sought a response from the Attorney-General because I felt able to deal with this matter on the information available to me.

The correspondence by the honourable member for Burnett has, in my opinion, failed to establish any evidence that the House has been misled and, accordingly, I will not be referring the matter to the Integrity, Ethics and Parliamentary Privileges Committee.

## MINISTERIAL STATEMENT

### Regional Sitzings of Parliament, Mackay; Motion to Take Note

 **Hon. PT LUCAS** (Lytton—ALP) (Deputy Premier and Attorney-General, Minister for Local Government and Special Minister of State) (4.57 pm), by leave: On behalf of the Premier, who is returning from executive council at Moranbah, I want to thank the Mackay community for hosting this special sitting of parliament. As the Premier has noted, this is the fourth time that parliament has met

outside of Brisbane following sittings in Townsville in 2002, Rockhampton in 2005 and Cairns in 2008. This centre, built with an investment of \$29 million by this government, has been a great venue for a very successful regional parliament.

A few figures from this week tell the story. By 3 pm today, 4,595 people had come to watch democracy in action. That includes 2,537 schoolchildren and 44 groups who toured the parliament and were given information about how the House works. This was a great opportunity for local people to see the parliament at work, meet members and discuss their issues without leaving their community.

For the first time we had eight students from the Youth Parliament on 4 May working as temporary attendants at parliament. They were Emily Arnold, Tayla Comelli and Joel Pattinson-Cashman from Mackay State High School; Cor de Waard from Mirani State High School; and Chrispin Scott, Alex Handley, Isabella Erba and Eloise Allwood from St Patrick's College. I thank them for their assistance and hope they enjoyed the experience of working at parliament. Perhaps we might see some of them return in the future as staff or members of parliament or even members of the press gallery.

Every visitor to this House would have seen a snapshot of what we do in parliament—whether it was enjoying the cut and thrust of question time; listening to debate on legislation, including my own to overhaul the infrastructure-charging system; or taking part in the various issues raised by members in the adjournment debate.

What people got to see was a broad cross-section—sometimes members of parliament vigorously disagreeing, sometimes agreeing, sometimes discussing policy, sometimes discussing politics, which is a snapshot of what parliament is about every day it sits and I think it was really wonderful that they could do that. In addition to the usual activities of parliament, we enjoyed a traditional welcome and smoking ceremony from the Yuwi Yuibera people as well as the Dal family dancers from the Torres Strait and the Mackay Little Murriss on Tuesday morning to get proceedings underway. As magnificent as this building is, it is situated on the land of people who were here a long time before my people were here and it is worthwhile that we acknowledge that.

A highlight for me was helping out at the community barbecue on Tuesday night alongside members from both sides of the House. Yet I resisted the temptation and I did not eat any sausages myself. The Mackay community has been very welcoming and I thank them for that. I thank the local members—the member for Mackay, Tim Mulherin; the member for Whitsunday, Jan Jarratt; the member for Mirani, Ted Malone; the member for Dalrymple, Shane Knuth; and the member for Burdekin, Rosemary Menkens. I witnessed each of them making speeches at different times and I thought they made very good contributions, pointing out different aspects of issues that confront them in their electorates. They made us feel at home in this beautiful part of Queensland.

Mayor Col Meng has also been a great partner in hosting this regional sittings of parliament. Virgin Australia helped make the welcome reception on Monday night a great success and it is also the official airline for the regional sittings of parliament. I also thank Mark Fawcett, Shanna Souvlis and the dedicated team of the Mackay Entertainment and Convention Centre. The workers were so friendly, welcoming and accommodating, particularly when they had members of parliament headed in 15 different directions not knowing where they were going. They helped us out there. In addition, I want to thank the police and security services who were here. The police certainly did a wonderful job with their usual pleasantness and friendliness.

I want to recognise the many parliamentary staff who have made this parliament run smoothly, in particular the Clerk, Neil Laurie, the coordinator of the regional sittings of parliament, Kellie Moule, and also staff from IT Services, AV services from Shendale, the parliamentary reporting staff, the Table Office staff, security and the attendants and the Community Engagement staff. Special thanks go to Darryl McCarthy and Mick Ashe from Property Services, who carried out the huge logistical task of setting up the precinct. I think everyone who took part in this regional sittings of parliament has benefited in some way—members from hearing directly from the local people about their issues, the local people from seeing democracy in action and school students, future voters and perhaps even MPs in getting a taste of how our system works.

On a personal note, I have enjoyed the debate here. It always focuses you a bit more when you are in a different environment. I have enjoyed the cut and thrust of it. This place also proceeds with good humour as well as with passion. I hope people have also acknowledged that sometimes, despite the arguments that we have, we like to have a few little jokes about ourselves or with each other, and not just on our own side but across the chamber. In addition, events like this, with almost 200 people travelling to Mackay and spending money on accommodation, food, restaurants and a range of essentials like newspapers and coffee in large quantities, provide a boost for the local economy. I move—

That the House take note of this statement.



**Mr SEENEY** (Callide—LNP) (Leader of the Opposition) (5.03 pm): On behalf of the opposition, I, too, would like to thank the people of Mackay for the hospitality that they have shown to all of us in the Queensland parliament over the past week. I certainly endorse the comments that were made by the

Deputy Premier on behalf of the Premier in regard to the great effort that has been made by all of the support staff. The logistical exercise of bringing this parliament to a regional centre such as Mackay should not be underestimated. I appreciate, from talking to some of the people who were involved in that, the extent of the work that was necessary to ensure that this parliament was able to function effectively this week and to allow the people of this region to see the parliament in action.

Mr Speaker, I congratulate you as well on the role that you have played in making this parliament a success and in making this week a success. It is a somewhat different format for all of us here compared to the format that we are used to in the green chamber in Brisbane. From a personal perspective, I would have to say that I quite like the format here. I quite like the close contact with the members of the government. I find that when you get close enough you can see—

**Mr Hinchliffe:** It's not quite 2½ sword lengths, is it?


**Mr SEENEY:** No, not quite 2½ sword lengths. However, it adds something to the debate that the green chamber in Brisbane does not have. It is more in keeping with the model that is used by the federal parliament in Canberra. This is the second regional sittings of parliament in which I have been the opposition leader and I have been able to engage with members of the government in these close quarters. It certainly does add another dimension. However, it presents a problem for the Speaker. Because the Speaker is further away he cannot hear many of the interjections that I successfully make to the Premier. That is probably just as well.

**Mr SPEAKER:** I warn the honourable gentleman retrospectively.


**Mr SEENEY:** Mr Speaker and honourable members, we recognise the benefit that this regional sittings of parliament has brought to this region of Queensland. It is a very important region of Queensland as those three great industries of mining, agriculture and tourism come together in very few places in Queensland like they do here and it is very valuable for the members from South-East Queensland to come here to engage with the people who are involved in those industries on a daily basis.

I was particularly pleased to see the number of schoolchildren who have come through this parliament over the past week. One of the things that causes me some concern at times is the lack of knowledge among our young people of the role that all of us play. It is a responsibility that we all have to address that matter at every opportunity we get. I think this week has been a great opportunity for such numbers of schoolchildren to see the parliament in action and to come to understand what is happening and what their parliamentary representatives are involved in.

Mr Speaker, in conclusion, I once again congratulate you and all of your staff. I thank all of the people who were involved in the support services. I thank the people of Mackay and this region for their hospitality this week and endorse the statement that was made by the Deputy Premier.

 **Mrs CUNNINGHAM** (Gladstone—Ind) (5.07 pm): On behalf of the Independents, I would like to join the government and the opposition to express our appreciation for the opportunity to be here. I endorse the acknowledgements that were made by both parties to the staff who have worked tirelessly to establish the parliament in this building so as to make an environment that is familiar to the one that we enjoy in Brisbane. I also acknowledge the support staff for their kindness and their generosity of spirit.

I would also like to join with the whole parliament in thanking the people of Mackay for their friendship, their willingness to accommodate us in their environment and also for their generous hospitality. For everybody who is travelling home, on behalf of the Independents I wish them safe travelling and an enjoyable return to their electorates.

 **Mr SPEAKER:** Honourable members, I thank both sides of the House and the Independents for their generous comments about the parliamentary staff. I, too, want to place on record my thanks for the mighty efforts of everyone who has been involved in making this sitting a successful event. I noted the Deputy Premier's comments to the staff here at the Mackay Entertainment and Convention Centre. I also want to associate myself with comments made in regard to the Friends of the MECC who have been volunteers and who have given of their valuable time.

**Honourable members:** Hear, hear!

**Mr SPEAKER:** I want to thank the speakers for their generosity in terms of the staff. I am acutely aware of the planning and the long hours that they gave up last weekend to make sure that this venue could be ready—the people from Property Services, Information Technology Services, Community Engagement and Hansard and also the attendants here on the floor of parliament and the Table Office staff.

It has been a delight to work with officers of the Department of the Premier and Cabinet and other government departments who have helped put on the displays. I noted the comments from both speakers in relation to the local government officials, Mayor Col Meng and his councillors, who have

been generous and accommodating in the way they have received us. Members also made reference to the Queensland Police Service, who have done an outstanding job in a very professional manner. Whilst they have had to maintain a high public profile, they have done that in a very friendly way.

Members may not have been aware of the enormous role of students from the Mackay campus of the University of Central Queensland who assisted as volunteers with the thousands of students who came through. That we were able to usher so many thousands of students through without disrupting anyone did not happen by accident; it happened because of volunteers.

I want to thank the staff from the ministerial offices and the opposition staff. There was a hiccup on the first day with a fax machine. It was to the eternal credit of the opposition staff that that was handled in a way that was very professional and not very political. I thank the opposition staff for their understanding of that situation. I also thank the media, both local media and the parliamentary media gallery members who travelled from Brisbane. Some, I understand, are in a better state of repair than others this morning—but they shall remain nameless.

I thank the people of Mackay, in the city and the surrounding region, who engaged with this sitting and with members in a number of ways. They engaged by their attendance here—and there were several thousand of those—but also as residents and businesspeople who attended the many functions provided by the government and the opposition in whatever ways they sought to attend.

I also need to thank the three local members—Tim Mulherin, Jan Jarratt and Ted Malone—who in the lead-up to this sittings were exemplary, and their electorate staff, who were busy in the lead-up to our arrival and who assisted on the front reception desk or assisted the opposition. I thank Kerry and Adele from the Mackay office; Glenda and Bronwyn from the Whitsunday office; and Sue from the Mirani office. Would honourable members please indulge me for a moment as I pay tribute to Karen from the Mirani office who assisted here. In spite of the fact she had an extenuating family circumstance, she saw it as her role to be here. I thank her most sincerely for that.

Last, but certainly not least, I thank the members from both sides of the House and the crossbenches. I actually think this format has been one in which the parliament re-engaged with itself. I have been at times critical of the fact that we have stopped debating. I like to think that here in Mackay we learned again what parliament is about. This format actually enabled us to debate. Whilst it might have been harder for a Speaker, I think the parliament was better.

I have said in many forums that there is nothing at all wrong with the clash of ideas. This place is not meant to be, and should never be, a mutual admiration society. It has to be one where the government presents itself but where the government, on behalf of the taxpayers, finds itself tested. The way to test that is with an opposition that is willing to provide that. Of course, it is up to the government, in my view, to test the other side. In that whole process there is going to be a clash of ideas. It is my purpose to make sure that that does not become personal. I do thank members for the robust way they conducted themselves, because if they do not conduct themselves in that way then they are letting the people in the community down. If there is to be a change contemplated to the seating arrangements, I am happy to accept that. Maybe a future Speaker might like to accept that idea.

**Mr Lucas:** We are quite happy on the right-hand side of the chair, if you don't mind.

**Mr SPEAKER:** I am quite happy where I am, too, so it is a mutually agreeable arrangement. In closing, I want to say that one of my enduring memories will be the performance yesterday by the Mackay District Special School of their song *Special People*. For me it was a very special moment from a truly special group of students. I want to thank them for the way they did that, their teachers, their parents and all those who came along to listen. To all of you, I thank you for your participation in what has been the fourth and historic sitting of parliament here in Mackay.

Question put—That the motion be agreed to.

Motion agreed to.

## SPECIAL ADJOURNMENT



**Hon. PT LUCAS** (Lytton—ALP) (Acting Leader of the House) (5.14 pm): Certainly the story of this great state is a story of regions. That is what makes this state the best state in Australia and Australia the best country in the world. I move—

That the House, at its rising, do adjourn until 9.30 am on Tuesday, 14 June 2011 at Parliament House, Brisbane.

Question put—That the motion be agreed to.

Motion agreed to.



## ADJOURNMENT



**Hon. PT LUCAS** (Lytton—ALP) (Acting Leader of the House) (5.14 pm): I move—

That the House do now adjourn.

### National Parks



**Mr POWELL** (Glass House—LNP) (5.15 pm): This week we have witnessed yet more examples of this tired Bligh Labor government's true record when it comes to protecting our state's most precious resources, our national parks and protected areas. What we have witnessed is that this government, led by the Minister for Environment and Resource Management, is all spin and no substance. It is big on announcements but completely lacking in action.

When they are responsible for not only declaring but also managing our state's natural resources, they need to demonstrate this through the preparation of management plans, the resourcing of rangers, the development and maintenance of amenities, facilities and boundaries, relevant pest management strategies and scientifically based flora and fauna protection. It is not enough to simply make an announcement, have a little photo shoot for the media, lock up the park and throw away the key. That is not conservation. That is protection. That is environmental vandalism. That is what this tired Bligh Labor government is doing.

In 2010 the Auditor-General delivered a scathing parliamentary report, a report that showed less than one in five protected park areas across the state had management plans. That is in direct contravention of Labor's own laws. Is the minister addressing this abysmal shortfall? No. The minister has literally thrown her hands in the air and admitted defeat, saying that it would take 30 years and \$60 million to complete a plan for every park. Instead of knuckling down and addressing this disastrous situation, the minister is compounding the problem. The minister continues to make announcements of new and expanded national parks and protected areas. But where are the announcements of more park rangers to manage these parks? Where are the announcements of new or updated management plans? Where is the announcement that this government will actually abide by its own conservation laws? The LNP fears that these new parks will not be protected at all. They will be yet more examples of this Bligh Labor government's legacy of environmental vandalism.

Queensland is a state of natural beauty. Queensland offers an attractive and enticing environment and lifestyle. Protecting this natural beauty and investing in Queensland's protected areas is integral to maintaining this lifestyle and leaving a legacy for generations to come. Campbell Newman and the can-do LNP team will be a strong voice for the environment. We will hold Labor to account for its broken promises, waste and lack of action. Unlike this tired Bligh Labor government, Campbell Newman and the LNP team will truly protect our natural resources for the benefit of all Queenslanders.

### Mackay, Multicultural Community




**Mr CHOI** (Capalaba—ALP) (5.18 pm): As parliamentary secretary to the Minister for Multicultural Affairs it was a great pleasure to accompany the minister yesterday to a luncheon here in Mackay with some of the representatives of the multicultural community. I want to take this opportunity to thank them for their advocacy and work in the community to make this region such a great place to work, live and bring up a family.

The Queensland government is committed to continually support this state's cultural diversity. Multiculturalism is one of Queensland's greatest strengths. It benefits our communities, our businesses and our trade. When people think of regional Queensland their first thoughts may not be multiculturalism, when in reality places like Mackay are rich with such cultural diversity. In fact, over 10 per cent of Mackay's residents were born overseas. The number of overseas people arriving in Mackay has increased over recent years in order to address the labour shortages Queensland has experienced in various industries.

The Queensland government is striving to sustain and nurture many organisations and programs in regional Queensland to support this cultural diversity, as they provide tremendous benefit to this great state. The Department of Communities, through Multicultural Affairs Queensland, is providing funding to organisations for programs, events and projects aimed at promoting multiculturalism in Queensland, such as the Community Action for a Multicultural Society, known as CAMS, and local area multicultural partnership programs. Here in Mackay, the George Street Neighbourhood Centre was allocated government funding from the CAMS program. Through the Local Area Multicultural Partnership program, the Mackay Regional Council is running a series of learn-to-swim sessions for adult migrants. As Australians, we understand the importance of water safety, but that is not the case for most migrants. Recently, further funding was allocated to the Mackay Regional Council for a driving education project. Road safety is important to the Bligh government and this driving program is of great benefit, not only to newcomers but also to the community as a whole.

I am mindful of the fact that today is the last day of this historical sitting of parliament in Mackay. I thank the wonderful people of Mackay, the Whitsundays and surrounding areas for their hospitality and friendly welcome. In responding to the call of the local members, Jan Jarratt and Tim Mulherin, and understanding that tourism has been hard hit by the cyclone and other natural disasters, I inform the House that this year the Choi clan will not be going overseas for a holiday. We will be coming to Mackay and the Whitsundays. My wife has informed me that hotels have been booked and the rental car has been organised. I am looking forward to coming back to your sunshine, your wonderful natural beauty and, most importantly, your friendly faces.

### Fire Blight

 **Mr SPRINGBORG** (Southern Downs—LNP) (5.21 pm): Australia is one of the few countries in the world that remains free from fire blight, which is a devastating bacterial disease of apples and pears. Our island nation protects us from this threat, but it cannot protect us from the multiheaded, mutant Gillard-Greens independent government that seems hellbent on wreaking misery on the Australian people and sacrificing this crucial long-term Australian industry, aided and abetted by the acquiescence and support of the Bligh government, which has gone missing at a time when Queensland's \$60 million apple industry needs its support and advocacy.

Fire blight is a virulent disease of apples and pears that infects fruit and can kill the entire tree. In the world, 49 countries have fire blight and most countries have no idea how they got it in the first place. Traditionally, Queensland apples ripen three weeks earlier than anywhere else in Australia and galas can come on the market six weeks earlier than anywhere else in the country. Australia's climate puts our apple and pear industry at greater risk than any other country of absolute devastation from this disease.

Ten per cent of New Zealand apple orchards are sprayed with antibiotics to control fire blight. With concerns over food quality, safety, contamination and antibiotic resistance in the food chain, this is not a risk that Queensland consumers want to take. Labor members mouth the 'food security' phrase as a rhetorical cliché with no understanding of its real meaning. With Anna Bligh's support, Julia Gillard has facilitated New Zealand industry and government interests whilst forcing the Australian apple and pear industry to jump through impossible hoops to prove their case.


The Japanese government has imposed the highest possible requirements on countries exporting potentially infected fruit into its country, because it cares about its apple growers and consumers' rights to have clean, green, disease-free fruit. By contrast, Labor could not care less. Adherence to New Zealand orchard standard practices is the only requirement placed on New Zealand apples exported from an infected area. There is nothing else—no special barriers, no intensive inspections, zero requirement for dipping to kill the bacteria.

Australians demand that their government protect our clean, green, food-growing industries, but state and federal Labor governments are deaf to this call. Recently, Julia Gillard stood in the New Zealand parliament and sacrificed our apple industry to win favour from New Zealanders. Instead, her government owes its first duty to Queensland apple and pear growers and consumers.

If New Zealand apples are to come into Australia, they must be subjected to the highest possible phytosanitary requirements of inspection and decontamination. Australia's history is littered with example after example of imported pests and diseases wreaking havoc on our plants, animals and crops. We have a chance to take control, we have a chance to protect these industries and we owe it to future generations.

*(Time expired)*

### Biodiversity


 **Mrs SULLIVAN** (Pumicestone—ALP) (5.24 pm): Last year was the International Year of Biodiversity. Here in Queensland we are blessed with an incredible variety of climates, landscapes and wildlife. In fact, Queensland has the greatest variety of plant groupings, animals and landscapes of any Australian state and is one of the most biologically diverse places on earth. Almost half the species living here are not found elsewhere in the world and Queensland's biodiversity is still being discovered. Queensland is home to: 70 per cent of Australia's native animals, with 210 species; 80 per cent of native birds, with 594 species; just over half of the nation's native reptiles, with 429 species, and native frogs, with 114 species; and more than 11,000 unique native plant species.

As in other states and countries, in Queensland biodiversity is under constant threat from increased human activity and climate change. The Queensland government is responding to help manage these pressures. I am proud of the achievements of this government to preserve this state's biodiversity for the benefit of future generations. The government is developing a Queensland biodiversity strategy in consultation with stakeholders to properly manage the state's efforts to sustain Queensland's biodiversity. This is very important work.

Many parts of the world are not so fortunate as we in Queensland. Last year was the biggest forum in the world for biodiversity. In fact, it was the 10th Convention on Biological Biodiversity. It was held in Nagoya, Japan, and was organised by the United Nations environment program. The meeting in Japan had over 15,000 participants and was at least as big as the Copenhagen climate change conference last year. Sadly, it has received very little attention from the media or the public and I suspect it has also failed to attract the attention that it deserves from many world governments.

The conference in Nagoya was aimed at creating achievable targets and encouraging international cooperation between governments. The main points of discussion included providing access and financial support to countries for the use of their genetic resources and the setting of targets for preserving biodiversity. I encourage every member of this parliament to consider the importance of protecting biodiversity in their electorates within Queensland and right across the world.

### Great Barrier Reef

 **Mr CRIPPS** (Hinchinbrook—LNP) (5.27 pm): In her answer to two recent questions on notice, the Minister for Environment and Resource Management refused to reveal to me the cost of establishing and monitoring the Bligh Labor government's so-called reef run-off regulations. The minister has since been forced to reveal that \$25 million has been spent on rolling out this bureaucratic nightmare. It is a scandal that the activities of farmers and graziers in North Queensland are regulated under the same act that regulates the activities of sewage treatment plants and heavy metal refineries.


The Bligh Labor government swore black and blue that more red tape in the form of big-stick regulations was the only way to save the Great Barrier Reef. The government has made unfounded accusations and slandered the reputations of North Queensland farmers and graziers about their land management practices. This politically driven policy has hurt farmers and graziers in North Queensland, who are now forced to develop and submit costly and complex environmental risk management plans to DERM.

Can members imagine what could have been achieved if, instead of spending \$25 million forcing farmers to comply with regulation, the Bligh government had funded an additional round of the federal government's voluntary incentive based reef rescue package? That program has been so successful that it has been consistently oversubscribed to by primary producers in the three rounds already delivered, such is the enthusiasm amongst landowners to ensure that their land management practices are modern and progressive.

The Bligh Labor government's obsession with regulation and its dependence on a preference deal with the Greens at the last election stood in the way of an opportunity to promote and achieve real outcomes in partnership with cane growers and beef producers. Instead, North Queensland farmers and graziers have spent valuable time and money filling out paperwork to satisfy useless, unproductive regulations, and that is a complete disgrace. Few people realise that the regulations imposed on cane farmers and beef producers in North Queensland involved the threat of massive fines and even jail terms. No fair-minded Queenslanders think that North Queensland farmers and graziers should be treated like criminals.

The sugar and pastoral industries underpin the economies and sustain the employment of many families in many communities across North Queensland and yet the Bligh government has targeted them using selective science and manipulating the available data. I have fought passionately against these so-called reef run-off regulations, not only because the basis of Labor's policy is fraudulent and fabricated but also because they strike at the heart of the industries that support communities in North Queensland in the Mackay, Whitsunday, Burdekin and Wet Tropics catchments. Regional Queensland, and particularly agriculture, is being targeted by the Bligh Labor government, and regional Queensland deserves better.

### Manufacturing

 **Ms FARMER** (Bulimba—ALP) (5.30 pm): I join with all my colleagues in expressing my delight at being in Mackay for regional parliament. This is such a vibrant city and I have very much enjoyed meeting so many locals and hearing about the fantastic opportunities that are available in this region. I understand much better now why the members for Mackay and Whitsunday are always so enthusiastic about the electorates they represent.

On Tuesday morning of this week I had the great pleasure of joining those two members and some of my other parliamentary colleagues to attend a breakfast for local manufacturers hosted by the Minister for Tourism, Manufacturing and Small Business, who, of course, is also the member for Whitsunday. This was an impressive group of local businesspeople who have clearly provided the backbone of support for the mining boom in the area and of other important industry areas such as the marine and farming sectors. They include companies like G&S Engineering, which provides leadership

in the industry in a number of different ways, such as in the assistance it gives to local training organisations; Cummins Engineering, which partners with the Calen District State College to support their training program; and Group Engineering.

Representing the electorate that I do, which has a strong manufacturing base, I was more than delighted when a dedicated portfolio was created for the manufacturing sector. This is a clear message from the Bligh Labor government about the importance of this sector to Queensland's present and future. This message is backed up with action. For example, earlier this year parliament passed the Queensland Industry Participation Policy Bill 2011, legislation which will be critical to ensuring our Queensland manufacturers are well positioned. This week the minister announced the local industry policy guidelines which have been developed to make this policy as accessible as possible.

Several weeks ago I was very pleased to welcome the minister to the Bulimba electorate to have lunch with our local manufacturers, a diverse group of companies, many of which are working at the forefront of their particular area. I speak of companies such as EcoSpecifier, Industrial Plastics, Wild Industries, Norman Wright and Sons and Forgacs Engineering. I know that the minister was very impressed to meet them, as they were to meet her.

The minister gave an excellent address then as she did at Tuesday's breakfast. As I sat listening to her talk, it struck me how fitting her portfolio is for her local community. Not only is that portfolio closely attuned to the interests of a strong industry sector in this dynamic community which provides significant employment opportunities; the minister is at the forefront of the push to make sure that that sector remains a priority for the Bligh Labor government. I congratulate her as I do the Minister for Agriculture, Food and Regional Economies, whose portfolio is also so closely attuned to the needs of his local community, which he serves so well.

### Regional Queensland, Roads



**Dr ROBINSON** (Cleveland—LNP) (5.33 pm): I rise to speak about the appalling state of the Bruce Highway and other main roads in regional Queensland and how this long-term Labor government has failed the people of regional Queensland when it comes to road infrastructure. Before going any further, I need to correct the spurious and misleading media release put out by the main roads minister today in which he falsely claimed 'LNP ducks roads debate in Mackay'.

**Mr WALLACE:** I rise to a point of order. I find those comments offensive and I ask them to be withdrawn.

**Honourable members** interjected.

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

**Dr ROBINSON:** I withdraw. It is clear for anyone who paid attention to parliament throughout the week that the opposition had a lot to say about the poor state of the Bruce Highway, both before and during parliament.

**Mr Reeves:** You didn't ask a question the whole week. No ticker, mate.

**Dr ROBINSON:** Just wait. In fact, the parliamentary week began for me on Sunday, when I travelled the Bruce Highway between Rockhampton and Mackay on a big rig. The journey highlighted the poor condition of the highway. I pointed out the need for overtaking lanes in particular and for more rest areas, among other things. My comments about the Bruce Highway built on the good work carried out by Central Queensland and North Queensland state MPs such as Ted Malone, Mirani; Rosemary Menkens, Burdekin; Andrew Cripps, Hinchinbrook; and Shane Knuth, Dalrymple; and, more recently, by LNP candidates such as Bruce Young, Keppel; and Jason Costigan, Whitsunday.


On Tuesday evening in parliament we debated a motion that condemned the government for failing to plan for and build key infrastructure in regional Queensland and recognised the significant increases in the cost of living that this failure has caused for all Queenslanders. In that debate the Leader of the Opposition addressed the issue of the poor condition of the Bruce Highway, including in Central Queensland, and he specifically mentioned Mackay.

Then in an MPI on Wednesday the member for Mirani, Ted Malone, mentioned the poor state of the Bruce Highway and the roads in the Mackay region after having received a petition from Michelle Leeson, a local girl, about the Bruce Highway. Other MPs also made reference to the poor state of regional roads in Queensland during the week.

Then there is the media that covered LNP comments before and during the week, including Channel 7 Rockhampton, Channel 7 Mackay, Win TV Mackay, ABC Capricornia, Southern Cross radio, 2SM, 4MK, the Rockhampton *Morning Bulletin*, the Mackay *Daily Mercury* and others. So how could the minister miss all of that and conclude that the LNP had no interest? The minister was either asleep during the whole week or was deliberately misleading the Queensland public.

I want to place on public record my gratitude to my driver who took me along the road on the big rig from Rocky to Mackay. I also want to thank the minister. Let me be fair. I want to thank the minister for at least finally heeding requests for more overtaking lanes and for a major truck stop along the Bruce Highway. It is a pity, though, that it took cajoling and public embarrassment before the government came to the party. On behalf of the residents of Rockhampton and Mackay, I do thank him for doing the bidding of the LNP.

### **Mount Isa State Special School; Mount Isa, Youth Services**

 **Mrs KIERNAN** (Mount Isa—ALP) (5.36 pm): As we know, this week is Education Week. Our schools are out there celebrating the wonderful work which occurs each and every day in our schools. As parliament was sitting this week in the wonderful city of Mackay, it was my great pleasure to be invited to be principal for a day at Mount Isa State Special School last Friday. I thank principal Mary Heneghan and all the staff for the fantastic day and for them all taking the time to welcome me and provide me with insight into their day. Most importantly, it gave me the wonderful opportunity to spend time with the truly inspirational students of the school.

I had the great pleasure of handing out the weekly awards and also spending time in each class. One of the most valuable, loved and eager school attendees is Bailey, the assistance dog, who has now been at the school for several years. The staff, students and families of the Mount Isa State Special School have a wonderful relationship and it was my pleasure to be part of this terrific team. It has strengthened my great admiration for this very special school.


I join with Mr Speaker in acknowledging the wonderful students from the Mackay District Special School who performed here yesterday. Sheina Treuel, who is the principal of the Mackay school, was in fact the principal of the Mount Isa State Special School for four years. It was wonderful to see their performance.

We know that education is the most valuable start for every child. We know that it is every child's right to have access to education. I am proud to be part of the Bligh government, which has delivered prep and also two kindies in my electorate and continues to make education our No. 1 priority and investment. We also know that not all children have the same opportunities. I think we all know the tremendous pressure on young people today in particular.

Last week I also had the opportunity to visit a number of services for young people in Mount Isa. I am continually impressed with workers in our government and non-government agencies who deliver services right across-the-board for young people. I am also very aware and very concerned for our at-risk youth in the community and their mental health. Mental illness is an insidious disease, and I will continue to work to increase services. I recognise the tremendous work that individuals, agencies and services have been doing in my community to support our young people from all walks of life.

I also take this opportunity to thank each and every one who has been involved in the regional sitting of parliament this week. I also thank the people of Mackay for their terrific hospitality.

### **Gladstone, Toy Donations**

 **Mrs CUNNINGHAM** (Gladstone—Ind) (5.39 pm): I rise to thank many people in the community of Gladstone and also here in North Queensland. After the floods in the early part of this year I had a call for toys for children under 12. The Gladstone community responded very, very generously, and I have to commend them.

Kitty McDonald from Storage Choice also kindly allowed those toys and some clothing to be stored at Storage Choice for free. They also donated \$20 for fuel. The problem was to get all of that material—and it was a van full—up to the Tully, Cardwell and Townsville region. With the wet weather continuing up north, it was very difficult with the flooding for that to occur. Trying to get the timing of when the roads were open and my diary to coincide was also difficult. Finally, we decided to transport the material up here on the weekend just gone.


Getting an appropriate vehicle was also difficult. The commercial quotes that I received were very high until I had a meeting with Rodney Spratt. Rodney and Robyn run Gladstone Sailing Specialists. They loaned us their transit van free of charge and the only cost we had to cover was the fuel.

I contacted the Gladstone Salvation Army and Jeff Bush put me on to Captain Lincoln Stephens at Townsville. I have to commend Lincoln. He does not know me from a bar of soap and he was very generous of spirit. I also commend Colleen from the Salvation Army at Ingham. Lincoln was unable to meet us at Townsville on Saturday to take delivery of the goods, but he sent along his mum, his sister Gayle and his daughter to open up the Faithworks church so we could transfer the toys from the van to the church. The plan is for their youth leader to take up a wagon that he said is equipped with a lot of boom boxes and stuff that young people like. They are going to have a couple of barbecues at Cardwell and Tully and those toys will be delivered.

Finally, I have to thank my husband, John, who throughout this time has been the carthorse. He has carted the toys from the office, because there were too many, to the shed and lost a lot of sweat. He drove up to Townsville with me and returned the bus on Sunday to Rodney and Robyn, who needed it for work on Monday.

I want to place on record the appreciation that I have for all of those people but, more importantly, I want to place on record the best wishes of the Gladstone community to those families at Cardwell, Tully and elsewhere who will be the recipients of those toys and clothes. I want to reassure them that, even though it is some months since the rain, they are well thought of, they are cared for, they are considered and we wish them all a speedy recovery financially, emotionally and physically. I will travel back to Gladstone tomorrow by car, but I know that they are much thought of.

### Regional Sitzings of Parliament, Mackay

 **Hon. JH JARRATT** (Whitsunday—ALP) (Minister for Tourism, Manufacturing and Small Business) (5.43 pm): Can I just say wow! What a week it has been. The enormous number of announcements, commitments and local initiatives which the Bligh government has committed to over the past week has been quite outstanding. Undoubtedly this government is committed to Mackay and its region, including Whitsunday and Isaac. But to be able to put that commitment on public display this week has been an absolute delight for me as one of the local members.

But, Mr Speaker, before I go on to detail all the successes of the Mackay regional sittings of parliament, I would first like to thank the volunteers and the people behind the scenes who have worked tirelessly to make this event such a triumph. Speaking with my fellow members of parliament, both in government and in opposition, I think everyone is leaving this region impressed by the optimism, determination and resilience of the people of this area and with a better understanding of our vibrant and prosperous economy.

Earlier today I was out at Rural View at the site of a new high school which will be open to take year 8 students as soon as 2013 and will be open to all secondary school year levels come 2017. As a former educator, this is a project which is very close to my heart and for which I have been lobbying for many years. On Tuesday I joined the Premier to announce the successful tenderer who will build the \$41 million trade training centre on the CQ University campus. The campus also boasts a brand-new \$4 million medical and applied sciences laboratory, which the Premier also officially opened. This is a state-of-the-art facility which will be used to train key health professionals such as radiographers and sonographers.

Also on Tuesday I joined the Premier to announce \$300 million to repair over 257 kilometres of flood and rain damaged roads in our region through disaster recovery funding. This kind of investment is absolutely unprecedented and will likely bring over 1,000 jobs to the region. Then there is also \$40 million to flood proof the Glenella to Edmund Casey Bridge section of road. Our roads program is literally paving the way to a brighter future. But the Bligh government is not solely focused on infrastructure delivery. We are also providing training programs, business resilience and assistance and the staff needed to take this region forward.

Finally, I want to thank the people of the Mackay-Whitsunday-Isaac region for their hospitality. As a local, I know why this is the best place in the world to live and I know that many of my fellow members will leave this place envying our lifestyle and the abundant opportunities before us. I am proud to be a part of a government that is working to enhance all of these qualities, and I am proud to be a member of a parliament that truly is the people's parliament.

Question put—That the House do now adjourn.

Motion agreed to.

The House adjourned at 5.46 pm.

## ATTENDANCE

Attwood, Bates, Bleijie, Bligh, Boyle, Choi, Crandon, Cripps, Croft, Cunningham, Darling, Davis, Dempsey, Dick, Dickson, Douglas, Dowling, Elmes, Emerson, Farmer, Finn, Flegg, Foley, Fraser, Gibson, Grace, Hinchliffe, Hobbs, Hoolihan, Hopper, Horan, Jarratt, Johnson, Johnstone, Jones, Keech, Kiernan, Kilburn, Knuth, Langbroek, Lucas, McArdle, McLindon, Malone, Menkens, Messenger, Mickel, Miller, Moorhead, Mulherin, Nelson-Carr, Nicholls, Nolan, O'Brien, O'Neill, Palaszczuk, Powell, Pratt, Reeves, Rickuss, Roberts, 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