



# RECORD OF PROCEEDINGS

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## TUESDAY, 29 NOVEMBER 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.

For the sitting week, Mr Speaker acknowledged the traditional owners of the land upon which this parliament is assembled and the custodians of the sacred lands of our state.

### ASSENT TO BILLS



**Mr SPEAKER:** Honourable members, I have to report that I have received from Her Excellency the Governor a letter in respect of assent to certain bills, the contents of which will be incorporated in the *Record of Proceedings*. I table the letter for the information of members.

The Honourable R.J. Mickel, MP  
Speaker of the Legislative Assembly  
Parliament House  
George Street  
BRISBANE QLD 4000

I hereby acquaint the Legislative Assembly that the following Bills, having been passed by the Legislative Assembly and having been presented for the Royal Assent, were assented to in the name of Her Majesty The Queen on the date shown:

Date of assent: 24 November 2011

"A Bill for An Act to amend the Weapons Act 1990, the Weapons Categories Regulation 1997 and the Weapons Regulation 1996 for particular purposes and to make minor or consequential amendments of the Domestic and Family Violence Protection Act 1989, the Explosives Regulation 2003, the Security Providers Act 1993 and the Transport Operations (Passenger Transport) Act 1994."

"A Bill for An Act providing for the adoption of a national law to regulate education and care services for children."

"A Bill for An Act to amend the Central Queensland University Act 1998, the Education (General Provisions) Act 2006, the Education (Queensland College of Teachers) Act 2005, the Griffith University Act 1998, the James Cook University Act 1997, the Queensland University of Technology Act 1998, the University of Queensland Act 1998, the University of Southern Queensland Act 1998 and the Vocational Education, Training and Employment Act 2000 for particular purposes."

"A Bill for An Act to amend the Cape York Peninsula Heritage Act 2007, the River Improvement Trust Act 1940, the Waste Reduction and Recycling Act 2011, the Water Act 2000, the Wild Rivers Act 2005, the Water Resource (Gulf) Plan 2007, the Sustainable Planning Regulation 2009, the Water Regulation 2002 and to make consequential or minor amendments to particular water resource plans under the Water Act 2000."

"A Bill for An Act to amend the Food Act 2006, the Health Act 1937, the Health Quality and Complaints Commission Act 2006, the Pest Management Act 2001, the Public Health Act 2005, the Public Health (Infection Control for Personal Appearance Services) Act 2003 and the Tobacco and Other Smoking Products Act 1998 for particular purposes."

These Bills are hereby transmitted to the Legislative Assembly, to be numbered and forwarded to the proper Officer for enrolment, in the manner required by law.

Yours sincerely

Governor

24 November 2011

*Tabled paper:* Letter, dated 24 November 2011, from Her Excellency the Governor to Mr Speaker advising of assent to bills on 24 November 2011 [\[5954\]](#).

### SPEAKER'S STATEMENTS

#### State Schools, Choirs



**Mr SPEAKER:** Honourable members, this being our last sitting week of 2011 and with the Christmas season upon us, I have invited school choirs to sing in the Annexe for each of the next three days. This morning following the conclusion of question time the Warrigal Road State School choir will be performing. Tomorrow at 12.45 pm the Ironside State School choir will perform and on Thursday following the conclusion of question time the Manly State School choir will also be singing in the Annexe. I invite all honourable members to join me in welcoming these choirs, their teachers and parents to Parliament House during the week.

### Caddies Christmas Appeal

**Mr SPEAKER:** Honourable members, I encourage all members and staff to join me in supporting the Jimboomba Community Care Association's Caddies Christmas Appeal. A donation basket has been set up in the Annexe foyer next to the nativity scene and donations can also be delivered to the Speaker's office. In particular, the Caddies Christmas Appeal seeks donations of non-perishable foods, children's toys and other items suitable for inclusion in Christmas hampers that will be distributed to families in need this Christmas. Please leave your donations by 14 December so we can deliver them in time for Christmas.

### Parliamentary Christmas Tree

**Mr SPEAKER:** Honourable members, at 6.30 pm this evening, at the commencement of the dinner break, I will be switching on the lights of the parliamentary Christmas tree at the front of Parliament House. This year I have invited the family of former parliamentary Manager, Property Services, Jason Gardiner, to attend this event as special guests of the parliament. Members will know that Jason very sadly passed away in early September this year. In memory of his passing, a decoration on the Christmas tree has been inscribed with Jason's name in honour of his memory. I invite all honourable members to join me in welcoming the Gardiner family to Parliament House for the turning on of the lights of our Christmas tree.

### Answers to Questions on Notice; Ministerial Responses to Petitions

**Mr SPEAKER:** Finally, honourable members, standing order 114 requires that answers to questions on notice shall be supplied to the Table Office within 30 calendar days. Where the 30th day is not a working day, the longstanding practice that has been adopted is that the answer should be provided by the next working day. An answer is deemed to be tabled when it is received by the Table Office and its receipt is noted by the Clerk or their nominee. I wish to advise honourable members that, due to the intervening Christmas-new year closure period, answers to questions on notice asked this week are required to be supplied to the Table Office by Tuesday, 3 January 2012. Additionally, ministerial responses to any petitions tabled this week are also required to be supplied to the Table Office by 5 pm on Tuesday, 3 January 2012.

## PETITIONS

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

#### Townsville West State School, Principal

**Ms Johnstone**, from 51 petitioners, requesting the House to appoint the current Acting Principal, Mr Peter Vigor, to Principal of the Townsville West State School [[5955](#)].

#### Caloundra City Hospital

**Mr McArdle**, from 3,980 petitioners, requesting the House to ensure the Caloundra City Hospital does not lose any services prior and subsequent to the new public hospital opening in Kawana; continue providing for the future needs of the people of Caloundra by expanding service to cater for the growing population; and continue receiving capital and recurrent funding [[5956](#)].

#### Cairns Airport Draft Land Use Plan 2010

**Mr Wettenhall**, from 1,591 petitioners, requesting the House to remove any provision in the Cairns Airport Draft Land Use Plan 2010 for a Movement Expansion Precinct; and restrict any site development that results in the removal of any mangrove wetland surrounding the Cairns Airport [[5957](#)].

#### Mining Explorations, Exclusion Zone

**Mr Hobbs**, a paper and an e-petition, from 732 petitioners, requesting the House to protect rural residences and towns from mining exploration by ensuring a 2 km exclusion zone if requested by the residents; and designate communities under 1,000 population as a town [[5958](#), [5959](#)].

#### Buderim, Men's Shed

**Mr Dickson**, a paper and an e-petition, from 722 petitioners, requesting the House to encourage the Government to assist with the purchase of the land at 53-57 Mill Road, Buderim, in conjunction with the local and federal governments, to deliver much needed community facilities within the local area for the permanent establishment of a Men's Shed [[5960](#), [5961](#)].

The Acting Clerk presented the following e-petitions, sponsored by the honourable members indicated—

#### D'Aguilar Highway, Upgrade

**Mr Powell**, from 65 petitioners, requesting the House to address the unsafe condition of the D'Aguilar Highway specifically between Caboolture and Woodford and the townships of Wamuran and D'Aguilar [[5962](#)].

#### Alexandra Headland, Alexandra Parade

**Ms Simpson**, from 355 petitioners, requesting the House to de-main Alexandra Parade and to hand responsibility for this road to the Sunshine Coast Regional Council so that they can develop place-making initiatives in the heart of our community, Alexandra Headland [[5963](#)].

**Steve Irwin Wildlife Reserve, Mining Application**

**Ms Male**, from 628 petitioners, requesting the House to ask the Minister for Mines and Energy to ensure that no mining applications are granted on any part of the Steve Irwin Wildlife Reserve [[5964](#)].

**Halifax Bay Wetlands**

**Mr Cripps**, from 422 petitioners, requesting the House to reverse the declaration of the Halifax Bay Wetlands as a National Park and convert the area to a Recreational Reserve under the control of the Hinchinbrook Shire Council [[5965](#)].

**Strathpine Westfield, Go Card Top-up Outlet**

**Mr Emerson**, from 49 petitioners, requesting the House to allow a retailer at Strathpine Westfield to have the ability to top-up, register, refund and change expiry dates on Go Cards [[5966](#)].

The Acting Clerk presented the following e-petitions, sponsored by the Clerk of the Parliament in accordance with Standing Order 119(4)—

**Lake McKenzie Beach**

53 petitioners, requesting the House to restore the Lake McKenzie (Boorangoora) Beach to its natural state to operate without further man-made interference [[5967](#)].

**Redcliffe City Council**

78 petitioners, requesting the House to immediately begin the process of de-amalgamating the Redcliffe Peninsula and establishing a Redcliffe City Council tailor-made to meet the needs of this community [[5968](#)].

**Prong Collars, Ban**

486 petitioners, requesting the House to impose a complete ban in Queensland on the private, public and professional use, sale and promotion of prong collars [[5969](#)].

Petitions received.

**TABLED PAPERS****PAPERS TABLED DURING THE RECESS**

The Acting Clerk informed the House that the following papers, received during the recess, were tabled on the dates indicated—

18 November 2011—

[5932](#) Administration of the Foreign Ownership of Land Register Act 1988—Annual Report 2010-11

[5933](#) Strategic Cropping Land Bill 2011: Erratum to Explanatory Notes

21 November 2011—

[5934](#) Parliamentary Crime and Misconduct Committee: Report No. 85—Criminal Organisation Amendment Bill 2011

[5935](#) Legal Affairs, Police, Corrective Services and Emergency Services Committee: Report No. 7—Civil Partnerships Bill 2011

22 November 2011—

[5936](#) Office of the Director of Public Prosecutions—Annual Report 2010-11

[5937](#) Office of the Public Advocate—Annual Report 2010-11

[5938](#) Office of the Adult Guardian—Annual Report 2010-11

[5939](#) Mt Gravatt Showgrounds Trust—Annual Report 2010-11: Late tabling statement by the Minister for Child Safety and Minister for Sport (Mr Reeves)

[5940](#) Legal Affairs, Police, Corrective Services and Emergency Services Committee: Report No. 8—Civil Proceedings Bill 2011

23 November 2011—

[5941](#) Response from the Minister for Employment, Skills and Mining (Mr Hinchliffe), to a paper petition (1796-11) presented by Mr Wellington, from 92 petitioners, requesting the House to enforce a complete ban on hydraulic fracturing and instead harness readily available renewable energy

[5942](#) Response from the Minister for Transport and Multicultural Affairs (Ms Palaszczuk), to a paper petition (1794-11) presented by Mr Emerson, from 346 petitioners, requesting a new bus service into Drewvale south of the Logan Motorway

[5943](#) National Trust of Queensland—Annual Report 2010-11: Erratum

24 November 2011—

[5944](#) Letter, dated 23 November 2011, from the Premier and Minister for Reconstruction (Ms Bligh) to the Acting Clerk of the Parliament correcting the parliamentary record in relation to a ministerial statement on 17 November 2011 regarding swift-water rescue technicians

[5945](#) Response from the Minister for Environment (Ms Darling) to an ePetition (1745-11) sponsored by Mr Cripps, from 491 petitioners, requesting the House to reverse the declaration of the Halifax Bay Wetlands as a National Park and convert the area to a Recreational Reserve to allow all forms of recreation to be enjoyed in that area

25 November 2011—

[5946](#) Response from the Premier and Minister for Reconstruction (Ms Bligh) to an ePetition (1719-11) sponsored by the Clerk of the Parliament in accordance with Standing Order 119(4), from 866 petitioners, regarding infrastructure planning and the Bruce Highway

[5947](#) Environment, Agriculture, Resources and Energy Committee: Report No. 6—Strategic Cropping Land Bill 2011

[5948](#) Response from the Minister for Environment (Ms Darling) to two paper petitions (1798-11 and 1809-11) presented by Mr Sorensen, from 2,100 and 239 petitioners respectively, and an ePetition (1715-11) sponsored by Mr Sorensen, from 378 petitioners, requesting an independent scientific review of the current management strategy for Fraser Island dingoes and other enumerated actions

28 November 2011—

[5949](#) Industry, Education, Training and Industrial Relations Committee: Report No. 6—Holidays and Other Legislation Amendment Bill 2011

[5950](#) Finance and Administration Committee: Report No. 7—Commonwealth Games Arrangements Bill 2011

[5951](#) Australian Health Practitioner Regulation Agency—Annual Report 2010-11

[5952](#) Response from the Premier and Minister for Reconstruction (Ms Bligh) to an ePetition (1723-11) sponsored by Mr McLindon, from 363 petitioners, requesting a referendum in accordance with the Queensland Constitution to reintroduce an Upper House

[5953](#) Response from the Minister for Environment (Ms Darling) to a paper petition (1799-11) presented by Mr Cripps, from 284 petitioners, requesting the House to direct the Minister for Environment to move the flying fox colony from the residential area of Mystic Sands to a suitable area in the State Forest or National Parks land

#### STATUTORY INSTRUMENTS

The following statutory instruments were tabled by the Acting Clerk—

Health and Hospitals Network Act 2011—

[5970](#) Proclamation commencing certain provisions, No. 228

[5971](#) Proclamation commencing certain provisions, No. 228, Explanatory Notes

State Penalties Enforcement Act 1999, Tobacco and Other Smoking Products Act 1998—

[5972](#) Tobacco and Other Smoking Products and Another Regulation Amendment Regulation (No. 1) 2011, No. 229

[5973](#) Tobacco and Other Smoking Products and Another Regulation Amendment Regulation (No. 1) 2011, No. 229, Explanatory Notes

Corrective Services Act 2006—

[5974](#) Corrective Services Amendment Regulation (No. 1) 2011, No. 230

[5975](#) Corrective Services Amendment Regulation (No. 1) 2011, No. 230, Explanatory Notes

Environmental Protection Act 1994, Waste Reduction and Recycling Act 2011—

[5976](#) Waste Reduction and Recycling Regulation 2011, No. 231

[5977](#) Waste Reduction and Recycling Regulation 2011, No. 231, Explanatory Notes

Gene Technology Act 2001—

[5978](#) Gene Technology Amendment Regulation (No. 1) 2011, No. 232

[5979](#) Gene Technology Amendment Regulation (No. 1) 2011, No. 232, Explanatory Notes

State Development and Public Works Organisation Act 1971—

[5980](#) State Development and Public Works Organisation (State Development Areas) Amendment Regulation (No. 2) 2011, No. 233

[5981](#) State Development and Public Works Organisation (State Development Areas) Amendment Regulation (No. 2) 2011, No. 233, Explanatory Notes

Gaming Machine Act 1991—

[5982](#) Gaming Machine Amendment Regulation (No. 1) 2011, No. 234

[5983](#) Gaming Machine Amendment Regulation (No. 1) 2011, No. 234, Explanatory Notes

Electricity Act 1994—

[5984](#) Electricity Amendment Regulation (No. 2) 2011, No. 235

[5985](#) Electricity Amendment Regulation (No. 2) 2011, No. 235, Explanatory Notes

Fisheries Act 1994—

[5986](#) Fisheries Legislation Amendment and Repeal Regulation (No. 1) 2011, No. 236

[5987](#) Fisheries Legislation Amendment and Repeal Regulation (No. 1) 2011, No. 236, Explanatory Notes

[5988](#) Fisheries Legislation Amendment and Repeal Regulation (No. 1) 2011, No. 236, Regulatory Impact Statement

## Industrial Relations Act 1999—

[5989](#) Industrial Relations (Tribunals) Rules 2011, No. 237

[5990](#) Industrial Relations (Tribunals) Rules 2011, No. 237, Explanatory Notes

## Work Health and Safety Act 2011—

[5991](#) Proclamation commencing certain provisions, No. 238

[5992](#) Proclamation commencing certain provisions, No. 238, Explanatory Notes

## Safety in Recreational Water Activities Act 2011—

[5993](#) Proclamation commencing remaining provisions, No. 239

[5994](#) Proclamation commencing remaining provisions, No. 239, Explanatory Notes

Building Act 1975, Child Employment Act 2006, Coal Mining Safety and Health Act 1999, Explosives Act 1999, Forensic Disability Act 2011, Health Act 1937, Mining and Quarrying Safety and Health Act 1999, Petroleum and Gas (Production and Safety) Act 2004, Public Health Act 2005, Queensland Building Services Authority Act 1991, Queensland Civil and Administrative Tribunal Act 2009, Sustainable Planning Act 2009, Transport Operations (Road Use Management) Act 1995, Work Health and Safety Act 2011—

[5995](#) Work Health and Safety Regulation, No. 240, Vol. 1

[5996](#) Work Health and Safety Regulation, No. 240, Vol. 2

[5997](#) Work Health and Safety Regulation, No. 240, Explanatory Notes

## Safety in Recreational Water Activities Act 2011—

[5998](#) Safety in Recreational Water Activities Regulation 2011, No. 241

[5999](#) Safety in Recreational Water Activities Regulation 2011, No. 241, Explanatory Notes

## Petroleum and Gas (Production and Safety) Act 2004—

[6000](#) Petroleum and Gas (Production and Safety) Amendment Regulation (No. 4) 2011, No. 242

[6001](#) Petroleum and Gas (Production and Safety) Amendment Regulation (No. 4) 2011, No. 242, Explanatory Notes

[6002](#) Petroleum and Gas (Production and Safety) Amendment Regulation (No. 4) 2011, No. 242, Regulatory Impact Statement

## Petroleum and Gas (Production and Safety) Act 2004—

[6003](#) Petroleum and Gas (Production and Safety) Amendment Regulation (No. 5) 2011, No. 243

[6004](#) Petroleum and Gas (Production and Safety) Amendment Regulation (No. 5) 2011, No. 243, Explanatory Notes

## Natural Resources and Other Legislation Amendment Act (No. 2) 2010—

[6005](#) Natural Resources and Other Legislation Amendment (Postponement) Regulation 2011, No. 244

[6006](#) Natural Resources and Other Legislation Amendment (Postponement) Regulation 2011, No. 244, Explanatory Notes

## Child Protection Act 1999—

[6007](#) Child Protection Regulation 2011, No. 245

[6008](#) Child Protection Regulation 2011, No. 245, Explanatory Notes

## Environmental Protection Act 1994, Sustainable Planning Act 2009—

[6009](#) Environmental Protection and Other Legislation Amendment Regulation (No. 1) 2011, No. 246

[6010](#) Environmental Protection and Other Legislation Amendment Regulation (No. 1) 2011, No. 246, Explanatory Notes

## Environmental Protection and Other Legislation Amendment Act 2011—

[6011](#) Proclamation commencing certain provision, No. 247

[6012](#) Proclamation commencing certain provision, No. 247, Explanatory Notes

## Environmental Protection Act 1994—

[6013](#) Environmental Protection Amendment Regulation (No. 4) 2011, No. 248

[6014](#) Environmental Protection Amendment Regulation (No. 4) 2011, No. 248, Explanatory Notes

## MEMBER'S PAPER TABLED BY THE ACTING CLERK

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

Member for Townsville (Ms Johnstone)—

[6015](#) Non-conforming petition, from 51 petitioners, requesting that the current acting Principal of the Townsville West State School, Mr Peter Vigor, be appointed permanently to the position of Principal, being the most qualified person to lead the school into the next period of its growth

## REPORT TABLED BY THE ACTING CLERK

The following report was tabled by the Acting Clerk—

[6016](#) Report pursuant to Standing Order 165 (Clerical errors or formal changes to any Bill) detailing amendments to certain Bills, made by the Clerk and Acting Clerk, prior to assent by Her Excellency the Governor, viz—

**Education and Care Services National Law (Queensland) Bill 2011**

Amendment made to Bill

**Clause 14 (Relevant Tribunal or Court)**

At page 13, line 11, '(1)'—

*Omit, insert—*

'(2)'.

**Health Legislation Amendment Bill 2011**

Amendments made to Bill\*

**Clause 14 (Insertion of new ch 11, pt 3B)**

At page 14, line 26, before 'A regulation may'—

*Insert—*

'(1)'.

**Clause 14 (Insertion of new ch 11, pt 3B)**

At page 18, line 28, 'scheme.'—

*Omit, insert—*

'scheme.'.

**Clause 16 (Insertion of new ch 12, pt 3)**

At page 20, line 29, 'vending machine.'—

*Omit, insert—*

'vending machine.'.

\* The page and line number references relate to the Bill, as amended.

**MINISTERIAL PAPER****Buffel Park Accommodation Village, Construction Approval**

**Hon. AP FRASER** (Mount Coot-tha—ALP) (Deputy Premier, Treasurer and Minister for State Development and Trade) (9.37 am): In accordance with section 432 of the Sustainable Planning Act 2009, I table a report of my decision of 1 September 2011 to approve the construction of BMA's Buffel Park accommodation village subject to conditions.

*Tabled paper:* Report by the Deputy Premier, Treasurer and Minister for State Development and Trade, Hon. Andrew Fraser MP, pursuant to s432 of the Sustainable Planning Act 2009, in relation to the ministerial call-in of development applications for the Buffel Park Accommodation Village at Moranbah by BM Alliance Coal Operations Pty Ltd [\[6017\]](#).

**MINISTERIAL STATEMENTS****Education Trust**

**Hon. AM BLYTH** (South Brisbane—ALP) (Premier and Minister for Reconstruction) (9.37 am): We all know that Queensland is on the cusp of a very bright future that will bring massive and unprecedented prosperity to our state. The LNG industry that our government has worked hard to bring to reality is now providing jobs and investing in our economy. The demand for our resources from the booming Asian economies continues to grow. It is the view of our government that this prosperity means Queenslanders face a vitally important question: do we use this prosperity to create a golden era that can last far beyond this moment into generations to come or do we simply enjoy it while it lasts, make no plans for the long term and let tomorrow look after itself? Labor's vision is to use the state's resources, owned by all Queenslanders, to grow prosperity for all of us as Queensland grows but, more than that, to create a lasting legacy by fuelling the education of the next generation.

Last week I announced our plan to turn our bright future into a long, enduring golden era for Queensland as the Queensland Education Trust. We propose that the trust be established by dedicating 50 per cent of all LNG royalties and investing them in the education and training of future Queenslanders, positioning our state as a highly skilled, highly educated, knowledge based economy that can drive the future prosperity not only of Queensland but also of the nation.

Treasury projections indicate that over the next decade alone more than \$1.8 billion in LNG royalties would be allocated to such a trust. Right now we are asking Queenslanders about using this bounty in one of two ways. One proposal would see the government establish individual trust accounts for every newborn from July 2012 onwards with an initial deposit of \$500 at birth and a further contribution of around \$3,200 at the age of prep. Alternatively, the trust could set aside funds to support targeted education and training initiatives across the entire education and training sector that are currently not available in Queensland or, indeed, anywhere else in Australia to give our children a big educational advantage.

This is a big idea and it is an idea that has already captured the imagination of many Queenslanders. We have seen more than a hundred responses a day online to our survey since we launched it last week, and 72½ per cent of those respondents are in favour of the trust. This consultation will continue into February, when the government will seek to refine our views on these options.

Today I am pleased to announce my intention to host a Mines to Minds round table on 12 December with key stakeholders to get their detailed views on this proposal. The feedback from the vast majority of major stakeholders has been positive. For example, Queensland Resources Council CEO Michael Roche said that our announcement was an example of how 'this generation's wealth creation can become a legacy for those that follow'. Arrow Energy CEO Andrew Faulkner said that the LNG industry would generate much wealth and added that it is great to see such a large portion of that wealth directed to the education of future generations of Queenslanders. QGC Pty Ltd welcomed the proposal because it would educate generations of Queenslanders to come. Education stakeholders have been equally effusive, with QTU President Steve Ryan saying—

Harnessing the benefit of Queensland's boom industries to benefit all Queenslanders is a positive move; even more positive is the direction of more funds towards helping every Queensland child achieve his or her full potential through education.

Similarly, Queensland Catholic Education Commission Executive Director Mike Byrne welcomed the proposal, calling the trust 'a constructive way for the community to share in the mineral wealth of the state'. Independent Schools Queensland welcomed the plan and said that they looked forward to further consultation. Meanwhile, the Queensland Council of Social Service considers the announcement of the Queensland Education Trust an important component of working towards a fair state. I look forward to meeting with these stakeholders and others to work out final details of the plan.

Over the last decade it is Labor that has had the big ideas and the big reforms in our education system, and we have systematically actioned those ideas and have laid the foundation for our state's bright future. More than 10 years ago Queensland was a low-skill economy with a year less in schooling than other states, high unemployment and chronic underfunding of services for some of our most vulnerable people. Today we have more scientists and researchers per capita than other states of Australia. We have boosted funding for government services to national average spending or above. We have added an extra year of schooling in prep. We are undertaking the largest expansion of kindergarten in Queensland's history. We account for 40 per cent of Australia's school based apprenticeships and we are moving year 7 to high school. Labor believes that our ambition should be as vast as our borders and that our luck should not be a sanctuary for complacency but a springboard to greatness. With this trust, we have an opportunity to lead that Queensland greatness. I look forward to taking a final proposal to the Queensland people.

## Walkley Awards



**Hon. AM BLIGH** (South Brisbane—ALP) (Premier and Minister for Reconstruction) (9.43 am): On Sunday night Queensland was host to the annual Walkley Awards, which returned to Brisbane for the first time in 12 years. The Walkley Awards are the pinnacle of recognition for members of the Australian media, and to win an award is a special and prestigious achievement. I was very proud to see that many of the outstanding finalists and winners on the night were members of Queensland's news media. Today I want to pay tribute to the efforts of those dedicated journalists, cameramen, photographers and editors.

As we all know, this has been a very tough year for Queensland and for Queenslanders with our natural disasters. Every member will recall that the role of the news media at that time was critical: warning Queenslanders of the dangers, telling them where they could get help and where they could find safety, and rallying others to lend a hand. A number of the nominations for the Walkley Awards this year recognised outstanding work at this time.

Queensland's winners on the media's night of nights included Brisbane's Seven News team, who won the award for best television news reporting for their reporting of the Lockyer Valley floods. I congratulate reporters Geoff Breusch and Erin Edwards, cameramen Jeremy Ward and Luke Miers, and editor Sally Eeles for their efforts on a very difficult day. Jeremy also won the Walkley for best broadcast camerawork for his footage of the same tragedy.

The award for best news photography went to photographer Neville Madsen of the *Toowoomba Chronicle*. Neville's sequence of Hannah Reardon-Smith and her mother, Kathryn, caught in rising floodwaters was shot in the most trying of circumstances as he risked his own safety. His harrowing sequence of photographs became one of the symbols of the tragedy that Queensland faced during those difficult times.

Trent Dalton from the *Courier-Mail* won the Walkley for social equity journalism for 'Home is where the hurt is', his very confronting article on domestic violence published in the *Qweekend* magazine. Mike Colman's 'Tree of life' was a deserving winner of the Walkley Award for magazine feature writing. His *Qweekend* feature was a combination of detailed research and quality writing and was a superb tribute to Queensland's Anzac spirit and a compelling portrayal of the impact of war. The Walkley award for coverage of Indigenous affairs went to Kathleen Skene of the *Townsville Bulletin*. The article confronted allegations of mismanagement and serious failures within local Indigenous organisations and was a very courageous expose.

I congratulate all of these winners. It was great to see some of our regional journalists being honoured in these national awards. All of these awards are a reminder that quality journalism will always be an integral part of a strong and healthy democracy.

### Resource Projects

 **Hon. AP FRASER** (Mount Coot-tha—ALP) (Deputy Premier, Treasurer and Minister for State Development and Trade) (9.46 am): There can be no doubt that the global economy continues to disappoint, with European policymakers remaining in a stultifying gridlock as capital markets brace for a substantial slowdown. Overnight, the OECD has nearly halved growth forecasts across developed nations, from 2.8 per cent to 1.6 per cent for 2012, saying that the contagion risk from Europe has the potential for what they describe as 'hugely devastating outcomes' in a worst case scenario. Against this backdrop, Australia continues to fare well and investment in Queensland continues to support economic growth. But global circumstances will have an impact on Australian growth forecasts and, obviously, will also weigh on Queensland's prospects. Make no mistake: we are set to continue to outperform the OECD and outperform the nation.

The investment step-change, led out of resources and now spreading through the economy, has substantial and unstoppable momentum. Capturing these benefits will now be even more important. As the Premier just outlined, we intend to harvest the opportunity to invest in our human capital, in upskilling future generations to secure and perpetuate our prosperity. Our proposal for an education trust is about the long-term investment of our future revenues, for future generations to benefit.

Today I can announce another plank of this government's reforms to ensure Queensland industry gets its piece of the resources boom, too. The economy is being fuelled by billions of dollars in opportunities flowing from projects within the private sector—money that is flowing through the economy, creating jobs and boosting activity across many different sectors. It was a Labor government that first developed the nation's first local industry policy, and earlier this year we enshrined it in legislation to promote its capacity to provide local industry with a fair go. Today we take that further. While some recent major project approvals have included requirements for local industry participation plans, the government will now move to ensure that all new major projects, both government and private sector, will be required to provide local industry with opportunity through the conditioning process of project approvals.

Our Industry Capability Network will play a large role in matching specific jobs to capable local suppliers and mapping any critical skills and training needs. The government proposes to undertake a regulatory assessment statement in coming months to give all industry stakeholders their say on the most streamlined, effective arrangements for delivery and reporting. These actions result from the discussions with the Australian Steel Alliance, including the Australian Steel Institute, the Australian Institute of Steel Detailers and the AMWU, and I acknowledge their advocacy.

We know that the size of the boom heading our way means that it will be impossible for local suppliers to fulfil every single requirement of every single project, but they can be given a clear shot in maximising the opportunity for local industry to support Queensland jobs. This is Queensland once again leading the nation in implementing reforms that will make a real difference to local industry—supporting jobs and driving investment, just like we said we would.

### Education Reform

 **Hon. CR DICK** (Greenslopes—ALP) (Minister for Education and Industrial Relations) (9.49 am): Education reform and improvement are the hallmarks of the Bligh Labor government. With the changes we have been making over the past decade, we are building a bright future for young Queenslanders. As part of our reform agenda, we are on track to provide all Queensland children access to a quality kindergarten program by 2014. We have already created an extra 22½ thousand places in a bid to make

kindy more accessible. We have allocated an extra \$500,000 to provide community kindergartens with extra resources for children with a disability, and we have extended fee relief to healthcare card holders, making kindergarten cheaper for low-income families.

But it does not stop there. I am pleased to announce today that the Bligh government is removing another barrier to kindy participation by offering reduced fees for families with triplets or more who attend kindy in the same year. With this subsidy, parents can save up to almost \$1,200 per year for each child. We are directly reducing the out-of-pocket costs for parents who would otherwise be faced with a triple whammy in kindy fees. These families might be experiencing triple the joy but they also face triple the expenses when it comes to kindy. We want to help all young Queenslanders get the best possible start to their education and recognise that some families need extra support to take advantage of the opportunities available to their children.

The Bligh government's commitment to improving our education system continues, with the Premier last week announcing the proposal to establish the Queensland Education Trust. This proposal will take our reform agenda to the next level and will fundamentally change the way education is funded in this state. This visionary policy will ensure Queensland continues to reap the benefits of the LNG industry for generations to come. The From Mines to Minds proposal is about ensuring our children have the education opportunities to capitalise on the economic benefits of the LNG industry and help make our great state even greater. We want to take the wealth generated from our finite resources and invest it in an infinite resource—the potential of our children. We have a once-in-a-generation opportunity to create an even brighter future for our children, and Labor is ready to help Queenslanders grasp this opportunity with both hands.

### Education Trust

 **Hon. SJ HINCHLIFFE** (Stafford—ALP) (Minister for Employment, Skills and Mining) (9.52 am): On Friday night I joined more than a thousand Queenslanders at the Australian Training Awards to witness Brisbane based Hutchinson Builders recognised as Employer of the Year. Eight Queensland finalists took part in the nation's most prestigious training awards. The Bligh Labor government shares and supports their passion and commitment to training excellence.

Our Education Trust—\$1.8 billion over 10 years from future LNG royalties—is our investment in the skills and training of a new generation of Queenslanders, our investment in their future. It means a budding new generation of workers will be better educated and better skilled, with more opportunities than anyone who came before them. It is a first for government and, importantly, it puts Queenslanders first.

We are on the threshold of a new era in economic prosperity. There will never be another opportunity like this. We want all Queenslanders to share in the boom times and have their say on our new Education Trust and how those funds could be used. It will create opportunities for young people that their parents did not have. It could be used for initiatives such as dedicated funds for TAFE and university scholarships, tools for apprentices, tuition fees, education and training initiatives beyond the basics and beyond school years, living expenses and travel expenses for students in regional Queensland. The opportunities are endless.

There are decades of jobs on the horizon, and Labor has its sights set firmly on the future—a future that will be better and brighter than ever before. Our Education Trust will unlock the door to a lifetime of opportunities for young Queenslanders. Planning and providing for the Education Trust with the windfall of this sunrise industry will ensure the bounty of our resources continues to provide opportunities for Queenslanders long into our bright future.

### Major Projects

 **Hon. PT LUCAS** (Lytton—ALP) (Attorney-General, Minister for Local Government and Special Minister of State) (9.53 am): The Bligh government has a plan to make the most of Queensland's bright future. This includes working with the private sector to create new places to live, work and play and meet the needs of a growing Queensland population and economy. That is why I am pleased to announce today three more major projects—in Maryborough, Beenleigh and Rockhampton—which have gained endorsement from the Queensland government Major Projects Office. Combined, these latest additions to the Major Projects Office list are potentially worth \$336 million to the Queensland economy and more than 860 jobs.

The Maryborough marine industrial park represents the first industrial project to received admission to the process. This \$40 million proposal will, if approved, accommodate marine based businesses such as boat builders and repairers, marine equipment manufacturers and associated service delivery. It is anticipated to support up to 100 operational jobs once it is up and running. In an area like Maryborough, where industries such as fisheries and tourism are important employers, appropriate marine infrastructure is vitally important.

The Major Projects Office will also be working with the proponents of a mixed-use transit oriented development at Beenleigh. Importantly, this project is anticipated to provide homes for several hundred people and feature a bus interchange with opportunities for retail and commercial space. All up, this \$196 million opportunity is set to provide 300 construction jobs and 500 operational jobs.

The latest addition to the major projects list is the mixed-use Empire Rockhampton project at East Street in the city's CBD. This \$100 million development will include more than 120 units for short-term tourist and business accommodation, meeting rooms, offices and restaurants in a 13-storey building. It is also expected to inject up to 260 construction and operational jobs into the Rockhampton economy.

These additional projects bring the total value of projects endorsed to receive assistance from the MPO since it opened just over three months ago, on 25 August, to an impressive \$2.2 billion, with the potential to support 17,600 jobs. The government has a plan to deliver for Queenslanders. It is a strong plan under a strong leader to deliver jobs and infrastructure right across the state, and the Major Projects Office is helping us to achieve that goal.

## MOTION

### Suspension of Standing Orders



**Hon. JC SPENCE** (Sunnybank—ALP) (Leader of the House) (9.56 am): I move—

That standing order 136(5) be suspended for the Civil Proceedings Bill, the Strategic Cropping Land Bill, the Commonwealth Games Arrangements Bill and the Holidays and Other Legislation Amendment Bill to allow the commencement of the second reading debate despite seven days not having elapsed since the tabling of the portfolio committee reports on these bills.

**Mrs CUNNINGHAM** (Gladstone—Ind) (9.56 am): I seek a clarification from the Leader of the House as to whether there is any intention to cognate any of these bills with anything on the *Notice Paper*.

**Hon. JC SPENCE** (Sunnybank—ALP) (Leader of the House) (9.57 am): I am happy to say that, no, we have no intention to have a cognate debate; they will all be debated separately.

Question put—That the motion be agreed to.

Motion agreed to.

## COMMITTEE OF THE LEGISLATIVE ASSEMBLY

### Parliamentary Service, Questionnaire



**Hon. JC SPENCE** (Sunnybank—ALP) (Leader of the House) (9.57 am): Honourable members, circulating in the chamber this morning is the annual questionnaire on the performance of the Parliamentary Service. The feedback the questionnaire is designed to elicit is very important. Could members please take a few minutes to complete the questionnaire and place it in the ballot box on the table of the House or forward it to the Clerk's office.

## HEALTH AND DISABILITIES COMMITTEE

### Issues Paper



**Ms NELSON-CARR** (Mundingburra—ALP) (9.58 am): I lay upon the table of the House an issues paper by the Health and Disabilities Committee titled 'Queensland Law Reform Commission recommendations on guardianship laws inquiry: issues paper, November 2011'.

*Tabled paper:* Health and Disabilities Committee: Issues Paper—Queensland Law Reform Commission Recommendations on Guardianship Laws Inquiry, November 2011 [6018].

The issues paper encourages public discussion and submissions to the committee's inquiry into the law about advance health decisions. The issues paper explains the Health and Disability Committee's terms of reference. The inquiry focuses on recommendations to reform the law on the operation of advance health directives, on decisions to withhold or withdraw a life-sustaining treatment and the effect of a person's prior objection to urgent health care. Tomorrow the committee is holding a public forum on guardianship laws and healthcare decisions, from 9.45 am to 12.45 pm, here at Parliament House. Everyone is welcome to attend. The committee has called for submissions by 15 December 2011 and is required to report by the end of March 2012.

## NOTICE OF MOTION

### Bligh Labor Government

 **Mr SEENEY** (Callide—LNP) (Leader of the Opposition) (9.59 am): I give notice that I shall move—

That this parliament notes that after 20 years in power this Bligh Labor government has nothing left to offer the people of Queensland and, further, that this parliament condemns the failed Labor government for failing to outline any vision for Queensland's future.

## SPEAKER'S STATEMENT

### Visitors to Public Gallery

 **Mr SPEAKER:** Honourable members, before I call question time, I welcome to the public gallery today students, teachers and parents from the Southbrook Central State School in the electorate of Condamine. Also this week the parliament is playing host to APEC, the Australian Parliamentary Educators Conference. The members of that conference from throughout Australasia are present in the public gallery. Would you please make them feel welcome.

**Honourable members:** Hear, hear!

## QUESTIONS WITHOUT NOTICE

### Tourism Industry

 **Mr SEENEY** (10.00 am): My first question is to the Minister for Tourism, Manufacturing and Small Business. I table a copy of a document from the Queensland Labor Party which has an interesting quote which states—

It is fair to say that no-one much is happy with the party's policy process.

I table the document.

*Tabled paper:* Queensland Labor document titled 'Policy Making for every member' [6019].

I also table a document which the minister has been quoting from as a tourism policy but which is actually marked 'not government policy'.

*Tabled paper:* Department of Employment, Economic Development and Innovation document titled 'Industry discussion paper for input to the Tourism Action Plan 2012-2015' [6020].

The question I ask the minister is this: after 20 years, do the minister and the government have a tourism policy, or is this document just part of the policy process that no-one in the Labor Party is happy with?

**Government members** interjected.

**Mr SPEAKER:** Order! I call the Minister for Tourism.

**Ms JARRATT:** I do thank the honourable member for the question. It is a little puzzling that he should be asking me a question about tourism this morning. I guess at this point I really should put on record my sincere sympathies for the member for Currumbin at having had her future dreams and hopes of being a tourism minister in a future Newman-led government snatched away from her so publicly. I absolutely understand her disappointment and the humiliation of being so publicly dumped. It is uncertain just who would be the minister for tourism in a Newman-led government. Perhaps it is the member for Callide. I wonder what sort of reception that would get from our tourism industry in Queensland.

**Mr STEVENS:** I rise to a point of order relating to relevance of the answer.

**Government members** interjected.

**Mr STEVENS:** I rise to a point of order with regard to relevance of the answer to the question.

**Government members** interjected.

**Mr SPEAKER:** Those on my right will cease interjecting.

**Government members** interjected.

**Mr SPEAKER:** Those on my right! I am on my feet! I will hear the point of order.

**Mr STEVENS:** I rise to a point of order, Mr Speaker. There was absolutely no relevance in that answer to this point in time in relation to the question.

**Mr SPEAKER:** The point of order is in relation to relevance. As I wrote the question down, it had a policy process in the Labor Party. It had a document which I have not seen. I will ask the minister to come to the point.

**Mr Lucas** interjected.

**Mr SPEAKER:** Attorney-General, rather than coach me, if you would like to take a point of order, I will listen to your point of order. I call the minister.

**Ms JARRATT:** Mr Speaker, I have been asked a question by a member opposite who is not the shadow minister for tourism, so I think to address the issue of why this member would ask me a question about tourism is fairly relevant at this point in time. The opposition's confusion over issues of tourism policy are not at all surprising to me. Last week we had the opposition out and about calling media conferences. The first one was a media conference to announce that it was going to make an announcement on tourism. That was pretty exciting and certainly got the tourism industry on the edge of its seat. A few days later we had the big announcement—the plan to produce a plan. Well, that was—

**Mr STEVENS:** I rise to a point of order again, Mr Speaker.

**Government members** interjected.

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

**Mr STEVENS:** The minister has again ignored your direction and failed to give any relevance in her answer.

**Mr SPEAKER:** Order! I have listened to the point of order, but my judgement this time is that the minister is answering a question in relation to a policy process. I have not seen the document that the Leader of the Opposition is referring to. I am at that disadvantage. But the question is asked with a political point. The minister, as I am interpreting it, is alluding to a policy process and therefore the minister is in order. I call the minister.

**Ms JARRATT:** Thank you very much, Mr Speaker. As I was saying, those opposite have announced a plan to produce a plan. But not only is it bereft of any detail of costings or how the industry might benefit; they have actually taken every idea in that plan from a discussion paper which has been launched by this government—not a policy document, a discussion paper that we have out for comment with stakeholders and with the industry. The one thing you will not find in our discussion paper is any images of Mexico, because we know that there are enough great images of wonderful tourism destinations right here in Queensland—in the electorates of those opposite—that could fill the pages of a document. We do not need to outsource our images to put with our tourism documents.

### Tourism Industry

**Mr SEENEY:** I note that in her answer the minister gave reference to photographs that were used by the opposition, and I table for the benefit of the House printouts from Queensland government websites for the tourism industry showing a whole range of similar file photos of everything from cruise ships to beaches. I also table a copy of a website from the Queensland government industry manufacturing forums showing a whole range of similar file photos.

*Tabled paper:* Bundle of web page printouts containing images relating to tourism and manufacturing [6021].

I ask the minister: after 20 years in power with no policy at all of its own, is it the best the government can do to nitpick about the use of file photos, which it does itself?

**Honourable members** interjected.

**Mr SPEAKER:** Order!

**Honourable members** interjected.

**Mr SPEAKER:** Order! Both sides of the House! I call the minister.

**Ms JARRATT:** Here is a revelation for the Leader of the Opposition in the parliament: Tourism Queensland and the state government use photos from photo files, but we use photos of Queensland tourism destinations like—let me see—possibly the Gold Coast, one of those destinations actually—

**Opposition members** interjected.

**Ms JARRATT:** Mr Speaker, there are some photos here of some cruise ships. Oh, my goodness! They possibly have originated from a place other than Queensland, but that would be because we do not own any cruise ships in Queensland. What shock, horror!

**Opposition members** interjected.

**Mr SPEAKER:** Order! Those on my left!

**Mr Seeney:** People in glass houses shouldn't throw stones.

**Mr SPEAKER:** Order! Those on my left!

**Mr Seeney:** You should always check.

**Mr SPEAKER:** Order! Leader of the Opposition! I call the minister.

**Ms JARRATT:** But what we do do for the cruise industry is support it with our cruise ship terminals. This government has invested more than any other government in supporting the cruise industry in Queensland.

**Mr Wallace:** They opposed the cruise ship terminal in Townsville.

**Ms JARRATT:** Those opposite absolutely opposed the cruise ship terminal. This is a would-be government that opposed the Metricon Stadium on the Gold Coast. Who could have any faith? Why would the tourism industry have any faith in an opposition that has not had an original idea about tourism in the last decade and who had to rip-off the ideas for its tourism policy straight from our discussion paper?

Let us take an example. They set a target to double visitor expenditure by the end of the decade. If the members opposite want to turn to the first page of our discussion paper, what will they find? The Labor government has already set a target to double tourism expenditure by the end of the decade. They need a few original ideas if they are going to have a tourism policy. While I am happy to perhaps point them in the right direction to get some really great images to put with their policy documents, they will have to come up with their own ideas for their policy.

### Education Trust

**Mr WATT:** My question is to the Premier. I refer to the Premier's proposal to establish the Queensland Education Trust. Is the Premier aware of any alternative proposals that place education at the centre of Queensland's future?

**Ms BLIGH:** I thank the honourable member for the question. I cannot help but add to the previous answers from my colleague that one photo we will not find on the opposition's policy paper is a photo of their shadow minister. I was very pleased to join the education minister last week and a number of education stakeholders to launch Labor's proposal for a Queensland Education Trust. There is no other state in Australia that is grabbing big ideas like this and creating ideas for Queensland families, for Queensland children, that will benefit all of us as we grow our skills and human capital in a very competitive global economy of the future.

We have heard from the opposition the extraordinary criticism of our proposal that this is investing money that we do not yet have on children who are not yet born. So unfamiliar are they with the notion of the future that they do not know that the future is something that has not happened yet. The definition of the future is something that is yet to happen. If it were happening now, it would be the present. That is why it is called the future—it is something we are waiting for. That is what this policy does. Unashamedly, it throws to the future. So unfamiliar are the opposition members with the notion of the future that they do not understand that it is something that is yet to happen.

If we only ever thought in the present, Queensland would not have a prep year of schooling. If we only thought in the present, we would not be in the process of expanding our kindergarten program. In fact, if governments only thought in the present, Australia would not have national superannuation schemes. It is the task of leadership to look over the horizon and our horizon is unashamedly a big horizon.

But let us have a little look at Mr Newman's credibility on this issue. What did he do? Mr Newman as Lord Mayor cut funding to the Albert Park flexi school. He cut the funding from Brisbane City Council libraries. This is someone who defunds library books. What did we hear from their beloved leader, Tony Abbott, this week? That only the right kind of children should finish high school. This is a team who is interested in elites. With Labor, it is about all of us.

### Cost of Living

**Mr NICHOLLS:** My question is to the Premier. Given that Labor has no new policy to address Queenslanders' cost of living after 20 long years in government except to raise new taxes, will the Premier copy the LNP policy to reduce the cost of living through utilities reform, registration freezes and reversing the stamp duty increase on the family home? Or will she persist with her record of massive government waste and increased taxes and charges on Queenslanders?

**Ms BLIGH:** I thank the honourable member for the question, because it gives me an opportunity to remind the member for Clayfield, who seems to have a very short memory, that in this year's budget our government cut household bills by \$113 for every Queensland household and every electricity consumer.

**Opposition members** interjected.

**Mr SPEAKER:** Order! Those on my left. It is a wide-ranging question. The Premier, therefore, has a wide-ranging ability to answer it.

**Ms BLIGH:** Not only did Labor cut household bills this year; we did it in a move that was opposed by those opposite. The member who asked this question voted against the abolition of the ambulance levy. So when the member for Clayfield had a chance to reduce the cost of living, did he support it? No, he voted against it.

**Opposition members** interjected.

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

**Ms BLIGH:** Thank you, Mr Speaker. Let me turn now to the supposed utilities savings identified by the LNP alleged plan. What we have, as always, is a slogan without substance. The proposal by those opposite in relation to utilities costs is a \$2 billion unfunded promise. You might as well write to Santa. That is what they are hoping for. Fancy the shadow Treasurer standing up and defending \$2 billion of unfunded commitments! He has no way of paying for this.

**Mr Seeney:** How did you work that out?

**Mr Fraser:** A billion dollars in stamp duty—you haven't said that. \$226 on the CPI for rego—

**Ms BLIGH:** And \$700 on electricity—\$1.9 billion. So what we have is a team long on slogans, short on substance and, when push comes to shove, when they get a chance to cut the bills of Queenslanders, they vote against it. Not only did Labor abolish the ambulance levy; we have put in place a \$10,000 Building Boost to help young people get into their first home and to help those people who are needing to move house.

We are the only government in Australia that cut household bills in this year's budget. We are the only government in Australia out there with a stimulus package for the construction industry. What does that mean? That means jobs and it means a lower cost of living. I know that the member for Callide did not draft this question and I know that the member for Clayfield did not draft it. I know that they were told to ask this question from someone who raised the rates in Brisbane by 42 per cent.

### Rail Skills

**Mr WENDT:** My question is to the Premier. Can the Premier outline to the House the action that the government is taking to meet future demand for rail skills and how that fits with the government's bold plan to expand education and training opportunities for all?

**Ms BLIGH:** I thank the member for the question. Queensland is emerging as a state that has some of the largest rail projects either underway or on the books in both the public and the private sector of any state of Australia. In the past 12 months we have repaired some 5,000 kilometres of rail after the summer disasters. But some of the other huge rail projects that are currently on the go are the billion dollar plus Moreton Bay rail link; the billion dollar-plus Gold Coast Rapid Transit system, where main works on the first station has finished ahead of schedule; the \$475 million Richlands to Springfield project, with early works now underway; and the Cross River Rail project, where survey work happened in the Brisbane River over the weekend. We have private investment coming into the southern missing link—into extensive rail lines out of the Galilee Basin and the potential for BHP to grow its own rail network.

The rail industry alone contributes some \$3 billion to the state's economy and it will face a huge demand for a specific set of skills in rail industry construction over coming decades. I am very pleased to advise the House today that the Queensland government will participate with industry in the creation of Rail Skills Australasia, a new centre of excellence in railway building skills, to be based here in Queensland. It will drive rail jobs and drive capability and skills. The Queensland government has contributed \$1.5 million in seed funding to kick-start Rail Skills Australasia and industry will be contributing as well. It will hit the ground running with this organisation conducting the first comprehensive audit of rail skills across the sector and developing new initiatives such as graduate programs to get those people who have skills that can be tailored for the rail industry so that we are giving those jobs to Queenslanders.

On our side we understand the need to plan for the future. That is what the Queensland Education Trust is all about. People should be aware that Mr Newman has his own plans for how to spend the incoming royalties. I use the word 'plans' with an 's' on because he has spent the royalties three times. Three months ago he said he would spend it on royalties for the regions, then he said no, no, it would be royalties for roads and last week he said it should be royalties to lock up in a sovereign wealth fund. Of course, Queensland has a sovereign wealth fund already. It is called QIC, one of the most successful in Australia and respected around the world. Our government knows that education, skills and training are the currency of the 21st century. They turbo charge economies and they provide opportunities to children and their families. We will not walk away from this agenda. We will create it for all Queenslanders.

## Education Reform

**Dr FLEGG:** My question without notice is to the Minister for Education. After 20 years this tired Labor government, with amongst the worst education records in Australia, has only been able to put out a discussion paper on education, including spending money it has not received yet on children who are not born. Will the minister now support the LNP policy for independent public schools that will improve education standards and empower local communities?

**Mr DICK:** The choices for Queensland could not be more stark. After 240 days as the Leader of the Opposition what has Campbell Newman come up with? A policy ripped off from a failed Western Australia Liberal government. That is what independent public schools are: a failed, ripped-off policy. If one had the time to type in the words 'examination of WA independent public schools' into Google, what is the second result you receive? A damning report from Curtin University. The Curtin Graduate School of Business analysed the policy in 2011. What did it say? It said that self-managed schools do not improve student learning outcomes, and there is little evidence that the development of independent public schools will benefit school students.

It stated that it has resulted in principals becoming managers rather than educators. That is not the future. That is a throwback to the past. What does it throw back to? No wonder Campbell Newman has not done the research, because it is a throwback to Leading Schools, the greatest debacle in education policy in recent times. Leading Schools was a policy initiative of the last Liberal National Party government. What did that result in? Upfront payments to only a select few elite schools. The rest had to fight amongst themselves. There was more red tape for principals, less educating, less education, more paper pushing by principals. It is a policy that is ultimately aimed at cutting expenditure, closing schools and sacking school cleaners. That is what happens when you put Campbell Newman in charge. His decision to back this policy is as bad as his decision to build a tunnel that nobody uses, a bike scheme that no-one wants and to redevelop King George Square so it is so hot you can fry an egg on it in winter. That is how bad it is.

All he offers, as I have said in this parliament, as we have said time and time again, is slogans rather than substance. He has not done the homework. If he was a student he would be disciplined for plagiarism. He has not thought this through. This is a policy for 10 per cent of Queensland schools; 90 per cent of them will have to fight for themselves. It is not about the future. It is a throwback to the past. It is a throwback to Leading Schools which put schools into massive disarray. He has learnt nothing because he knows nothing about state government. He comes to this supposed leadership job with no understanding of state government, with no understanding of education, with no understanding of social policy and he says to the people 'support me, back me, make me the premier of the state.' It is a joke. It is a circus. It is not worthy of the Liberal National Party.

## Education Reform

**Mr WELLS:** My question is to the honourable and learned Minister for Education, and I ask: further to the remarks he made in response to the question from the honourable member for Moggill, would he please advise the House of recent developments in education in positive terms as well as informing the House about any alternative policies?

**Mr DICK:** I thank the member for Murrumba for his question. It has been a big week. It has been a very big week for education in Queensland. I was delighted to join the Premier last week at West End State School in her bold announcement—her very bold announcement—for the future about the Queensland Education Trust. It is a big, bold vision for the future. That follows from the discussion paper that I released earlier this week on behalf of the government, *Local decisions; stronger school communities*, which was prepared, can I say, in consultation with principals, parents and school communities to give principals and parents more say and more power over how schools are run. I table a copy of that paper for the information of the House, a paper about devolving decision making to schools, giving them more power, going along that evolutionary journey we have as a government, leading schools through, giving them more power at a local level. This policy is supported by school communities.

*Tabled paper:* Department of Education and Training discussion paper, dated 2011, titled 'Local decisions: stronger school communities' [\[6022\]](#).

Everything we do is focused on learning outcomes; not on politics and ideology, which is the basis of independent public schools, but focused on learning outcomes. That is the principle that should drive all education policy. As I said, the differences could not be more stark. I table a copy of the report prepared by Dr Scott Fitzgerald and Professor Al Rainnie from the Curtin Graduate School of Business which comprehensively condemns the independent public schools model.

*Tabled paper:* Extract from a report, dated July 2011, commissioned by UnionsWA, titled 'Part Two: Independent Public Schools' [\[6023\]](#).

That report states—

Self-managed schools do not improve 'student learning outcomes'.

The aim is to abolish the distinctiveness of public schools and align their methods, culture and ethical systems to that of the private sector.

School staff have increased workloads with principals increasingly required to be managers rather than educators.

Teachers experience corrosion in the culture and character of teaching.

That is not the future. It demonstrates the ignorance of Campbell Newman when it comes to state public policy. I am not going to condemn two well-known, nationally renowned academics who have prepared that report independent of government. Do not take our word for it; take the word of the experts.

Talk about tired and old. Those opposite go on about the government being tired and old. There is no more old, tired, worn out, failed education policy than Leading Schools. That is what they want to implement in Queensland. One hundred and twenty schools, less than 10 per cent of Queensland schools, would benefit. The 10 per cent that participate would have to fight amongst themselves to be selected. That is not policy for the many, that is policy for the few. That is not progress for the many, that is progress for the few. Labor stands for progress and policy for the many, not just the elite few. That is the difference between Labor and the LNP.

### Health Services, Accommodation Support and Travel Subsidy

**Mr McARDLE:** My question is to the Minister for Health. After 20 years this tired Labor government has refused to increase the accommodation support and the patient travel subsidy, whilst the LNP has committed to double the current amount. I ask the minister: will he get behind the LNP policy to help struggling families in regional and remote areas to reduce the cost to access health services?

**Mr WILSON:** I thank the honourable member for the question. As usual, the opposition is wrong. There was a 15 per cent increase in the patient transport subsidy scheme in the last financial year, from \$41 million—

**Mr McArdle** interjected.

**Mr SPEAKER:** Member for Caloundra, you have asked your question. The minister has barely begun.

**Mr WILSON:** Secondly, this state government has provided capital of approximately \$15 million to assist in financing the purchase of accommodation in regional centres such as Toowoomba, Cairns and Rockhampton to be run by not-for-profit organisations to provide accommodation closer to home for patients receiving treatment in regional centres. Thirdly, we are spending approximately \$300 million expanding all the major hospitals up and down the coast and on the Darling Downs. We are expanding the emergency departments and we are expanding all of the services provided, because we are taking the services to the people in the bush and to regional Queensland.

**Opposition members** interjected.

**Mr SPEAKER:** Order! Those on my left will cease interjecting. Those on my left, the honourable minister has the call.

**Mr WILSON:** There is a lot of heat but no light from the other side. We are spending hundreds of millions of dollars taking the services to the regions. That is illustrated by, for example, the recent opening of the Liz Plummer Cancer Care Centre at the Cairns Base Hospital which each year will provide 340 Cairns residents with cancer treatment services sooner and closer to home. Those people will not need to travel to Brisbane for treatment. Further, we are providing funding so that approximately 400 patients a year can access cancer treatment services on the Sunshine Coast. We are doing that in a whole range of other areas. We are providing more services sooner and closer to home for Queenslanders, because we believe that that is where the balance should be rightly struck. What is the opposition doing other than providing empty rhetoric? I can tell you what their policy for health—

**Opposition members** interjected.

**Mr SPEAKER:** Again, those on my left, the Leader of the Opposition—

**Mr WILSON:** Stop the clock, please, Mr Speaker. I have not finished.

**Mr SPEAKER:** Yes. The question was a wide-ranging question. That is, it had political rhetoric in it on two occasions. The minister is just giving back what was asked. I call the honourable the minister.

**Mr WILSON:** What do we have from the other side? Nothing but empty slogans and no policies, with one exception: \$400 million ripped out of the Health budget on the Sunshine Coast. That is their promise to Queenslanders.

## Queensland Economy

**Ms JOHNSTONE:** My question is to the Deputy Premier. Can the Deputy Premier inform the House of any initiatives the Bligh government has to promote innovation in small- to medium-sized businesses, and is the Deputy Premier aware of any other plans for Queensland's economy?

**Mr FRASER:** I thank the member for Townsville for her question and for her support of small- and medium-sized enterprises in her electorate and across Townsville. Tonight, together with the Australian Industry Group, the government will be announcing the next round of successful applicants to our innovation program 'What's Your Big Idea Queensland?', which provides \$50,000 to small- and medium-sized enterprises to fund innovation for the future. Because we know that innovation is the key to the future, we are funding this program to provide \$50,000 to small- to medium-sized enterprises to produce new products, to produce new processes and to produce the new ideas of the future.

However, it turns out that what we should have done is provide the grant to those opposite—the *Downton Abbey* cast—who have no new ideas. They are perfectly sealed in a time gone by, when privilege and position were much more socially acceptable. While this government is promoting opportunity for all and promoting an education trust to invest in the future resources for future generations, we see the Liberal National Party reverting to type. 'Leading Schools'—the remake—is nothing more than a plan to smash up the universality of our public education system—to sack cleaners, ground staff and janitors, to contract out their jobs and to privatise the operations of 10 per cent of public schools in Queensland. They are the same old divide-and-conquer tactics that the Tories always used. It is the same old 'divide and conquer' from a divided team. The truth is that the tired, old Liberal National Party has had more than 20 years to come up with an idea, but the best they can do is recycle a Tory idea from 1998. The truth is that they are just as divided as they have always been.

In the past 24 hours we have seen three frontbenchers in open revolt against Campbell Newman including the snubbed shadow tourism minister, who has turned up her nose at Campbell Newman's humiliating sidelining of her last week. In the last fortnight the member for Condamine has said that Campbell Newman's latest position on gas needs more work—just like him, if you ask him; he would like to come back down the front. We have heard the member for Noosa say that he would like to vote for equality, if he was given the chance, as he seeks to position himself against the hierarchy of the LNP.

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

**Mr SPEAKER:** Stop the clock.

**Mr ELMES:** The Deputy Premier is referring to a bill before the House.

**Government members** interjected.

**Mr FRASER:** I am afraid I cannot assist you, Mr Speaker.

**Mr SPEAKER:** Nice try! I call the honourable the Treasurer. There is no point of order.

**Mr FRASER:** Thank you, Mr Speaker, and I win the bet. What have we seen? They are out there opposing penalty rates for workers on Christmas Day, dismantling public education and denying equality for those for whom it has long been an aspiration. It is the same old dismal activities of the Tories. They are out there promoting privilege. They are small-minded, harking back to a time past. You can slap on it any slogan you like, but in the end they are the perpetrators of privilege. They are an empty vessel, and the people of Queensland have seen straight through them.

## Women's Legal Service

**Mr BLEIJIE:** My question is to the Minister for Communities, Housing and Women. Every week more than 300 calls to the Women's Legal Service go unanswered because of inadequate funding—

**Government members** interjected.

**Mr SPEAKER:** Order, those on my right! The honourable member for Kawana.

**Mr BLEIJIE:** I will repeat the question so that they hear it. Every week more than 300 calls to the Women's Legal Service go unanswered because of inadequate funding from this 20-year-old Labor government. I ask: will the minister get behind the LNP policy to provide additional funding that will ensure the re-establishment of the rural hotline and other services for victims of domestic violence?

**Ms STRUTHERS:** I thank the member opposite for his question. I am very happy to talk about the Women's Legal Service. Many members on this side of the House know of the great work of the Women's Legal Service. I have had a longstanding partnership with the Women's Legal Service, going back to its foundation. Last night I met with some of those members, who joined me in celebrating 25 years of the Immigrant Women's Support Service that we all had a hand in setting up and getting going. They do a great job. Last week I met with them to talk about their current funding issues.

Those opposite and Mr Campbell Newman, the leader of those opposite, have stumped up a measly \$250,000 for domestic violence support. That is it. For the whole state they will provide \$250,000. This government has put more than \$190 million into domestic violence support services right around the state—in all of your electorates. My colleague the Deputy Premier was quite right. What did he call this allocation? Hush money! Do members know why they had to put some hush money on the table? It is because they have such an appalling record on women and on violence against women.

I wish to quote from 4CA in Cairns, which spoke to a certain gentleman last Thursday. Can members guess who said this—

We're fortunate in Cairns here that there's not too many girls get raped, because most of the mothers and fathers are very sensible people, particularly in the electorate of Cairns, where they don't let their girls come home at two and three o'clock in the morning, falling over, full as a goog, where anyone can take advantage of them.

But up here, there's only the odd tourist or the odd girl who takes that stupid risk in getting full and falling down ... that gets into trouble.

This same person said, 'Good on you, Gav. Congratulations for telling the truth about women and rape.' Who said that? It was one of their elder statesmen, Martin Tenni. That is what he said on Thursday. That is what they think about violence against women. That is why they had to put some hush money on the table.

The Labor government has a policy for our sons and daughters—a comprehensive policy to end domestic violence. That is what we are determined to do. They think \$250,000 is going to buy them out of trouble. Well, it is not.

### Gold Coast, Roads

**Ms CROFT:** My question is to the Minister for Main Roads, Fisheries and Marine Infrastructure. Can the minister inform the House about plans for further upgrades of Gold Coast roads ahead of the Commonwealth Games and provide the details of any new policies relating to the minister's portfolio?

**Mr WALLACE:** I thank the member for Broadwater for her question and for her interest in this subject. The Bligh government is spending millions of dollars on roads projects on the Gold Coast over the next few years. With the Commonwealth Games coming to the Gold Coast in 2018, locals will see even more investment on roads projects. In fact, the big document which helped the Gold Coast secure the games detailed measures, including road upgrades, to keep people moving.

I was on the Gold Coast last week with the tourism minister unveiling some new signs welcoming people coming to Queensland. Indeed, they were photographs of Queensland on those tourists signs. It was schoolies on the Gold Coast last week. I heard someone else was on the Gold Coast last week. The biggest toolie of the lot, Campbell Newman, was there. He was making an announcement about an announcement. Just like other toolies, he did not fit in. He was at Currumbin Wildlife Sanctuary cuddling a koala. But he looked as comfortable as my old man at a Justin Bieber concert.

So out of place was Campbell Newman on the state political stage that he refused to answer questions about the LNP's fishing policy that was leaked to the *Courier-Mail*. The policy reveals the LNP's dirty secret that it wants to open up green zones to fishing. We all know that green zones work. Those opposite want to trash Queensland's fishing future. They want to trash it.

Campbell Newman is not the only toolie. The member for Cleveland, the author of the leaked document, said he could not comment because he was about to jump on a plane. The next day, unlike the toolie trying to explain his bad behaviour, he was flip-flopping on the issue, telling his local paper that the LNP 'really isn't planning to get rid of green zones'. So I am calling on the Tories to explain what they are on about.

But what the member for Cleveland did not reveal was the LNP's plans for boat registration—a funding promise they cannot fund. It would see \$10 million ripped out of boating infrastructure up and down the coast of Queensland—\$10 million for jetties and boat ramps—because those opposite have no plans to fund this. We on this side of the House know that Campbell Newman has form when it comes to funding this infrastructure. We on this side of the House know that the only way they can pay for it is through a fishing tax—a tax on people going fishing like they have in New South Wales. That is the only way they are going to pay for this rip-off.

*(Time expired)*

### Disability Services

**Ms DAVIS:** My question without notice is to the Minister for Disability Services, Mental Health and Aboriginal and Torres Strait Islander Partnerships. Given this 20-year Labor government has chronically underfunded the resources for children with disabilities in schools, why has this minister failed to lobby—

**Government members** interjected.

**Mr SPEAKER:** Order! I call the honourable member for the Aspley.

**Ms DAVIS:** Thank you, Mr Speaker. Why has this minister failed to lobby for better special needs services? Will the minister now support the LNP policy to provide e-learning technology in schools for children with a disability?

**Mr PITT:** I thank the member for the question. As we have heard today, a number of people have talked about 20 years. We only have to look back 20 years to see the state of disability services before we took over government. We only have to listen to previous members who have spoken today to see the throwback policies that they have put forward.

This is a history lesson today. The history lesson that the member for Aspley needs to learn is that when the coalition was last in power in Queensland it had a disgraceful record. We have had to grow, grow, grow the funding. We have increased our funding for disability services in Queensland by 495 per cent. This is a very significant point: those opposite cannot come in here talking about 20 years of Labor administration—it has not been 20 years; there was a bit of a hiccup in the middle and that hiccup in the middle was the last time there were several mistakes made in this state. We have heard about the mistakes in education and we have heard about them with disability services. The history lesson is exactly where they should be focusing. Maybe the member for Moggill could take note of it as their shadow spokesperson for education.

What we are talking about here is the education of our special needs students in our schools. I have a very close working relationship with the Minister for Education. He is a fine minister who is doing great work. Our process has been about making sure we have early intervention so that we can provide the best opportunities for school students in the special needs education area. Members will not find a better example of that than in the area of autism early intervention.

We should have a look at the policy that was announced—and I am glad to see that there was a policy; I am a bit up in the air as to whether we should call it a policy—about tablets in schools. It was a welcome initiative. But guess what? Even spokespeople like Penny Beeston from Autism Queensland came out and said that this policy should not be just for students with disabilities but it should be for every student. Essentially what they are saying is that we should be trying to ensure we have a more inclusive school environment. That is where we can go back to all of our big plans this year such as our 10-year disability strategy, which is really putting on the table our credentials and our vision for the future.

We have nothing by way of a disability policy from those opposite. There is no vision for the future—nothing, squat, zero, zilch. There is no forward thinking. They do not know what the future is. They cannot even have a spokesperson who can talk about the National Disability Insurance Scheme until they were basically roped into it and dragged kicking and screaming to put their hand up and say, 'Yes, I believe every Australian counts.' It is a disgrace on that side. I hope that they will start thinking about the future because guess what? If they want to win government they are going to have to convince the people of Queensland that they actually have something to offer. Guess what? They do not have anything to offer and they are found wanting every time they pop their head up.

## Women

**Mrs KIERNAN:** I would also like to acknowledge today the traditional owners from the electorate of Cook who are in the House today. My question is to the Minister for Community Services and Housing and Minister for Women. Can the minister please outline for the House what progress Queensland women have made in the 100th anniversary year of International Women's Day? Is the minister aware of any threat to such progress?

**Ms STRUTHERS:** I thank the mighty member for Mount Isa for the question. She knows we are building a bright future for Queensland women. The Bligh government is determined to build a bright future for Queensland women, not put their safety at the risk like those opposite. This year, 2011, is the 100th anniversary of celebrating International Women's Day. As we come to the close of this year, it is important to take stock of the amazing positive achievements this government has made in relation to women.

I have been actively promoting, for example, the Women in Hard Hats program. I recently launched the Girls in Hard Hats program. We have been travelling all around the state. I have been at Spinifex State College meeting with girls there. Last week I was at Alexandra Hills meeting with girls from Capalaba and Alexandra Hills. Some 22 women have already received jobs in the resources sector directly from that program. Hundreds more have been excited, encouraged and are keen to take up those opportunities.

What did the shadow minister have to say about the Women in Hard Hats program? She called it flippant and tokenistic. I am meeting industry leaders later today and I will certainly let them know what she thinks of the Women in Hard Hats program. They sure will not be impressed with her comments. They also will not be impressed with what Campbell Newman has been doing in relation to his members and their views on women. Not only did Gavin King get full backing from elder statesman Martin Tenni

last week on Cairns radio; Mr Tenni has also criticised our candidate in Cairns. He called her a schoolgirl. As I said earlier, he also backed Gavin King's rape victim-blaming comments and said, 'Good on you, Gav. Congratulations.'

Martin Tenni also said that not many girls get raped in Cairns. Let me tell honourable members that last year there were 653 reported sexual offences in the Cairns region, and the majority of those were women and girls raped by men. Is that 'not too many'? Is that what they think—that that is 'not too many'? That is very, very disturbing. Guess what? Eighty per cent of rapes go unreported. Why do they go unreported? They go unreported because many of the members opposite have views that mean women are blamed and, therefore, they do not report them.

Campbell Newman leads a team with only 17 per cent of them women. Venezuela also has 17 per cent. Do you think Hugo Chavez, the President of Venezuela, would be happy with Newman? Sure he would, because the 'little dictator' here in Queensland has followed in his footsteps. He does not care about half the population. He does not care about the talents of women. The shadow minister thinks our program—

*(Time expired)*

### Mining Industry

**Mr DEMPSEY:** My question without notice is to the minister for mines. I ask: with the LNP having released a widely supported resources and energy strategy, will the minister now admit that, after 20 long years of Labor, they have no long-term strategy for the resources and energy sector in Queensland and they must adopt the LNP policy?

**Mr HINCHLIFFE:** I want to thank the shadow minister for his question. I have had a good chance to have a look at the CanDo LNP Resources and Energy Strategy. It is not a policy; it is a strategy. It is a strategy that might need a bit of support because we have heard, of course, that the member for Condamine thinks it needs a bit more work; just as the member does. He wants a bit more work down there on the front bench. We know he has been frozen out because he raises some uncomfortable views as far as some are concerned. He is inching closer to his friends up in the back corner, but every time these guys raise something, they raise something more.

There is no question that this government has had a great vision for the development and expansion of the resources sector. There are great opportunities as we see it develop. It is a resources sector that provides for balance. We heard the history lesson earlier about what has happened in relation to things like disability policies. However, in relation to the resources policy, it has been Labor that has established a good quality balance between protecting the environment and providing for great opportunities to expand our great industries like the coal industry, like the metalliferous mines, like the expansion and development of coal seam gas that is delivering towards a liquefied natural gas export industry. This is an opportunity to develop and plan for a great new industry, and we have been at the core of it. Where has the Liberal National Party been? All over the shop!

Campbell Newman says one thing when he is hanging out with the guys in moleskins on the Darling Downs and he says another thing when he is in the boardrooms. I know because I hear what he says in the boardrooms and it is all nudge, nudge, nod, wink. He is making sure that they have a bob each way depending on what is going to happen with our friends in the back corner. They want to make sure they have a bob each way to look after their members and their members' interests in those seats where they are threatened by Katter party candidates as compared to what they will say in the city and in the boardrooms in trying to support the development of the coal seam gas industry.

**Mr Dempsey:** Have a read.

**Mr HINCHLIFFE:** I have had a good, close read of this policy. I look forward to talking more with the member about it in the very near future.

### Mining Industry, Safety of Workers

**Mr SHINE:** My question is to the Minister for Employment, Skills and Mining, and I ask: with the new resources boom upon us, can the minister please advise the House what steps the government is taking to ensure the safety of workers and of any alternative policies that could impact on the safety and health of workers in the resources sector?

**Mr HINCHLIFFE:** I want to thank the member for the question. I want to acknowledge that he, like those of us on this side of the chamber, knows that nothing is more important than the safety and health of the men and women who work in the resources sector. Each and every day they have a fundamental right to return home safely at the end of their shift. Queensland has one of the best mine safety records in the world and the best mine safety legislation in the country and it is in everyone's interests to keep it that way. The National Mine Safety Framework and the national harmonisation of workplace health and

safety legislation will have, as I have mentioned previously in the parliament, a significant impact on the industry in Queensland. Our Mines Inspectorate is working closely with other major mining states to ensure that the new laws are as good as Queensland's current legislation.

Make no mistake: our laws are the toughest and the safest in the country and they will stay that way, but not if the LNP have their way. They plan to abolish the mine safety levy funded by industry and have taxpayers foot the bill. In their resources strategy they say they support a publicly funded health and safety regulator for the mining industry. That is it—a publicly funded one. The state's mine safety watchdog, the Mines Inspectorate, is the best in the world at what it does—protecting the safety of Queensland's 70,000 resource workers. The inspectorate's expertise is second to none and is highly sought after across the world. The LNP strategy is just plain wrong. Worse still, it is a danger. It would be a very grave mistake to water down Queensland's tough safety regime. Last week we saw the first anniversary of the Pike River disaster in New Zealand, a tragedy that took the lives of 29 mineworkers including two Queenslanders. The mine safety inspectorate played a key role in helping to establish the cause of the Pike River tragedy. The state's most senior mine safety expert, Stewart Bell, was a member of the royal commission.

We have a mine safety levy in Queensland. It is funded by industry. When it was first introduced we asked for \$26 million from an industry that was worth \$26 billion at the time. That levy boosts the safety and health services of the Mines Inspectorate and that levy saves lives. Under the LNP strategy, taxpayers would be footing the bill and, on top of that, mine safety in Queensland would be shafted as a result. We cannot expect to see industry doing what they should do and funding the health and safety of mineworkers into the future under an alternative LNP government. What we would see is money being taken out of schools and out of hospitals to fund what the industry should fund. Do not trust the LNP.

### Gladstone Harbour, Fish Health

**Mrs CUNNINGHAM:** My question without notice is to the Minister for Main Roads, Fisheries and Marine Infrastructure. The health of the harbour remains a great concern to the residents in the Gladstone electorate. I ask: will the minister give an undertaking to the people of Gladstone that the report of the scientific panel will be released to the public on the same day the report is presented to the minister by the panel?

**Mr WALLACE:** I thank the member for Gladstone for her question. I want to congratulate her again on her interest in this subject and on keeping her community informed about the findings regarding fish health in Gladstone. I can give a commitment to the member for Gladstone and to the Gladstone community that we will make public that independent panel report as soon as it is available. We will put it on the website so that not only the people of Gladstone but also people anywhere can have a look at that panel discussion.

I have heard some scuttlebutt around the place that I was influencing the panel, that I had somehow directed the panel to make certain findings. I can guarantee to this House and to the member for Gladstone that that is totally untrue. Indeed, I have made it my practice not to speak to Dr Poiner since he has been appointed or to the panel because I do not want there to be any suggestion that I have directed that panel in any way whatsoever.

There were two reports that members may have seen in the media lately. One was about algae in Gladstone Harbour causing sickness in the fish. Scientists from DERM and Fisheries Queensland have advised that there is no evidence linking the algae to the sickness in harbour fish, that is, the two conditions affecting fish in Gladstone that we know about—Neobenedenia, which is the parasitic fluke, and red spot that we have uncovered causing sickness in barramundi. Gladstone Ports Corporation monitoring found that there were three types of algae found in the harbour, and the advice is that many of those algae are commonly found every year along the Queensland coast.

The other report which members would be aware of is a report about some banana prawns that had a growth near their heads that were caught in the vicinity of Gladstone Harbour. We caught 85 prawns in Gladstone Harbour. One had a gill parasite known as a Parasitic Isopod and one had a slight blemish. The other 83 were in good condition. The parasite that we found in the gill is commonly found on crustaceans including prawns along the Queensland coastline and northern Australia, and sits under the gill causing the shell to bulge. It can be mistaken for a deformity. That particular parasite is found quite regularly along the Queensland coast.

We continue to sample fish in the Gladstone Harbour. We continue to look at findings in the Gladstone Harbour. We will continue to report to the public as soon as those findings have been made available. Again, I give the guarantee to the member for Gladstone that when we have that independent report we will not only give it to the people of Gladstone but also put it on that website for everyone to see. This government hides nothing. We have put it all out there for public consumption.

**Mr SPEAKER:** Order! The time for question time has ended.

## MATTERS OF PUBLIC INTEREST

### Bligh Labor Government

**Mr SEENEY** (Callide—LNP) (Leader of the Opposition) (11.01 am): The policy-making document for the Australian Labor Party that I tabled in the parliament this morning makes instructive reading for anyone who is interested in the malaise that has afflicted this state Labor government. Anyone in Queensland who has a passing interest in the extent to which this government has lost its capacity to govern can find the reasons in a lot of documents that pass through this House, but the one I tabled this morning addressing the policy-making process in the Labor Party ranks high amongst them.

As I said when I asked a question about it this morning, the most relevant quote is, 'It is fair to say that no-one much is happy with the party's policy process.' That is the opinion of the membership review committee that authored this document. There are some interesting names on the list of Labor luminaries who have come to the conclusion that nobody much is happy with the Labor Party's policy process. Absolutely nobody much in Queensland is happy with this government's performance. Nobody much in Queensland is happy with the lack of policy which has been put forward by this government. So it is little wonder that the membership review committee has come to the conclusion that nobody much is happy with the process.

The committee membership includes names such as Andrew Dettmer, Anthony Chisholm—heard of him?—Bonny Barry, whom we all remember from her time as a member, and Toni Fulton. They know that this Labor government has lost the capacity to formulate any sort of policy. But the one name that really should concern anyone who has been a watcher of Queensland politics is Jackie Trad. Jackie Trad believes that nobody is happy with the party's policy process. Jackie Trad, as I recall, is described as a very close personal friend of the Premier. For people such as her to be suggesting that the party has a policy process that no-one is happy with speaks volumes about why this government is in the position that it is.

One other quote in the document that I think is interesting is: 'Party policy committees often struggle to meet basic attendance requirements for a quorum.' Even the Labor Party faithful are abandoning this Labor Party government—a government that has let down its own supporters, a government that has abandoned its own party supporters to the extent that they do not show up anymore. The Labor faithful do not show up to policy committee meetings.

Is it any wonder when you see the response that was given by the Minister for Tourism this morning to what is supposed to pass in some quarters for her policy document? We could not even get a straight answer about whether or not it is a policy document. It is marked quite clearly on every page 'not government policy'. On every page it says 'not government policy', but last week in the media the minister was claiming that it was government policy when she accused—

**Mr Hinchliffe:** When?

**Mr SEENEY:** Last Wednesday, 21 November, she put out a press release headed 'Lazy Newman copies Labor policy', referring to the same document. So when it suits it is a policy, but when it does not suit it is not a policy; it is a discussion paper. Nobody knows what the policy of this Labor government is. Nobody knows the process. Nobody knows what is going on in the government. They have totally lost the capacity to even engage with their followers.

Members of the House should compare that with what has happened on our side of the parliament since this parliament last met. In the two weeks since this parliament last met there have been six major policy announcements from shadow ministers on this side of the House.

**Mr Hinchliffe:** What was that?

**Mr SEENEY:** We announced our resources strategy—a very complex strategy for an industry that is incredibly important to the economy of Queensland. It is a piece of work that I would recommend to the minister. I would recommend it to the minister as it provides many leads which he and his government could follow.

That resources strategy follows on from the release of our agriculture strategy, which set out our vision for agriculture. Both of those strategies were followed later this week by the release of a tourism strategy. For three of the four pillars that underpin the Queensland economy we have released a major strategy. We have major plans about how those important industries that prop up the Queensland economy would be managed under an LNP government. The fourth one is yet to come. Watch this space, I would say to the honourable minister. We have released three major strategy papers the likes of which this government, after 20 years in power, cannot possibly match.

Those three strategy documents follow the release of our infrastructure strategy—a strategy to address the failure of this government to build infrastructure in Queensland. After 20 years of Labor in power, infrastructure all across Queensland has suffered from a government that has not been able to address the big issues. The LNP has now released an infrastructure strategy to address the big infrastructure questions in Queensland. We have released an agriculture strategy to set out a plan for

agriculture—to double agricultural production before 2040. We have released a resources strategy to map out a future for the resources industry in Queensland, the incredibly important resources industry that contributes so much. Last week we released a tourism strategy to map out a future for that ailing industry. In contrast, the minister this morning could not even tell us whether the document that she released was a policy or not. That is the contrast.

The other announcements that have been made in the two weeks since this parliament last met relate to the provision of tablets to students with special needs—a long overdue recognition of the benefits of that technology—and a commitment to the Patient Travel Subsidy Scheme, a long overdue commitment to the people of regional Queensland, the details of which the minister was shockingly unaware. He stood up and talked about taking medical services to the bush when he was referring to the Sunshine Coast and Cairns. That is the minister's idea of taking medical services to the bush—boosting the inadequate services on the Sunshine Coast and in Cairns. The Patient Travel Subsidy Scheme is an issue about which members who represent regional electorates, such as I, probably get more traffic through our electorate offices than any other single issue.

As the member for Hinchinbrook interjected repeatedly during the scandalous and shocking answer that the minister gave, it is an issue that is important to people, it is an issue that affects so many people across Queensland and it is an issue that has gone unrecognised by a Labor government that clearly does not understand the problems that affect people in regional Queensland or does not care about those issues. The LNP has given a firm commitment, just as we have for the last two election campaigns, that we will address the Patient Travel Subsidy Scheme so that people who increasingly have to travel for medical services can get some small assistance with the costs involved with that.

In that two-week period we also announced extra funding for the Women's Legal Service. The shadow minister asked a question about that to his counterpart this morning and it was noticeable in the three-minute rant and rave that we had from the minister that there was no commitment to match it—no commitment to match it—and no recognition that what had been announced by this side of the House was badly overdue and should have been done a long time ago. If the minister had any character at all she would have stood up and said, 'That is a good idea and we'll do it too.' That is what the minister should have said rather than playing stupid politics and trying to make an issue out of things that would deflect attention away from the fact that those opposite cannot match the commitments that we have given.

The other commitment that we made this morning was our commitment to independent public schools. Once again that was well received by the education community and well received by the mums and dads out there who want to have a say in the education of their children—parents who know they can do the job better than the bureaucrats—and members will see support for that announcement gather across Queensland in the days to come. Once again the minister could have stood up and said, 'That's a good idea. We'll do it too,' but he did not. This is a government that has failed and it is too inept to recognise its own failures.

## Education Reform



**Hon. RE SCHWARTEN** (Rockhampton—ALP) (11.11 am): There are two announcements of course that we have not heard the opposition talk about, and that is the fact that there will be capital rationing and what the effect of 'Leading Schools' mark II will be. Last week at a little known event at the Property Council the former Lord Mayor of Brisbane announced that there would be capital rationing.

**Ms Jones:** What's capital rationing?

**Mr SCHWARTEN:** I have a lot of experience with capital rationing because I undid it when I became the minister for public works after \$500 million worth of jobs were frozen in Queensland and 11 per cent of people were on the dole as a result. That is what we have not heard mention of. We have heard of all of these little bits of plaster that those opposite will put on the economy, but they do not talk about how they will render this economy powerless and stop construction, just as they did in 1929 and just as the Borbidge government did. They talk about rationing, and that is exactly what the Moore government did. It gave people sustenance payments but stopped public works. That is what we are in for.

So every time we hear those opposite talk about what we are paying in interest, we will never hear them talking about the \$6 million that this state earns every single hour. And what are we doing with that money? Look over there at the Children's Hospital. Look at the state-of-the-art hospital that we are creating. Look at the six tower cranes that are over there, and every one of those represents about 50 or 60 people in employment—money that goes around this economy. Those opposite should go up to Cairns and tell the people there that we should not have borrowed money—nearly \$1 billion—to go into the 1,000-odd construction jobs that are there at the moment. But that is what the Tories believe in and that is what we will not hear anything about today.

As for 'Leading Schools' mark II, I lived through the last process when the Borbidge government did it—school against school, principal against principal, teacher against teacher. That is what that was about—no extra money, no extra definition. To suggest, as I just heard, that principals in this state who are responsible for the education system are simply bureaucrats shows the absolute despair and ignorance of those opposite and how terrifying it is to contemplate that that man would ever get his hands near an education budget. It is disgraceful. I wish the member for Gladstone were here, because when she had the balance of power back then even she said that enough was enough on 'Leading Schools' because she saw what happened in the Gladstone community and she brought a motion into this House to wind it back.

What we are seeing today is nothing to do with the flexibility of schools, because schools today are more flexible than they have ever been. The latest OECD statistics show that our Australian kids and our Queensland kids in particular have risen by a rank of three since the last time the statistics were taken in 2009. The statistics show that our kids in Queensland are better at reading than kids in Germany, the UK, France or the USA and better than kids in the UK, Denmark, France or the USA in mathematics and better than kids in the UK, Norway, Ireland and the USA in science overall.

That is not a system that is under stress. What will place it under stress is the haves and have-nots system that is being created. That is what those opposite did to public housing. They created it as the last resort for people who are very poor. They did not provide it as an incentive to allow people from wherever they came from to get the most fundamental right, and it will be the same with this—that is, an equitable education system. This is all very dangerous stuff. We have a very solid independent system in Queensland in education and in the Catholic system. We do not need one independent school within a state school system.

I happen to go to a lot of schools. I was a teacher myself. I saw what 32 years of tory governments did with the shameful maintenance, and all this proposes to do is to take certain buckets of money and give it away to schools that provide incentives and do what the government of the day says they are going to do. I say to the people of Queensland that they should be very careful of 'Leading Schools' mark II. 'Leading Schools' mark II is designed simply to create yet another division in our state school system, which is already fighting above its weight.

I would suggest that those who only have a private education themselves to lean back on should get into our state schools and see the great job that our state school teachers are providing, the leadership that our school principals are providing, the collegiate responsibilities that we have between private and state schools in this state, and they should get behind them. We have the results on the board. Previously it has taken 15 years of Labor governments to get the sort of result, the improvement, that we have seen. We are starting to see the investment that Labor governments have put into education coming to fruition where our kids are now up to where they should be with other Australians with the introduction of the prep year. That was never, ever going to happen under the tories. It was never on their agenda. Under the tories we had the worst funded teachers and the worst funded education system, and that is exactly what this independent schools—elite schools—within another framework of state schools will produce.

*(Time expired)*

## Domestic Violence

 **Ms SIMPSON** (Maroochydore—LNP) (11.16 am): It is time that Labor and this Labor minister, Karen Struthers, came clean about why her department last year paid \$140,000 to an alleged rape victim in the care of the government. This smacks of hush money. This is about the government protecting itself rather than protecting a victim. I call on the minister to accept the victim's wishes that this victim does not want to be gagged. This is a double standard of a women's minister, Karen Struthers, who fudges around the serious issues in this state. I ask the minister not to further victimise this woman but to allow her to speak and to release her from this confidentiality agreement.

I ask the minister to reveal the truth. Why is there a continuing cover-up? The minister is a hypocrite by allowing this cover-up to continue. A \$140,000 compensation payout is a significant payout. I have to ask: was there a criminal investigation resulting from the evidence that was used as part of this compensation payout? One will never know because of the way that this government has a record of trying to hush people up and bullying people into silence. This is a disgraceful situation. I table a copy of a question on notice I asked.

*Tabled paper:* Answer to Question on Notice No. 1147 of 2011 regarding compensation for an alleged rape victim [\[6024\]](#).

Certainly, the answer does nothing to reveal why this young woman has been kept in a position of continuing confidentiality. This is a disgrace. It is a blight on the history of this state and the justice system.

After 20 years of this tired Labor government, it is time that domestic violence services received transparent and reliable funding. This need is reflected through such quandaries facing women as the fact that mothers of teenage boys cannot find crisis shelter with their own sons. They face the heartbreaking decision of remaining in the situation of violence and abuse or leaving their sons. The uncertainty of funding has also seen domestic violence services struggling to keep the doors open in some communities in our state. No-one should have to live in fear for their safety. But when domestic relationships fracture and the place which should be the safest becomes a place of violence and abuse, then people's private affairs become a public concern. We abhor violence against anyone—men or women—but the reality is that most domestic violence occurs against female victims, and that requires special attention.

Also, in Queensland about 30 per cent of homicides are as a result of domestic violence, which is the highest proportion of homicides in Australia. Breaking that cycle and empowering victims and making them safe is one of the reasons the LNP has announced that in government we will commit an additional \$750,000 over three years to the Women's Legal Service. This is an outstanding service. Over the years I have personally referred to it women in need and I have found that that service has provided a very timely and professional service to help these women when they were most vulnerable. Sadly, the Bligh Labor government has underfunded the Women's Legal Service to the extent that the service has had to turn away women in need, reduce services and cancel a regional help line. I implore the Labor government to match our commitment to properly fund this service.

All of our candidates—male and female—have made a commitment to work to minimise violence against women. Sadly, the Labor government Minister Karen Struthers has sought to politicise the trauma of abuse against women by her selective agenda. The minister calls for the disendorsement of Mr Gavin King, ignoring the apology he made in good faith for words which he since stated do not reflect—

**Ms JONES:** I rise to a point of order.

**Mr DEPUTY SPEAKER** (Mr Kilburn): Order! Member for Maroochydore, I will take the point of order.

**Ms JONES:** It is not just the minister; 4,000 people have emailed Campbell Newman and his Facebook page—

**Mr DEPUTY SPEAKER:** There is no point of order. Member for Maroochydore, whilst we have stopped, you used a term that was unparliamentary before in relation to the minister. I ask that you withdraw it

**Ms SIMPSON:** What term was that?

**Mr DEPUTY SPEAKER:** You named the minister as being something. You need to withdraw.

**Ms SIMPSON:** I withdraw. It is interesting to note that the minister has ignored the fact that her own colleague Kerry Shine made comments as the chief law officer—or perhaps she has accepted his apology—when he suggested that some rapes were not as bad as others. The comments of both men were unacceptable and both have apologised. And so they should and we accept that. But this minister is more interested in partisan point-scoring.

**Mr SHINE:** I rise to a point of order. The honourable member misquoted me. I find her remarks offensive and I ask that they be withdrawn.

**Mr DEPUTY SPEAKER:** There is a correct way to deal with things if you think that you have been misquoted. Member for Maroochydore, the member finds those comments offensive and has asked that they be withdrawn.

**Ms SIMPSON:** Mr Deputy Speaker, the member did make comments about varying rates of impact of rape, which were completely offensive to all women in this state.

**Mr DEPUTY SPEAKER:** Member for Maroochydore, the member has found them offensive and has asked for them to be withdrawn. You can withdraw or not. It is up to you. I ask you to make a decision on that.

**Ms SIMPSON:** I withdraw. I note that the member did make comments in regard to women and rape and he apologised. Yet this minister has ignored her own colleague's comments. We are saying that we want to stand up for women in this state. I have outlined the double standard of this government in regard to the compensation payment and the gag order against an alleged rape victim in Queensland—a rape victim who was in the care of this state.

Enough is enough. We must stand up for all victims of violence. But this cover-up with this government is hypocritical. It is intolerable. It is time that gag order was lifted and that this victim was allowed to speak once and for all so that the truth is out and justice is done.

*(Time expired)*

### Education Reform

 **Hon. DM WELLS** (Murrumba—ALP) (11.23 am): As honourable members know, today the opposition released some policies relating to education. I was reading in the paper today 'that underpinning the reform agenda is the belief that schools themselves, their staff and community are the most appropriate and best placed to make decisions relating to teaching and learning programs, and that local communities are best placed to decide what is needed to support teaching and learning outcomes for all students.'

I did not get much of a reaction from honourable members opposite. Perhaps those words did not resonate with them as much as they resonated with Campbell Newman. The newspaper that I was reading from was not, in fact, today's *Courier-Mail*. The newspaper I was reading from was *Education Views*, dated 20 February 1998. The Leading Schools program, which is being replicated—the recycled folly of a previous generation—is now about to be foisted upon the people of Queensland as an education policy put forward by the opposition.

What is the cash value of the rhetoric that I just read to members? It really means that if you are chosen as a leading school—and you have to do a great deal of paperwork in order to put in your application—then what happens is you get to set up a school council. Once you have set up a school council you get several more millions of dollars. How many more millions of dollars? That is going to depend on the education department at the time. Once you get those many more millions of dollars and have the school council, then the parents have all sorts of meaningful alternatives to parenting. They can go along to the school council, in addition to the P&C, and, instead of helping their children with homework, they can engage in the joys of accountancy. All they have to do to get the Leading Schools money is to spend less time with their children.

That program set one school against another and one region against another. You would go to a particular suburb in a particular electorate and you would see that a few million more dollars was being spent on the education of the children in that particular school. Then you would go just down the road and you would see another school where there was many fewer millions of dollars being spent than there were at the other school. This program would then set up region against region, because if you joined the dots, if you looked at where the first round of Leading Schools were—the ones that received the additional money, where parents had the capacity to set up these school councils—you would find that they were concentrated mainly in upper middle-class electorates where the parents had those particular skills and where the joys of accounting were less imposing than in some other suburbs.

The program was a divisive and unpleasant system. These school councils, which had devolved to them certain powers to hire and fire, then had to make unpleasant decisions that previously were being taken by public servants. The program set citizen against citizen, location against location, school against school and, in some cases, student against student, because there were some students from an elite leading school who were taught that they were in some way better. They were given the example—

**Mr Schwarten:** And don't forget the turmoil it created for every elected politician—that they queued up at your door.

**Mr WELLS:** I take the interjection of the honourable member for Rockhampton. It was a very strange and unusual policy that we had to undo. When I became minister in 1998, we dismantled it and we took the money. I said to them, 'How much is there in the Leading Schools fund? It turned out that it was all smoke and mirrors—'It's just a snapshot on a particular day, Minister,' they said. I asked another public servant, 'How much is there?' 'It would be very difficult, Minister.' Eventually I asked another public servant, 'How much is there?' 'How much do you want there to be in the fund, Minister?' There was, in fact, no Leading Schools fund at all. There was no extra money. They were just taking it from the other students.

I urge honourable members and the public of Queensland to beware of the Newman-Seeney education policy. A Newman-Seeney government would be the worst administration since 'Master Blaster' the Thunderdome ruled.

*(Time expired)*

### Education Reform

 **Dr FLEGG** (Moggill—LNP) (11.28 am): The LNP is determined to see Queensland at the top of education. We just cannot sit around doing the same old thing, coming near the bottom of the class, and expect that, by doing the same old thing, suddenly things will improve.

**Mr SCHWARTEN:** I rise to a point of order. I have tabled a document here this morning that disproved what the honourable member said. I find his comments offensive and I ask that they be withdrawn. We are not at the bottom of the class internationally at all.

**Madam DEPUTY SPEAKER** (Ms Farmer): Order! Does the member find the comments personally—

**Mr SCHWARTEN:** His comments are a direct reflection on me misleading the parliament. I have tabled a document here that corrects his incorrect statement and I ask—

**Madam DEPUTY SPEAKER:** I ask the member to withdraw his comments.

**Dr FLEGG:** Madam Deputy Speaker, I made no reference to the honourable member whatsoever.

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

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

**Madam DEPUTY SPEAKER:** There is one point of order already being dealt with. Could you please resume your seat.

**Mr LANGBROEK:** If you have dealt with it—

**Dr FLEGG:** I made no reference whatsoever to the honourable member for him to take any personal offence, so I am at a loss to understand your ruling and would ask that you explain it to me. The member was never mentioned in any way, shape or form.

**Madam DEPUTY SPEAKER (Ms Farmer):** I am asking you to withdraw your comment.

**Mr LANGBROEK:** I rise to a point of order. This is not a personal reflection and I am asking for your guidance in explaining the standing order. He has made no reference to the honourable member and, therefore, under the standing orders I fail to see how he should be made to make a withdrawal. He has made no personal reflection.

**Mr Wilson** interjected.

**Madam DEPUTY SPEAKER:** Will everybody please settle down and I will seek some advice. Member for Moggill, please resume your seat. Can I ask the member for Rockhampton to explain to me what the personal reference was that caused the offence?

**Mr SCHWARTEN:** The statement was made in direct contradiction of a statement that I made to the parliament which I took offence at. It assumes that I am misleading the parliament, which I am not.

**Madam DEPUTY SPEAKER:** Could I ask the member to just explain the personal reference to him that caused offence.

**Mr SCHWARTEN:** Sorry, I missed that.

**Madam DEPUTY SPEAKER:** Could you explain to me the particular words that caused personal offence, which made personal reference to you?

**Mr SCHWARTEN:** The statement that contradicts my statement earlier. I find it offensive—I have tabled evidence—the statement that Queenslanders are at the bottom of the education pile.

**Madam DEPUTY SPEAKER:** There is no personal offence, there is no point of order and I ask the member for Moggill to continue.

**Dr FLEGG:** The LNP are rolling out substantial reform policies in the area of education to ensure Queensland goes where we belong—to the top. One of those policies is being announced today, and that relates to independent public schools. This is the policy whereby we empower local schools and local communities—school leadership, headmasters, teachers and parents—to control the direction for education for their children. There is a reason Queensland parents are voting with their feet in droves to go to non-government schools. It is the ability of schools to respond to their local needs that is central to that. Under our proposal for independent public schools, school leadership boards and headmasters will have control over where their budget is spent and they will have a say in whether the staff they are employing are suited to the needs of that particular school. This is a process that will be driven by parents, teachers, school leaders and local communities, so much so that it is an opt-in system. Not one school in Queensland will be forced to put their hand up to become an independent public school. They will do so if they see the benefits. There will be no obligation on them to do so, as there has not been in Western Australia.

**Government members** interjected.

**Dr FLEGG:** School autonomy has been endorsed across the world, most recently by the federal colleagues of those who are bleating opposite. Prime Minister Gillard has endorsed school autonomy and the sorts of measures that have been taken in the Independent Public Schools policy. Peter Garrett has endorsed the benefits of school autonomy and flexibility in the choice of staffing. Those opposite are the ones who seek to mislead this House because this proposal is nothing about elite schools. This proposal applies to low-SES schools, it applies to special schools, it applies to city schools, it applies to country schools. I am indebted to the member for Murrumba for getting up and describing exactly what we are not doing with this. We have been able to look at the experience in other places, take the best of it, learn from any teething problems that they might have had and adapt this to Queensland conditions. It is about time we acknowledged that in the area of education it is front-line staff and local communities who are best placed to know what needs to be done for the education of their children.

If the people of Queensland do choose the LNP to be in government, we are not going to sit around expecting different results from doing the same thing; we are going to act. Under this scheme, schools that want to have a particular focus on literacy and numeracy, on behaviour or engagement or on special areas like performing arts or science and technology or who have a particular focus on students who do not speak English will be able to focus those resources in those areas. They will be able to use their budgets on their staff. I visited many of these schools in Western Australia and saw what I would describe as excitement to see a 30-year veteran headmaster come back out of the bureaucracy just because he could run a school. Minister Dick on the other side, the King Canute who wants to stand against the tide of having greater autonomy in schools, is standing against Prime Minister Gillard, education minister Garrett, Western Australia, New South Wales, the OECD, the USA and the United Kingdom. It is no wonder parents in this state have been voting with their feet. All those opposite know how to do is say no. All they have, as a poor excuse for a policy, is a discussion paper that does not bind them to anything.

*(Time expired)*

### Gold Coast, Infrastructure

 **Ms CROFT** (Broadwater—ALP) (11.36 am): As the parliamentary secretary assisting the Premier on the Gold Coast, I rise to outline the investments this government has made on the Gold Coast and to speak about how, together with my colleagues Margaret Keech, Peter Lawlor and Christine Smith, we have worked hard to deliver for the residents of my electorate and the whole Gold Coast.

When I was first elected in 2001 the population of the Gold Coast was 432,000. We as a government recognised that the tourism industry was important for the viability and sustainability of our city. The \$167 million Gold Coast Convention and Exhibition Centre has injected an estimated value of \$160 million over the past three years into the local Broadbeach precinct and the wider Gold Coast region from its mix of business and leisure tourism events. Having the Gold Coast Convention and Exhibition Centre has also demonstrated that our city is ready to host the 2018 Commonwealth Games. The convention centre will be the venue for the netball and will be the centre for the world's media.

We on this side of the House believe that Queensland is where Australia shines—unlike the LNP, who obviously do not think Queensland is good enough for their tourism plan. Instead they use images of Mexico. Labor supports tourism on the Gold Coast. That is why we are investing more to secure events such as the Magic Millions through to 2017 as well as the Rugby Sevens, which has been a great success, and why we brought the national surf-lifesaving titles back to the Gold Coast. Metricon Stadium, opposed by those opposite, is not just the home of the Gold Coast Suns; it is also a destination and a reason people are coming to the Gold Coast, staying in our hotels, using taxis and dining out at our restaurants. It is supporting tourism on the Gold Coast.

As our population has grown, so, too, has the traffic. We understand that. It is this government that has delivered the seven kilometres of Tugun bypass and the \$166 million Hope Island Road upgrade that took this road from a goat track to a major access road for the northern suburbs. This project was committed to and under construction when the Gold Coast needed it most, keeping jobs and supporting the local economy when the LNP would have cut it from the program to deliver its slash-and-burn 'de-necessary' public sector jobs policy at the last election. Other road projects, such as the \$127 million Frank Street and Gold Coast Highway upgrades in my electorate, were also important infrastructure projects that delivered jobs as well as safer and improved roads for locals and visitors and that enhanced the look of our local area.

In 2009, the Bligh government extended the rail line from Robina to Varsity Lakes. As our city has grown, so too has the demand for health services. The purchase of Robina Hospital and its subsequent \$2 billion expansion was delivered by this government. Currently underway is the construction of the \$1.76 billion Gold Coast University Hospital. That hospital will deliver state-of-the-art health facilities and services that will cater for our population growth. It is the largest public health infrastructure project underway in Australia. The hospital site forms part of the developing health and knowledge precinct, which will incorporate the athletes' village for the Commonwealth Games. The precinct includes Griffith University, one of Australia's top universities, and will be serviced by the \$1.5 billion light rail. The light rail was promised by Labor and we are delivering on that commitment.

As the Gold Coast population has grown, the state government has also recognised that people want our environment protected for future generations and open space and recreational facilities for all to enjoy. That is why the Bligh government delivered the \$32 million Broadwater Parklands and it is why we expanded Springbrook National Park. The government has committed \$1.5 million to begin the restoration of Kirra Beach and, following the extension of the green zone off South Stradbroke, the government has delivered on its promise to build an artificial reef on South Straddie to enable sustainable fishing to continue. The LNP environment policy is to reverse the green zones, despite the science saying that green zones work to ensure that future generations also have the opportunity to enjoy recreational fishing by teaching sustainable fishing practices and care for the environment. This morning we learned that the LNP's real proposal is the fishing tax.

The Gold Coast is a great place to live and a great place to do business. The Gold Coast needs to continue to develop as a city that is ready for growth and is ready to develop healthy and active young people and a city that has services to support all generations. It will be this government that delivers the \$500 million worth of transport and sports infrastructure projects for the Commonwealth Games. It is this government that has the energy, the ideas and the policies that will invest in education, health, event tourism, the environment and our community to build a Gold Coast of tomorrow. We have done it in the past and the Bligh government will continue to put the Gold Coast first.

*(Time expired)*

### Tourism Industry

 **Mrs STUCKEY** (Currumbin—LNP) (11.41 am): Campbell Newman and the LNP are serious about getting tourism in Queensland back on track. Unlike Labor, we recognise tourism as one of the four pillars of the Queensland economy. That is why we are determined to ensure that Queensland regains its rightful place as the nation's pre-eminent tourism destination. It is why we will fight hard to grow the industry and attract new jobs and investment. It is why we will fight Labor's industry-crippling carbon tax and repeal the Bligh government's waste levy. We will cut unnecessary red tape and make certain that infrastructure is planned and constructed. We will involve the Coordinator-General in tourism related projects.

Our comprehensive strategy document, which was launched on 23 November, sets a very clear target for growing the industry and measuring success with short-, medium- and long-term goals. Our strategy is all about partnerships—new partnerships that provide a fresh start between Tourism Queensland, regional tourism organisations and industry. We will achieve this by working with all of the industry to deliver more coordinated tourism marketing efforts throughout Queensland and to develop and then implement a 20-year strategic plan for the industry. We will re-establish a department that has tourism as its key responsibility and ensure a truly whole-of-government approach to supporting the tourism industry through the oversight of a special-purpose tourism committee of cabinet to be chaired by the tourism minister. Ministers carrying portfolios such as state development, transport, planning, education and natural resources will have specific tourism responsibilities that will be coordinated through that committee.

Yet what does the minister say? She calls this document an announcement about an announcement and a plan to have a plan. But she would, wouldn't she? The sum total of the minister's policy offering is a discussion paper. After what the tourism industry has been through, all she can offer is a 'bold and frank' paper, open for less than one month's consultation, which states that it is the 'start' of a discussion with industry. On the other hand, industry leaders have the following to say. QTIC's Daniel Gschwind said—

We're certainly encouraged by the announcement today ... I don't think we've seen an Opposition with such a comprehensive document prior to an election before and we think it allows us as an industry to engage the policy debate.

TTF Chief Executive Officer John Lee said—

Elevating tourism to a senior cabinet position and appointing a tourism Coordinator-General shows that the LNP is serious about reaching that target.

Smoother planning approvals, allowing appropriate tourism operations in national parks and developing tourism career pathways will improve the overall visitor experience, while growing aviation access to Queensland and continuing to support Events Queensland will help to drive visitation throughout the state.

Caravanning Queensland CEO Ron Chapman said that Queensland's road tourism has welcomed the release of the LNP tourism strategy, saying that the proposed infrastructure investment, tourism promotion and support and red tape minimisation would help restore the industry. The AOT CEO said the same, stating—

I totally support the policy initiatives being proposed by the LNP. The long-term vision, whole of government approach and co-ordinated partnership between industry ... take advantage of huge opportunities in leisure tourism.

I wonder if the minister will receive such glowing reports on her recently released discussion paper. It appears that key industry stakeholders disagree with the minister's criticism of our strategy paper. They recognise the importance of a truly whole-of-government approach with meaningful industry involvement; a senior cabinet position for tourism, not a desk in a mega department; and the reduction of red tape in order to foster investment. The honourable member for Whitsunday is so completely out of her depth that she resorts to quoting from unsubstantiated comments on social networking avenues that use juvenile and naive language. The minister uses Twitter as her mouthpiece for this tired and toxic government because it does not like what the industry is saying. The government has itself to blame. As I travelled around this great state I spoke to dedicated tourism operators. The clear message coming through from Coolangatta to Cairns and beyond was that they had lost all confidence in the Bligh government, which they accused of political interference and lacking any leadership.

I place on record my gratitude to everyone who contributed to the LNP tourism strategy. We consulted widely, we listened and we delivered what is being described as the most comprehensive paper ever by a government or an opposition. Campbell Newman and the LNP are working for all Queenslanders, not for ourselves. We are not simply trying to save our jobs like those opposite are doing. We are not trying to protect our jobs. We are trying to grow Queensland and that is exactly what this policy and strategy paper intend to do.

### Toowoomba North Electorate

 **Mr SHINE** (Toowoomba North—ALP) (11.46 am): I am delighted to inform the House of a number of very positive events that occurred in Toowoomba in recent times. This month the Minister for Sport, the Hon. Phil Reeves, came to Toowoomba and presented cheques to four organisations under the government's Sport and Recreation Infrastructure Program. The Toowoomba Hockey Association received \$351,679 to upgrade its playing surface. Toowoomba Cricket will use a \$120,000 grant to install lighting to support cricket and rugby league at Ernest Peak Park, Drayton. The West Toowoomba Croquet Club received \$44,000 to install competition standard lighting to support croquet at Newton Park in my electorate. The Gold Park Sporting Club received \$91,000 for the construction of change rooms to support rugby union, which is on top of several thousand dollars that it received recently to upgrade lighting at Gold Park. As a government, we want to ensure that our local sport and recreation clubs have the best facilities to continue to provide that vital community service. We know that clubs are the lifeblood of communities and by funding new facilities, upgrades and developments the Bligh government is helping to secure the future of grassroots sport.

Also on this theme, I advise the House that last Sunday I had the pleasure of representing the Premier and the Minister for Sport at the grand opening of the Toowoomba Cycling Criterium Track. The track, which experts such as professional cyclist Mick Rogers and SBS cycling broadcaster Scott Sunderland state is one of the best if not the best in Australia, came about as a result of a number of factors. One of those factors is the hard work of the cycling community in Toowoomba and members such as Kerry Cosgrove, Ian Knox and John Osborne to name just a few. Of course, another factor is the close working relationship, leading to a successful partnership, between the state government, the Toowoomba Regional Council and the Royal Agricultural Society or the Toowoomba Showgrounds.

The state government put up just under \$1 million, the Toowoomba Regional Council about \$1.3 million and the showgrounds accommodated the project on its land. I acknowledge the splendid work done by those I mentioned before from the cycling community, and also Councillor Mike Williams, Mayor Peter Taylor and other council officers, including Paul Knight, Andrew Allpass and Deon Collins. I also acknowledge the president and vice president of the show society, John McDonald and Bill Hedger, and their officers, as well as the state government sport and recreational officer in Toowoomba, Neal Ames.

I would like to especially thank the workers of the Toowoomba Regional Council for the first-rate construction job done on the track. I can testify to the smoothness of the surface. Having donned the lycra, I had the honour with the mayor of leading—

**Mr O'Brien** interjected.

**Mr SHINE:** I will take the interjection from the member for Cook and undertake to supply him with the relevant photos. I had the honour with the mayor of leading hundreds around the track after its opening. Cycling has taken off with a real bang in Toowoomba and I encourage its development.

**Mr Wendt:** Were you in your lycra?

**Mr SHINE:** You were not listening. Earlier this month I represented the Minister for Health, Mr Wilson, at the opening of the Olive McMahon accommodation units in Toowoomba. The state government advanced to the Queensland Cancer Council an amount of \$3 million which enabled it to purchase the former Tudor Lodge Motel at the top of the range in Toowoomba. I congratulate the estate of Ms McMahon who donated \$1 million towards the project. This enables patients and families to come to Toowoomba for treatment and stay free of charge. So much for the recent sprouting by the opposition about the proposals regarding the patient subsidy scheme. What this government has done—now in Toowoomba but previously elsewhere in Queensland—is provide millions to the Cancer Council to enable a free stay for those who are in grave need.

Finally, could I refer to the opening of the Fairview Heights State School BER project. I refer to the multipurpose hall and resource centre built at the Fairview Heights State School in my electorate. An amount of \$3 million was invested by the federal government on top of the \$200,000 invested by the federal government under the National School Pride scheme. This facility is much needed and much appreciated. I appreciate the federal government's support. I commend the Minister for Education for the partnership developed with the Commonwealth government to ensure that the best results were obtained.

*(Time expired)*

### Maryborough Electorate

 **Mr FOLEY** (Maryborough—Ind) (11.51 am): Firstly, I would like to move a motion that all members desist from drinking red cordial and eating red snakes before coming into parliament as the behaviour has become—

**Ms Jones** interjected.

**Mr FOLEY:** Apart from the one that I managed to lift from the member for Ashgrove. There are a few lines there, but I think we will leave those well alone.

I bring to the attention of the House one of the major problems that we have in my electorate—that is, the erosion of the foreshore at Toogoom. A constituent of mine, Mr Rod Grieves, has written to me saying that the issue, as I well know, has been going on for many years. Back in 2005 a seawall was to be constructed by the former Hervey Bay city council. That came to a standstill as the reserve in question is owned by the state government and the council could not proceed due to environmental restrictions. I remember that issue very well because I raised that issue with the minister. I pleaded with the government to do something about it before more land was lost.

My constituent writes—

In 2005 the ocean 30-40 metres from my property. Today the ocean is 7 metres away and with Christmas high tides approaching I believe the 7 metre buffer will demise rapidly.

When we consider that he had 30 to 40 metres in front of his property in 2005 and he now has seven, I think he is dead right. I call on the environment minister to sort something out immediately as those homes have been under threat. It has been a tremendous worry for people. They have continued to raise this issue both with the council and with me, but it appears to be falling on deaf ears. Those who know the difference between a right line boundary and an ambulatory boundary would know that there is a significant problem when it comes to the value of people's properties.

Secondly, I would like to congratulate the very brave young man Coen Ashton who won the Child of Courage award and the inaugural People's Choice award for his monumental battle to ride down the Murray River on a jet ski to raise awareness for organ donation. He is a young Maryborough boy who suffers from cystic fibrosis. He is in every respect an absolute champion boy. I believe that we should move to the opt-out system for organ donation. That would fix the problem overnight. If people do not want to participate then, as the term says, they can simply opt out.

Thirdly, my mate Greig Bolderrow is honoured in the *Fraser Coast Chronicle* today. Boldie has worked at what we used to call 4MB or now Mix FM, Austereo, for 40 years. Anyone who lives in our electorate knows Boldie very well. He is one of the great characters in my electorate. He is a good mate of mine. He is a very fun man, a connoisseur of red wine and an all-round good guy. Boldie manages three radio channels—103.5 Mix FM and 101.9 Sea FM in Maryborough and 93.1 Sea FM in Bundaberg—as well as several TV channels. People would not find anyone who knows more about the media and the way it operates than Boldie. Congratulations on a job well done.

Next I would like to pay tribute to a retiring professor from the University of Southern Queensland Fraser Coast campus. Professor Ken Stott, who was my professor for a recent masters I have completed and which I had been working on for a long time, is a fellow pilot and an all-round amazing man. In the past he has been involved in professional sports such as soccer and netball. He has had a real struggle in recent years with health issues. I certainly wish Professor Stott a wonderful retirement. I really hope that he just enjoys a quieter life.

Finally, I congratulate all of the volunteers who have worked so hard and so tirelessly to continue the service of Meals on Wheels Maryborough which has been under threat due to the closure of the company that ran it. Well done to the volunteers.

### Far North Queensland, Diabetes

 **Mr O'BRIEN** (Cook—ALP) (11.56 am): Type 2 diabetes is at epidemic proportions in my electorate. This was confirmed for me when Diabetes Queensland visited parliament during the last sitting week. Their colour coded map showed that Far North Queensland has amongst the highest incidence of type 2 diabetes of any place in Queensland. One of the reasons this is occurring is that the region has a high Indigenous population that is genetically more susceptible to diabetes. The other factors include smoking, excessive drinking, poor diet and a lack of exercise. These factors also play a part right across the population.

Distressingly, more young people are being diagnosed with type 2 diabetes due to these factors. While I strongly believe that this epidemic will only be addressed when individuals start making the right choices and start taking responsibility for their own lifestyles, the Bligh Labor government is taking appropriate steps to do what it can to address this issue and support people. Unfortunately, our first

priority must be to treat, which is why we have opened up renal dialysis beds in Mossman and Cooktown and why, in partnership with the Australian government, we are building a \$40 million chronic disease centre on Thursday Island which includes a renal dialysis unit.

Of course it would be better if we did not have to build these things, but convincing people to change their lifestyle is a difficult task and will only be successful over time. Nevertheless, we are working with individuals, groups and communities to assist people make the necessary change. Right across my electorate this Labor government has improved or built sporting and community infrastructure. We have built sports halls from Warraber Island to Kowanyama, and we will continue to do so. The new cyclone shelters in Port Douglas and Weipa will become in reality sports halls for most of the time. We have invested in football fields, swimming pools, shooting ranges and golf courses just to name a few.

We have done other things as well. In the Torres Strait we are supporting communities build community farms. Accessing fresh fruit and vegetables is an issue for those communities. These farms act as much as educational facilities as they do as a source of food. As well as getting the food, it is hoped that people will replicate the techniques of the farm at their home or on their land.

We are also funding sport and recreation officers right across the length and breadth of my electorate to help get people active. There are also services like ATODS working with other Queensland Health staff like nurses and doctors assisting people to beat their addiction to alcohol, smoking and other drugs which are so much the cause of type 2 diabetes in my electorate.

I am also pleased to announce today that Far North Queensland is going to benefit from \$700,000 worth of funding under the Local Sport and Recreation Jobs Plan. This is a great program which funds a coordinator to provide guidance and expert advice to a cluster of sport and recreation clubs to help them fundraise, promote activities and find sponsorship at a grassroots level. There are many club officials and volunteers who just do not have enough time to follow up all of the government's fundraising, development and marketing duties that clubs need to pursue. That is why this funding will particularly support clusters in the Cook Shire Council area, the Weipa Town Authority area as well as the North Queensland Touch Association, Cairns & District Rugby Union and Queensland Cricket to find funding, find sponsors and help build administration and coaching right across the electorate.

The issue of diabetes has been brought home to me as my partner is a type 1 diabetic. Type 1 diabetes is different from type 2 diabetes in that it is a disease which science seems to believe is inherited or is genetic. Having a partner who is a type 1 diabetic, I have learned how onerous the disease is to manage on a day-to-day basis. The constant trial of checking blood sugar levels, of putting in insulin, of making sure the doses are right is difficult. If people do not make the right choices to stop smoking, stop drinking excessively and get active, that becomes their fate and they become a burden on the taxpayers, who have to build things like renal dialysis units which, as I have said today, are costing tens of millions of dollars in my electorate alone. I can only try to get the message across as strongly as I can for people to take the necessary steps to avoid getting type 2 diabetes.

**Madam DEPUTY SPEAKER** (Ms Farmer): Order! The time for matters of public interest has expired.

## COMMONWEALTH GAMES ARRANGEMENTS BILL

Resumed from 17 November (see p. 3780).

### Second Reading

 **Hon. AM BLIGH** (South Brisbane—ALP) (Premier and Minister for Reconstruction) (12.01 pm): I move—

That the bill be now read a second time.

**Mr WILSON:** I rise to a point of order. I draw the attention of the Deputy Speaker to the state of the House. There is not one LNP member in the House at the moment and there has not been for the last 10 or 15 minutes. It is an utter disgrace. It is treating Queenslanders and this parliament with contempt. The LNP already believe they have won the next election.

**Ms BLIGH:** I will speak to the motion that the bill be read a second time. I note that the portfolio committee has provided its report. The government supports the recommendations in principle and will implement one of the recommendations.

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

Motion agreed to.

Bill read a second time.

### Consideration in Detail

Clauses 1 to 48, as read, agreed to.

Schedule, as read, agreed to.

### Third Reading

 **Hon. AM BLIGH** (South Brisbane—ALP) (Premier and Minister for Reconstruction) (12.05 pm): I move—

That the bill be now read a third time.

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

Motion agreed to.

Bill read a third time.

### Long Title

 **Hon. AM BLIGH** (South Brisbane—ALP) (Premier and Minister for Reconstruction) (12.05 pm): I move—

That the long title of the bill be agreed to.

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

Motion agreed to.

## CRIMINAL ORGANISATION AMENDMENT BILL

Resumed from 25 October (see p. 3367).

### Second Reading

 **Hon. AM BLIGH** (South Brisbane—ALP) (Premier and Minister for Reconstruction) (12.06 pm): I move—

That the bill be now read a second time.

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

Motion agreed to.

Bill read a second time.

### Consideration in Detail

Clauses 1 to 24, as read, agreed to.

Schedule, as read, agreed to.

### Third Reading

 **Hon. PT LUCAS** (Lytton—ALP) (Attorney-General, Minister for Local Government and Special Minister of State) (12.06 pm): I move—

That the bill be now read a third time.

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

Motion agreed to.

Bill read a third time.

### Long Title

 **Hon. PT LUCAS** (Lytton—ALP) (Attorney-General, Minister for Local Government and Special Minister of State) (12.06 pm): I move—

That the long title of the bill be agreed to.

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

Motion agreed to.

## HOLIDAYS AND OTHER LEGISLATION AMENDMENT BILL

Resumed from 15 November (see p. 3629).

### Second Reading

 **Hon. CR DICK** (Greenslopes—ALP) (Minister for Education and Industrial Relations) (12.08 pm): What a shameful debacle we have seen today from the opposition, unable to discharge their responsibilities as an opposition in this House. The shadow Attorney-General is now leaving the House after rushing through—

**Mr DEPUTY SPEAKER:** Minister, you need to formally move that the bill be read a second time.

**Mr DICK:** I move—

That the bill be now read a second time.

This is a very important reform for Queensland. It is about giving working families the opportunity of additional holidays. It is strongly supported by the government as distinct from the opposition, which is completely divided.

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

Motion agreed to.

Bill read a second time.

### Consideration in Detail

Clauses 1 to 27, as read, agreed to.

### Third Reading

 **Hon. CR DICK** (Greenslopes—ALP) (Minister for Education and Industrial Relations) (12.10 pm): I move—

That the bill be now read a third time.

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

Motion agreed to.

Bill read a third time.

### Long Title

 **Hon. CR DICK** (Greenslopes—ALP) (Minister for Education and Industrial Relations) (12.10 pm): I move—

That the long title of the bill be agreed to.

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

Motion agreed to.

## MOTION

### Censure of Opposition

 **Hon. AM BLIGH** (South Brisbane—ALP) (Premier and Minister for Reconstruction) (12.10 pm), by leave, without notice: I move—

That this parliament censures the Queensland opposition for their failure to meet their duties in this parliament this morning.

**Mr DEPUTY SPEAKER** (Mr O'Brien): Do we have a seconder?

**Ms SPENCE:** Mr Deputy Speaker, I second the motion.

**Mr DEPUTY SPEAKER:** I call the Premier.

**Ms BLIGH:** Thank you, Mr Deputy Speaker. I know from talking to the member for Rockhampton that in the time he has been in this parliament, since 1989, this is only the second time in the history of this parliament that we have seen the opposition fail to appear in this parliament. The only other time was when there was gun law reform being considered by the parliament post the terrible Port Arthur massacre when not a single member of the opposition could be bothered turning up in this House to debate one of the most important social issues facing us as a nation.

What we have faced here this morning is not one single member of the opposition here when legislation was to be debated. They were not just absent for a couple of minutes but for 20 minutes or longer they were absent without leave. They could not get anybody in here to debate legislation that would set up the Commonwealth Games for the Gold Coast, legislation that would give working families of this state public holidays and legislation that would introduce changes to the criminal laws of Queensland. There is nothing that they can offer by way of an excuse for this appalling performance.

The Queensland Liberal National Party opposition are recognised nationally as the best resourced opposition in the country. We all know they are the laziest, because not one of them could turn up in this parliament to debate legislation that affects the lives of every Queenslander. They have made parliamentary history this morning. I doubt you will find any opposition in the country that will have a record to match the Liberal National Party when it comes to laziness.

This is exactly what you get when you outsource the leadership. This is what happens when you take a leader who has no experience in the state parliament of Queensland. This is what happens when you have a leader from outside the chamber, someone who knows nothing about parliamentary procedure and, worse, someone who has no respect for that procedure. That procedure is at the heart of the democratic institutions of our state. On this side of the chamber we know that what we do in here matters. The members of my team will never miss a chance to stand up and talk about the effect of legislation on the people they represent.

What we have seen here today is one of the most appalling and embarrassing performances that I have seen in the time that I have had the honour and the privilege to represent the people of South Brisbane in this state. I am ashamed today of the Queensland opposition, and they stand condemned.

**Government members** interjected.

**Mr DEPUTY SPEAKER:** Order! Members on my right, the Premier is on her feet.

**Mr Seeney** interjected.

**Mr DEPUTY SPEAKER:** Order! Leader of the Opposition, I am on my feet. The Premier has the call.

**Ms BLIGH:** People should not underestimate what has happened here this morning. What has happened has been a complete abdication of responsibility and a complete failure by the Liberal National Party to do their duty by the people they represent. This would be up there with some of the most embarrassing parliamentary performances in the Westminster system—not just here in Queensland, not just here in Australia. This organisation is a blight on the Westminster system.

**Mr Seeney** interjected.

**Government members** interjected.

**Mr DEPUTY SPEAKER:** Order! Members on my right! Leader of the Opposition, for the second time, you will come to order. The Premier has the call.

**Ms BLIGH:** Not satisfied with being an embarrassment to this parliament, the Leader of the Opposition seeks to defend it and make a joke of it. These are the people who want to manage government in this state. They cannot manage being in opposition. They are not fit to sit on the opposing bench, let alone fit to sit on a government bench. They are the best resourced and laziest opposition in Australia. The Liberal National Party today have traduced the traditions of this parliament. They have abandoned the people they represent. They are an embarrassment—

**Ms Simpson:** What about Gordon Nuttall's criminality in this parliament?

**Mr DEPUTY SPEAKER:** Order! Member for Maroochydore! The Premier has the call.

**Ms Simpson:** You have double standards. You removed the criminality of Nuttall.

**Mr DEPUTY SPEAKER:** Order! I am on my feet. Member for Maroochydore, that is your second warning. The Premier has the call.

**Ms BLIGH:** The member for Maroochydore, along with every other member of her team, has failed her constituents today. They are too lazy to be here to debate the bills of this parliament. The question, of course, is where were they? What was more important than debating legislation to set up the Commonwealth Games for this state? What was more important than debating public holidays and school holidays that make such a difference to working families and the businesses of Queensland? What was more important than debating the criminal laws of this state? Not one of them could be bothered turning up. They are not fit for government. They are not even fit for opposition.

**Hon. JC SPENCE** (Sunnybank—ALP) (12.18 pm): History has indeed been made today. In the 22 years that I have been in this parliament, I have never witnessed such an occasion where the opposition was not here in any number to debate three important pieces of legislation. Today what we have witnessed is something unique where those opposite could not be bothered coming into this chamber to talk about issues as important as the Commonwealth Games bill and as important as the organised crime bill—that very important bill that is all about laws surrounding our bikies and trying to shut down bkie gangs. Another important bill to be debated was the trading bill which deals with public holidays over the Christmas period.

It is right and proper that the government pay attention to this because it is unique and it is disappointing for many members of parliament, particularly the opposition members, who would have liked to have spoken on those important bills. However, it shows that people have to be observant about what is happening in this chamber. Everyone was very aware that these bills were coming on after the matters of public importance debate. There is no excuse for the opposition or indeed any member not to be aware and not to be here when those bills came up for debate.

It is a very disappointing day for many Queenslanders not to see these important pieces of legislation debated in this parliament. I have seen this happen on one occasion, but not for three bills—not to take the opposition that long to get here to debate three pieces of legislation. I look forward to the next bill being debated, the Civil Proceedings Bill. I note that the opposition is now here in numbers and the parliament will continue with that debate.

**Mr SEENEY** (Callide—LNP) (Leader of the Opposition) (12.20 pm): This is indeed an extraordinary occasion in the Queensland parliament.

**Government members** interjected.

**Mr DEPUTY SPEAKER** (Mr O'Brien): Order!

**Mr SEENEY:** It is indeed extraordinary for a government to enter into deliberate dishonesty in relation to the running of this parliament. This parliament operates—

**Government members** interjected.

**Ms Jones** interjected.

**Mr DEPUTY SPEAKER:** Order! Member for Ashgrove! The Leader of the Opposition has the call.

**Mr SEENEY:** This parliament operates to fulfil a function that is vital to democracy in Queensland, just as parliaments do everywhere else in the Western world. But the operation of parliaments such as this depend on some discussions every day between the government and the opposition about the agenda and about the arrangements for the debate. Those discussions depend on trust and honesty. What the government has done today—and the people of Queensland need to know—

**Government members** interjected.

**Mr DEPUTY SPEAKER:** Order! Members on my right! The Leader of the Opposition has the call.

**Mr SEENEY:** What the government has done today—and everyone needs to know—is be deliberately dishonest about the agenda for debate here in the parliament. It has been deliberately untruthful. It is unparliamentary to say the word that everybody else out in the community knows this sort of activity as, but every Queenslander knows what a lie is and—

**Mr DEPUTY SPEAKER:** Order!

**Mr SEENEY:** I withdraw, Mr Deputy Speaker.

**Mr DEPUTY SPEAKER:** Order! Two things: you know that is unparliamentary, so you will withdraw.

**Mr SEENEY:** I withdraw.

**Mr DEPUTY SPEAKER:** And there is too much audible conversation in the House. The House will come to order. The Leader of the Opposition has the call.

**Mr SEENEY:** But what we have seen in the parliament this morning is the government indulge in deliberate dishonesty about the order of debate—about the issues that were going to be debated in this parliament. The Government Whip advised the opposition that there were three pieces of legislation to be introduced which would have kept the business of this chamber occupied for the best part of an hour. That was the advice that was given, as it is given every day in every parliament between the government and the opposition, and it needs to be. Unless that sort of advice is given and received and acted upon, then this parliament will not work and it cannot work. But what we have seen the government do is indulge in this deliberate dishonesty—this deliberate trickery—to try to score some stupid political points here in the parliament, and in trying to score those silly political points it has been prepared to trash the conventions of this place.

**Ms SPENCE:** I rise to a point of order. The Leader of the Opposition refers to conversations that I generally have with the shadow leader every day. I have not on any occasion suggested that there was going to be legislation introduced today.

**Mr SEENEY:** Mr Deputy Speaker, I said the Government Whip.

**Mr DEPUTY SPEAKER:** There is no point of order. The Leader of the Opposition has the call.

**Mr SEENEY:** As far as I am aware, the Leader of the House is not the Government Whip. The Government Whip advised the opposition that there were three pieces of legislation—

**Mrs KEECH:** I rise to a point of order. As the Government Whip, I have had no conversation whatsoever with the member today.

**Mr DEPUTY SPEAKER:** The member is not asking for a withdrawal, so there is no point of order.

**Mrs KEECH:** And I ask the member to withdraw.

**Mr DEPUTY SPEAKER:** Now she is asking for a withdrawal. She has obviously found offence, Leader of the Opposition.

**Mr SEENEY:** Mr Deputy Speaker, I am happy to withdraw and I will correct the record.

**Mr DEPUTY SPEAKER:** Thank you. You have the call.

**Mr SEENEY:** I am told it was the deputy whip or one of the deputy whips. There are two deputy whips. Would they all like to take their turn and deny it? Would they all like to take their turn? Would they all like to take their turn and—

**Government members** interjected.

**Mr DEPUTY SPEAKER:** Order! Minister for Main Roads!

**Mr SEENEY:** Thank you, Mr Deputy Speaker. I note that the denials dried up at that point, because it is the case that this government has been dishonest with the agenda of the parliament today—deliberately dishonest to try to score a political point. The people of Queensland need to ask themselves why that is so. Why would a government with so many pressing issues facing the people of Queensland indulge in this sort of—

**Mr Wallace** interjected.

**Mr DEPUTY SPEAKER:** Order! Minister for Main Roads, that is twice. You're not in your seat. The Leader of the Opposition has the call.

**Mr SEENEY:** The real question for the people of Queensland is: why would a government, which is responsible for the administration of a state and faced with so many challenges, indulge in this sort of puerile, nonsensical, juvenile nonsense in the parliament? The answer is self-evident of course. This is a government that has got nothing left. This is a government that has simply failed at every level of administration. The Premier has reverted to her schoolgirl student union days. She has come in here and played the silly political games that were all the rage back in the student union at Queensland uni. Rather than being out there, as every Premier who has occupied the position has done during parliamentary weeks—

**Government members** interjected.

**Mr DEPUTY SPEAKER:** Order! Honourable members, the House will come to order.

**Mr SEENEY:** Rather than being out there, as every former Premier who has occupied that position has done during parliamentary weeks, meeting with people and talking to groups and addressing the issues that are important to the people of Queensland, this Premier wants to engineer a silly little trick in the parliament that is based on dishonesty, based on a complete betrayal of this parliament, a complete betrayal of the protocols that have been built up in this parliament over a long period of time. The people of Queensland can make their own judgements about that. They can make their own judgements about whether this is an appropriate use of the parliament's time given all of the other issues that are affecting the people of Queensland.

**Government members** interjected.

**Mr DEPUTY SPEAKER:** Order! Leader of the Opposition, resume your seat. Honourable members, there is too much audible conversation. There is too much interjection. The House will come to order. The Leader of the Opposition has the call.

**Mr SEENEY:** Thank you, Mr Deputy Speaker. I appreciate that their shame and embarrassment is such that they cannot listen in silence, because they have today made a mockery of this parliament. They have trashed the protocols that are essential for this parliament to work. They have sought to use those protocols to score silly political points that would be juvenile and puerile out at the Queensland uni. They are the facts. It is made worse by the fact that they have chosen to do that during the consideration of a bill that is about setting up the Commonwealth Games for Queensland—an event that is important to all Queenslanders.

But how important is it to this government? This government was prepared to use that opportunity to play a silly little political trick rather than allow its own members to talk about the establishment of the Commonwealth Games. What happened to those members of the government who represent areas of the Gold Coast? They were denied an opportunity to talk about the Commonwealth Games. They were denied an opportunity to make any contribution to the consideration of this legislation that is of critical importance to the Gold Coast simply so that the Premier could play her juvenile little games.

That is the level that this government has sunk to. That is the capacity that is left in the government. What a pale shadow this government is of the former Labor government that first sat on those front benches when I was elected to this parliament 13 or 14 years ago. The people who sat over there would be appalled by the silly little childish games that are played by the government today—people such as Peter Beattie, Terry Mackenroth and Jim Elder—

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

**Mr DEPUTY SPEAKER** (Mr O'Brien): Order!

**Mr SEENEY:**—people such as that, who had capacity and who had a respect for this parliament.

**Mr DEPUTY SPEAKER:** Order! Leader of the Opposition!

**Mr SEENEY:** Matt Foley, a great parliamentarian.

**Mr DEPUTY SPEAKER:** Order! I am on my feet. Resume your seat, member for Lockyer. Member for Murrumba, resume your seat.

**Mr SCHWARTEN:** Terry Mackenroth was the last one who did this so do not invoke his name here. He was the one who called on a bill when you people were too lazy to be bothered to be here.

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

**Mr SEENEY:** I take the interjection from the member for Rockhampton, because I had respect for Terry Mackenroth. I totally disagreed with his politics. I respected the man as a man, and one thing he would not have done is engage in the dishonesty and the deceit that has trashed the protocols of this parliament, and you know that, old mate. I do not—

**Mr DEPUTY SPEAKER:** Order! The Leader of the Opposition will resume his seat. You will refer to the honourable member by his correct title.

**Mr SEENEY:** The member for Rockhampton and I have referred to each other by lots of titles over the years, but I can say that he and I both know that the people who were elected to the Labor government in this state 13 or 14 years ago certainly would not have engaged in this sort of childish nonsense. What we have is a reversion to student union politics from a Premier who has never advanced beyond student union politics. What we have is a trashing of this parliament for cheap, juvenile political point-scoring. What we have here today is an insult to the whole Commonwealth Games committee, which has put together and won a bid to bring the Commonwealth Games to Queensland, to see the legislation that is necessary to support that bid rammed through this parliament without an opportunity for even the government members to speak to that legislation. Why? So the Premier could claim a silly little juvenile victory.

That is the sort of nonsense that we get from a government that has totally lost the ability to administer the big issues. When someone loses the ability, when they become totally out of their depth in handling the big issues, what usually happens is that they start to focus on the minutiae, they start to focus on the irrelevant, and that is what we have today. Does anybody really think the Bligh Labor government is going to be saved from the electoral fate that awaits it by this silly little trick? Does anyone really think the member for Mount Coot-tha, who faces some terrible polling results, is suddenly going to see his poll results reversed because he has been prepared to throw away all of the protocols, all of the accepted norms, all of the assumptions of honesty that are part and parcel of making this parliament run? Of course that is not going to happen. Of course the people of Queensland are going to see this for what it is—a desperate act by a desperate government, a desperate act by a government that has nothing left, a desperate attempt by a government to score some sort of little pathetic victory, a desperate attempt by a government to score that victory by trashing the protocols of this parliament.

That says a whole lot about this Labor government. It says a whole lot about the people who sit over there. I suspect that it says a whole lot about the people who are advising this government—people who know nothing about the traditions of this parliament, people who care nothing for the traditions of this parliament, people who are prepared to sacrifice every shred of honesty.

If the government is prepared to engage in this sort of dishonesty in the chamber, it is just as prepared to engage in this sort of dishonesty in the electorate. The people of Queensland can expect that same level of dishonesty that has been demonstrated here today in the election campaign—just as they saw in the last election campaign, when the Premier dishonestly went to the electorate telling the people of Queensland that they were not going to sell assets, that they were not going to introduce a fuel tax. Those are the things that the people of Queensland came to understand were fundamentally dishonest. They came to understand that that sort of fundamental dishonesty was part and parcel of the Labor Party government. They came to understand that that sort of dishonesty was in the DNA of the Bligh Labor government—that fundamental dishonesty of saying one thing and doing another.

That has been reinforced by the actions here in the parliament this morning. What they have done is once again reinforce the extent to which that fundamental dishonesty is part and parcel of the Labor government's DNA. They tell the opposition one thing and then they do another. They engage in absolute dishonesty. They say to the opposition, 'We are going to do this. We are going to introduce three bills and that will take the parliament's time for the next hour.' Then they dishonestly and deceitfully think, 'If we change that we will catch them out.' But to do that they have to sell out the Commonwealth Games committee and everyone who has been involved in it. That is exactly what happened.

What has happened in the parliament this morning has reinforced the dishonesty of the government as a whole. It has reinforced the dishonesty of every one of its members and it has reinforced the dishonesty of the Premier over and above all else—a Premier who lied to the people of Queensland—

**Mr DEPUTY SPEAKER:** Order!

**Mr SEENEY:** Sorry, Mr Deputy Speaker, I withdraw.

**Mr DEPUTY SPEAKER:** Order! Leader of the Opposition, you know that is unparliamentary.

**Mr SEENEY:** That was unintentional. I apologise.

**Mr DEPUTY SPEAKER:** That is the second time I have had to warn you during this contribution.

**Mr SEENEY:** I withdraw.

**Mr DEPUTY SPEAKER:** Thank you. If you could just hold on for a moment while we wait for the House to come to order—

**Ms Bates** interjected.

**Mr DEPUTY SPEAKER:** Order! And the member for Mudgeeraba as well.

**Mr SEENEY:** Mr Deputy Speaker, as I was saying, the actions of the government in the parliament this morning have reinforced the fundamental dishonesty of the government as a whole. But over and above that, they have reinforced the fundamental dishonesty of so many of its members. Chief among those members is the Premier. This action reinforces the dishonesty of the Premier, who the people of Queensland know is dishonest. They know from her record that she is dishonest.

**Ms BLIGH:** I rise to a point of order. The allegations from the member opposite are untrue. I find them offensive. He cannot excuse his laziness with these sorts of unfounded allegations and I ask for him to withdraw.

**Mr DEPUTY SPEAKER:** The Premier has found offence.

**Mr SEENEY:** I withdraw. I make the point that is self-evident to anyone who wants to look at this situation—that the actions of the government reinforce the fundamental dishonesty of the government. The actions of the government this morning, in being so completely dishonest and deceitful, reinforce the perception that every Queenslander retains from the last election campaign, when the dishonesty of the government was there for all to see. The dishonesty of the government as a whole is matched by the dishonesty of every individual within that government.

What the architects of this silly little political trick this morning have done is not just reinforce the dishonesty of the government as a whole, but reinforced their own dishonesty. Each one of the people who have been involved is equally culpable. They are prepared to engage in dishonesty for cheap political points. That is the point. I think it is reasonable for the people of Queensland to expect that people who hold high office in this state have a reasonable level of honesty and integrity. I think it is reasonable for the people of Queensland to expect that people who organise and control the operations of their parliament do so with a level of integrity and respect for each other, a level of honesty and integrity.

It has been demonstrated clearly this morning that that level of honesty and integrity does not reside in the Labor Party. The level of honesty and integrity that would be expected of somebody who occupies the position of Premier has not been displayed. The level of honesty and integrity that should be expected of somebody who occupies the position of Leader of the House has not been displayed today. Most importantly, the honesty and integrity that should be displayed by people who occupy the positions of whip and deputy whip has not been displayed in this parliament. They have been prepared to sacrifice that honesty and integrity for this sort of political nonsense—absolute political nonsense, childish nonsense—and it does them no credit. It is childish nonsense that detracts from the people who engage in it.

I would say to the Premier that the people who have advised this action in the parliament have done her no credit. They have done the government no credit. They have done the Premier personally no credit because it reflects very, very poorly on the position that she occupies and very, very poorly on her as an individual. I would say to the Premier that I think she is bigger than that. I have a view that people who occupy this parliament have a responsibility to the parliament and to the position not to revert to this sort of silly, childish political nonsense. This is the sort of stuff that would have been at home at the Labor Club out at the university back in the early 1980s or the late seventies, or whenever it was when the Premier learnt the trade there.

Can I conclude by saying that this is just another attempt to divert the attention of Queenslanders away from the failure of a government that has failed in every respect. It is a pitiful attempt to divert attention away from a string of failures that are glaringly obvious to anyone who wants to look at the political situation in Queensland. This sort of political nonsense does not make up for 20 years of failure. This sort of political nonsense does not make up for a cabinet that does not have the ability to even administer itself, administer the parliament, let alone administer the state.



**Hon. JC SPENCE** (Sunnybank—ALP) (Leader of the House) (12.43 pm): I move—

That the question be now put.

Division: Question put—That the question be now put.

**AYES, 55**—Attwood, Bligh, Boyle, Choi, Croft, Cunningham, Darling, Dick, Farmer, Finn, Foley, Fraser, Grace, Hinchliffe, Hoolihan, Jarratt, Johnstone, Jones, Kiernan, Kilburn, Knuth, Lawlor, Lucas, McLindon, Miller, Moorhead, Mulherin, Nelson-Carr, Nolan, O'Neill, Palaszczuk, Pitt, Pratt, Reeves, Roberts, Robertson, Ryan, Schwarten, Scott, Shine, Smith, Spence, Stone, Struthers, Sullivan, van Litsenburg, Wallace, Watt, Wellington, Wells, Wendt, Wettenhall, Wilson. Tellers: Keech, Male

**NOES, 29**—Bates, Bleijie, Crandon, Cripps, Davis, Dempsey, Dickson, Douglas, Dowling, Elmes, Emerson, Gibson, Hobbs, Hopper, Horan, Johnson, Langbroek, McArdle, Menkens, Nicholls, Powell, Robinson, Seeney, Simpson, Springborg, Stevens, Stuckey, Tellers: Rickuss, Sorensen

Resolved in the affirmative.

**Mr DEPUTY SPEAKER** (Mr O'Brien): I remind members that if a further division is now required the bells will ring for the duration of one minute.

**Mr WALLACE:** I rise to a point of order. There are no tellers for the noes, so I take it that it is an ayes vote?

**Mr DEPUTY SPEAKER:** Order! There is no point of order. The minister will resume his seat.

Division: Question put—That the motion be agreed to.

**AYES, 55**—Attwood, Bligh, Boyle, Choi, Croft, Cunningham, Darling, Dick, Farmer, Finn, Foley, Fraser, Grace, Hinchliffe, Hoolihan, Jarratt, Johnstone, Jones, Kiernan, Kilburn, Knuth, Lawlor, Lucas, McLindon, Miller, Moorhead, Mulherin, Nelson-Carr, Nolan, O'Neill, Palaszczuk, Pitt, Pratt, Reeves, Roberts, Robertson, Ryan, Schwarten, Scott, Shine, Smith, Spence, Stone, Struthers, Sullivan, van Litsenburg, Wallace, Watt, Wellington, Wells, Wendt, Wettenhall, Wilson. Tellers: Keech, Male

**NOES, 29**—Bates, Bleijie, Crandon, Cripps, Davis, Dempsey, Dickson, Douglas, Dowling, Elmes, Emerson, Gibson, Hobbs, Hopper, Horan, Johnson, Langbroek, McArdle, Menkens, Nicholls, Powell, Robinson, Seeney, Simpson, Springborg, Stevens, Stuckey, Tellers: Rickuss, Sorensen

Resolved in the affirmative.

## CIVIL PROCEEDINGS BILL

Resumed from 24 August (see p. 2616).

### Second Reading

 **Hon. PT LUCAS** (Lytton—ALP) (Attorney-General, Minister for Local Government and Special Minister of State) (12.53 pm): I move—

That the bill be now read a second time.

I thank the Legal Affairs, Police, Corrective Services and Emergency Services Committee for its expeditious consideration of the Civil Proceedings Bill 2011. I note that the committee tabled its report on 22 November 2011. The committee made the singular recommendation that the bill be passed. The government is pleased to accept the committee's recommendation. As I outlined at the time of the introduction of the bill into the Legislative Assembly, its main purpose is the enactment of a new Civil Proceedings Act to apply to civil proceedings in the Supreme, District and Magistrates courts.

The Chief Justice wrote to the committee to indicate his full support for the bill as a potentially significant piece of legislation that will streamline the exercise by the state's courts of their jurisdictions. The Chief Justice advised of the substantial consultation already undertaken on the bill and indicated that it would be most desirable if the bill could be dealt with during the life of this parliament. The proposed new act is, indeed, the culmination of extensive research and consultation by the Rules Committee over a number of years. I commend the Rules Committee's current and past members for their commitment and dedication to this task and the resulting modern and streamlined bill, which gained strong stakeholder support.

In addition to proposing a new Civil Proceedings Act, the bill contains a number of unrelated amendments to justice portfolio legislation. They include amendments to the Associations Incorporation Act 1981 to allow associations to transition seamlessly with the Commonwealth Corporations Act 2001 or the Corporations (Aboriginal and Torres Strait Islander) Act 2006; the Electoral Act 1992 to clarify the operation of a provision that allows for enrolment up to the day before polling day and to allow regulation to be made specifying departments and state public authorities that may receive electoral roll information and the purposes for which the information may be received; the Justices of the Peace and Commissioners for Declarations Act 1991 to allow justices of the peace and commissioners for declarations to record details of any identification documentation sighted in the performance of their duties; the Retirement Villages Act 1999 to provide that where exit fees are worked out by taking into account the period of time the resident has lived in the unit, as not all do, the exit fee is to be calculated on a daily basis in all future contracts and also in existing contracts where the contract does not specify another basis for the calculation—and that was a big matter with the member for Murrumba, I might add; the Right to Information Act 2009 and the Information Privacy Act 2009 to provide more flexibility for approving the leave of commissioners and to broaden the law enforcement agencies to which agencies can provide personal information; and the Queensland Civil and Administrative Tribunal Act 2009 to provide that a member whose term of appointment has expired can continue to sit as a member for the purpose of finalising a proceeding.

The QCAT registry is endeavouring to manage outstanding judgements to minimise the impact of members' appointments expiring on 30 November 2011. However, as it is possible that a member may not complete a reserve judgement before expiry of his or her term, to ensure continuity of matters currently before QCAT an amendment during consideration in detail will be proposed to give this provision retrospective operation from 30 November 2011. The proposed retrospectivity will be beneficial in nature to persons with matters before retiring QCAT members.

The bill also includes amendments to the Births, Deaths and Marriages Registration Act 2003 and the Cremations Act 2003 to clarify that the person in charge of a crematorium or a cemetery sexton is required to electronically lodge, with limited exceptions, either a crematorium or burial notice and to require a crematorium to label ashes in accordance with the requirements prescribed under a

regulation. These amendments address reports earlier this year of non-professional conduct in the industry. In one of those cases, a family reportedly received cremated remains in a container with no documentation or verification to assure them that it was, in fact, the remains of their loved one. I can only imagine how traumatic that must have been for the family at that distressing time. The amendments to the Cremations Act are aimed at ensuring that other families do not suffer the same way.

There have also been concerns about the accuracy of information about cremations and burials provided to the Registry of Births, Deaths and Marriages. The amendments to the Births, Deaths and Marriages Registration Act will put in place a system of checks and balances so that the information provided by a funeral director can be crosschecked against a cremation or burial notice. This will give the public confidence in the accuracy of the registry records and put any rogue operators in the funeral industry on notice that any attempt to falsify the information will be found out.

I would also like to address some aspects of the bill on which the committee and stakeholders consulted by the committee have made particular comment. Retirement Villages Act amendments: the committee provided detailed commentary in its report on the amendments to the Retirement Villages Act 1999 in relation to exit fees. These amendments clarify the circumstances in which particular exit fees must be calculated on a daily basis. In particular, the committee carefully considered the submissions of the stakeholders—namely, the Queensland Law Society, the Association of Residents of Queensland Retirement Villages, Aged Care Queensland and the Retirement Villages Association—as well as the advice of the department in relation to these amendments. Following this detailed consideration, the committee confirmed its support for the amendments. It also provided some useful comments on the amendments, which I will address briefly in turn.

First, the committee noted the submissions of stakeholders about the clarity of proposed new section 53A of the Retirement Villages Act 1999, which prescribes a daily basis calculation method for particular exit fees. In particular, stakeholders questioned whether proposed new section 53A(2), which requires a daily basis to be applied where no other calculation method is provided for in the contract, was sufficiently clear in its application to existing contracts. They also questioned the clarity of the examples provided in proposed new section 53A. In conclusion, the committee noted these differing views and proposed no changes but encouraged the Department of Justice and Attorney-General to monitor the new provision following its commencement. I am grateful to the committee for its detailed commentary on this point and agree that the department will monitor the impact of the provision to ensure it operates effectively.

Secondly, the committee noted the submissions of stakeholders in relation to which the new section 53A(2), which applied to existing contracts, had a retrospective effect.

Sitting suspended from 1.00 pm to 2.30 pm.

**Mr LUCAS:** Although this provision applies to existing contracts, it only applies a daily basis calculation method where the contract does not prescribe a method of calculation. Consequently, it does not change a term in an existing contract but, rather, inserts a term where it is otherwise missing and thereby provides certainty for the parties. Although the committee considered that the provision applied retrospectively, they were also satisfied that this application was necessary to provide fairness to retirement village residents. Overall, it was clear that the committee supported these important amendments to the Retirement Villages Act 1999 which will provide fairness and certainty for retirement village residents in how their exit fee will be calculated.

The bill, at clause 235, contains an amendment to the Justices of the Peace and Commissioners for Declarations Act 1991 to allow justices of the peace and commissioners for declarations to copy or record details of proof-of-identity documents sighted by them when attesting documents. Further information was sought concerning this amendment during the committee's consideration of the bill.

In response, I would like to emphasise that the amendment is facilitative in only providing discretion for a JP to elect to record or copy proof-of-identity details to assist them should the documents they have attested later be called into question—for example, before a court. In other words, a JP does not have to do it. As someone who used to witness documents frequently, I would generally take a copy of those documents to put on my file. The amendment does not provide for copies to be taken of the documents being witnessed and requires that a JP who records information under the section must take reasonable steps to ensure the information is kept in a secure way.

The JP branch in the Department of Justice and Attorney-General intends to issue guidelines and conduct workshops concerning the recording and secure storage of confidential proof-of-identity information. If a JP refuses service because a person will not permit their proof-of-identity documents to be copied or their details recorded, which could happen at present, the services of another JP would need to be sought. However, there is a high level of availability of JPs in the community with JPs located at many locations. I do not expect that the amendment will, in practice, result in an adverse impact on the availability of JP services in the community.

The committee additionally considered the short title of the bill, particularly that the bill is not styled 'and Other Legislation Amendment Bill', given the inclusion of a number of unrelated amendments. Advice on this issue has been provided by the Office of the Queensland Parliamentary

Counsel. OQPC confirms that the usual practice is not to include 'and other legislation amendment' in the short title of a bill for a principal act, even if the bill includes amendments. For a bill for a principal act, such as the Civil Proceedings Bill, it is the long title of the bill which completes the picture, listing the affected other legislation. The bill's table of contents and explanatory notes are additional indicators of the bill's scope.

Further, by virtue of the Reprints Act 1992, the Civil Proceedings Act as reprinted would not include the repealed or other amendments when commenced. Rather, the amendments would be consolidated into the reprints of the affected legislation. For this reason, clause 212 of the Civil Proceedings Bill proposes to amend the long title by removing the repeal and amendment details. If the short title included 'and Other Acts Amendment' it would be necessary to include an amendment removing those words on assent; otherwise, the principal act would be inappropriately named.

A related issue raised on this point in the report is the inclusion of the unrelated amendments with the bill which the committee states characterises the bill as an omnibus bill. The committee suggests that omnibus bills can give rise to a number of concerns, including a chance that substantive issues are buried in the size and complexity of the bill and that debate of differing policy issues may be truncated.

The unrelated amendments included in the bill are each directed to providing greater consumer protection or improved effectiveness of existing legislative schemes. The amendments, due to their beneficial impacts, are considered desirable for passage at this time and have been included with this legislative vehicle for expediency.

I think one of the considerations in the future is that as principal legislation gets more and more prescriptive scrutiny committees are going to have to consider their traditional objection to Henry VIII clauses. What I think ultimately needs to happen is that we need to revisit some of these issues and the principal legislation set out the major parts of what we require and then subordinate legislation fill in the picture. In the past, scrutiny of legislation committees have not been too keen on overregulatory provisions that could be in principal acts. I think that is something we will need to do; otherwise, we will be amending various pieces of legislation more and more in responding to the complexities of particular issues that arise. I commend the bill to the House.

 **Mr BLEIJIE** (Kawana—LNP) (2.34 pm): The Civil Proceedings Bill 2011 proposes the enactment of the new Civil Proceedings Act and amends a number of other acts including: the Associations Incorporation Act 1981; the Births, Deaths and Marriages Registration Act 2003; the Cremations Act 2003; the Electoral Act 1992; the Information Privacy Act 2009; the Justices of the Peace and Commissioners for Declarations Act 1991; the Queensland Civil and Administrative Tribunal Act 2009; the Retirement Villages Act 1999; and the Right to Information Act 2009. I take the point the Attorney-General just made to the House with respect to these types of bills and the way the parliament can deal with these types of things in future, with so many bills and so many amendments going across the breadth of laws in this state.

The bill will repeal the Supreme Court Act 1995 to modernise civil proceedings in the Supreme, District and Magistrates courts. These changes were instigated following a review by the Supreme Court of Queensland Rules Committee headed by former Justice the Hon. Glen Williams AOSC and the Hon. Justice Margaret Wilson. I note that the review was conducted in 2002 and a draft bill was commissioned in 2004 before consultation took place in 2010. While this may seem quite a period of time, it is both appropriate and necessary that the Rules Committee had sufficient time and resources to complete the review to make those recommendations to the Attorney-General and the government.

The consultation for this bill has been extensive, firstly by the Rules Committee and then during the inquiries conducted by the parliamentary committee of which I am a member. I note that the Queensland Law Society, the Bar Association of Queensland, Legal Aid Queensland and the other peak bodies in the legal fraternity were consulted during the review undertaken by the Rules Committee. The parliamentary committee received eight submissions from peak bodies and interested parties, including the Chief Justice of the Supreme Court, the Hon. Paul de Jersey AC, who is the statutory chairman of the Rules Committee.

I submit to the House that the LNP will not be opposing this bill. We had a thorough investigation into this bill with the committee chaired by the honourable member for Murrumba. I believe that the issues were canvassed appropriately in the committee and during the public consultation inquiry we had. The committee did provide one recommendation in the final report, which proffered its support for the bill.

There were, however, issues raised in terms of compliance with fundamental legislative principles when drafting. I note that I have just been handed amendments to be moved by the honourable Attorney-General during the consideration in detail stage. Obviously, having just received them, I have not had the opportunity to review those. I cannot comment on those until such time as other members are speaking and then I will have the time to review them.

The committee did have concerns with respect to the lack of detail in terms of the retrospectivity proposed in the clauses that deal with the Retirement Villages Act which should have been detailed in the explanatory notes. I note the Attorney-General's comment just a moment ago to this end in relation to those issues and the compliance, in drafting the legislation, with fundamental legislative principles.

I will now discuss several of the issues and comments raised in the submissions to the inquiry as conducted by the parliamentary committee. In his submission the honourable Chief Justice said—

This is a potentially significant piece of legislation which will streamline the exercise by the state courts of their jurisdictions.

He also expressed his desire that the bill be dealt with in this parliament. I am sure that he will be pleased that he will have this wish granted. The Hon. Chief Justice described the Rules Committee's consultation process as 'comprehensive and productive' and detailed the proactive process of consultation undertaken by the Rules Committee last year. The Information Commissioner noted that clauses 230 to 233 and 241 to 243 resolved concerns raised by her office with the Department of Justice and Attorney-General. The amendments related to the leave applications as required of statutory office holders and the provision of personal information by Queensland government agencies to agencies and other jurisdictions for the purposes of law enforcement. I understand the Information Commissioner was satisfied with the amendments in this regard. I also note that the Australian Federal Police welcomed these reforms, stating that the 'AFP supports these reforms that will enhance the capability of the AFP to perform its law enforcement functions'. The Information Commissioner also addressed the issue of clause 235, which allows for justices of the peace and commissioners for declarations to record information in proof-of-identity documents, including taking copies of them, noting the importance of the integrity of affidavits.

The Queensland Law Society raised concerns with the naming of the bill. It notes that, with the separate and unrelated functions, it should have been entitled the 'Civil Proceedings and Other Legislation Amendment Bill 2011'. That was of some debate in the committee process as well. This clarifies, in their submission, that there are a number of changes proposed under the amendment, not just those related to civil proceedings in court.

The Queensland Law Society also raised concerns with the proposed amendment to the Retirement Villages Act; namely, the method of calculation of exit fees for residence contracts entered into prior to the commencement of the amendments. The concern relates to the retrospective nature of these amendments. I note the Attorney-General's comments with respect to that particular retrospective nature. However, I think it is still important to note as a concern. The Law Society certainly set out a very thorough brief and made a comprehensive submission to the public inquiry that the committee held.

In the explanatory notes it is stated that the bill is consistent with fundamental legislative principles. The Queensland Law Society of course have contention with that particular point. They have also raised issues relating to the calculation of exit fees. The Queensland Law Society propose that the amendments to the Retirement Villages Act be removed from the bill and subject to further consultation and public scrutiny. In relation to the calculation of exit fees, I note that the Law Society, the Retirement Village Association of Queensland, or RVAQ, and the Association of Residents of Queensland Retirement Villages, the ARQRV, have raised strong objections. The RVAQ also raised concerns in relation to elements of the retrospective nature, as previously outlined in discussing the submission by the Queensland Law Society.

The ARQRV stated that they receive an average of 4,000 complaints a year about the calculation of exit fees. In relation to this bill, the ARQRV have issues with the removal of the calculation of exit fees on a daily basis rather than by annual increments to residence contracts entered into after legislative amendments are passed and with the retrospective nature of that removal. The ARQRV believe that the amendments should require mandatory calculation on a daily basis for all contracts on foot as at the date of commencement of the amendments as well as those entered into after that date. It seems that both the residents and operators oppose the amendment to the calculation of exit fees on the basis of annual calculation rather than a mandatory requirement for daily operation. This may add to the exit fees payable by the resident and it may take much longer for the operator to recover those exit fees.

This amending bill deals with the rules which will fundamentally guide the way civil procedures occur in our courts in Queensland. The bill also then deals with the exit fees in retirement villages. The bill also deals with an element of the justices of the peace act. The Attorney-General has described how the bill relates to crematoriums and the notification of those cremations and obviously the bill also deals with the QCAT.

I now turn to QCAT as it relates to this bill, or the Queensland Civil and Administrative Tribunal. Obviously, it is a supertribunal that was set up to mould into it many of the tribunals we had in Queensland. It has become QCAT, which was supported by the opposition at the time. I have been cautioning members of the burden that it will have and that it has. Notably the president's annual report set out the issues that QCAT have in terms of their resources quite well. They also have issues with respect to where they are currently located in terms of the ballooning issues they deal with, particularly with the Neighbourhood Disputes Resolution Act starting now as well.

QCAT have permanent members and also sessional members. The issue that the legislation deals with is in relation to sessional members. I believe there are approximately 100 sessional members—and the Attorney can correct me in his summation—whose terms of appointment are due to expire this month. I cannot recall the date, but essentially this legislation says that, if a QCAT member's term is due to expire this month and they currently have a proceeding before them, that QCAT member may continue in their function until such time as they have finalised the matter. During the committee I raised this issue.

Looking to the future of QCAT and its operation, the uncertainty of how long matters may proceed in QCAT for could create a difficulty for the succession plan for appointments. So they are temporarily appointed in order for those matters to continue without knowing the exact time frame. I would hate to get to the situation where, say, 50 current members, whose terms are due to expire this month, finish their matters in the next 12 months and we are continually having to appoint new members. The old system, of course, was that people were appointed for a period. Judges in particular—and I know this occurred in North Queensland with the northern judge who recently retired—make sure that the matters they are working on are finished before their appointment expires.

**Mr Lucas:** It is a bit hard managing a hundred people of varying—

**Mr BLEIJIE:** Indeed. I am not going to make a major issue out of this point. I did raise it in the committee as an issue. There is an appointment process and, if 50 QCAT members have existing matters, ordinarily they would try to finish those matters before their appointment ends and then they would be reappointed. However, in the spirit of this legislation, that will not occur. I am hoping that the Attorney or his advisers could work on the detail of how many matters are likely to be involved. I understand the expiration date for the terms of those QCAT members comes this month.

**Mr Lucas:** The 30th. That suits the member because were this to be passed and assented to before the 30th it would not be a problem, but that is not likely. The government is not going to assent to it tomorrow. So hence the amendment.

**Mr BLEIJIE:** Thank you. I suggest the Attorney does not have to include that in his summation because he has just provided the House with the information that I sought. If the Attorney wishes to further comment in his summation, I am happy for him to do that.

I turn to justices of the peace. I know that the member for Mount Isa in the committee and public inquiry certainly talked about JP issues and stated that at the moment JPs ordinarily do not take copies of identifying documentation. JPs are voluntary. They save our justice system in Queensland a lot of money. I am not as concerned because it is an optional extra in this legislation. If it had forced the JPs to take copies of all the identification—bearing in mind that JPs do not get paid; they do not accept gifts—copying sometimes is a burden. I would have had issues had the government gone down the line that it was going to force JPs to copy all identification documentation, but it is not. Some JPs—and I have been a JP for 11 years now—would like the opportunity to take copies because, if any issue arose in the future and the JP is called for whatever reason to explain their actions or to explain why they did certain things, signed certain documents or witnessed certain documents, they should have the opportunity to produce their own evidence. Of course, this would give the JPs an opportunity to provide that.

With respect to that particular provision, I would seek clarification from the Attorney-General as to where it came from. Was it a recommendation from the JP association? I note not the interjection but the look that the Attorney-General gave me—

**Mr Lucas:** A gesture

**Mr BLEIJIE:** A gesture. I would like to know from the Attorney-General what sort of consultation was undertaken with respect to JPs or JP associations in Queensland.

An issue was raised throughout the committee process with respect to the naming of the Civil Proceedings Bill. A major portion was the recommendations from the Rules Committee in relation to modernising the civil rules processes in our Queensland courts. I think it was a legitimate concern. Amendments to the Retirement Villages Act were in fact first proposed under former minister Lawlor, the member for Southport. There was a consultative draft sent out, and I recall bringing members of my constituency to Parliament House to talk about those issues with former minister Lawlor at the time. That went off the radar as government information with respect to fair trading and retirement villages now falls under the Attorney-General's portfolio.

Now instead of a separate bill, which it was at the time, it has been put into the Civil Proceedings Bill. We now have JP issues in the Civil Proceedings Bill. We have QCAT issues in the Civil Proceedings Bill. When one makes a fundamental reform to our civil procedures in Queensland, I think we ought to give it its own bill. It will become an act in terms of the civil procedures. I understand that particularly for minor matters you would not have a minor bill to amend the JP issues, for example, saying that JPs can copy documentation. However, I think the retirement village aspect is quite a fundamental change in the way we move forward. Although not making a major issue of it, I would suggest that that particular issue should have been retained in its own bill.

In my view, like many of the bills administered by the Attorney-General, the committee did not have sufficient time to consider it. I know we were under strict reporting time frames, one reason being that of the QCAT element to the appointments. I do agree with the reservations that were made in the submissions to the committee with respect to the naming of the bill, particularly regarding retirement village issues which were in a separate bill when it first went out as a draft under the former minister and are now contained in this bill.

The retirement village aspects of the bill would probably be the most contentious of this legislation. Currently all members of this House have retirement villages operating in their electorates across the state. There are many thousands of people living in retirement villages. I know in my electorate alone I have many retirement villages. There is always a battle between the best interests and rights of the residents in the retirement village and maintaining a sustainable business operation for the retirement village operator. These issues were canvassed quite extensively in the committee report, but I think there is such a fundamental change in the way forward based on the Saunders District Court case that we ought to take a more prudent approach.

Potentially there was a lack of consultation. I think the legal affairs committee has now made eight reports to this parliament in the very short time frame since it has been established. The idea behind this new committee process was to obtain better legislation. I question that, when you have that in mind but then rush the bills through the committee for whatever reason, you are getting better legislation, because we have seen a few contentious issues that have gone through the committee process be brought back into the parliament and rushed through.

The retirement village amendments try to deal with the ongoing issue of exit fees. Currently when one resides in a retirement village they enter a leasing contract. Public interest disclosures are given at the time. They enter into a contract for whatever lease is negotiated. They then have certain duties and obligations under the Retirement Villages Act and so does the operator. Exit fees are specifically dealt with in new clause 53A of the bill which tries to define when exit fees are calculated. It is based on the case of Saunders, which originally went to QCAT—shall we wait until someone answers their phone?

**Mr DEPUTY SPEAKER:** Order! I ask the honourable member to take that phone outside.

**Mr Kilburn** interjected.

**Ms Jones** interjected.

**Mr DEPUTY SPEAKER:** Order! My apologies, member for Kawana.

**Mr BLEIJIE:** Thank you, Mr Deputy Speaker. As I was saying, people enter these retirement village contracts for a particular period of time. People enter retirement villages for various reasons. They may like the community lifestyle, as people do in community title schemes, or they may have a financial—

**Mr Lucas:** No loud neighbours.

**Mr BLEIJIE:**—reason for entering a retirement village. I take the interjection from the honourable Deputy Premier and remind him that I have great neighbours. My folks have, of course, had some issues.

When one moves into a retirement village they may do so for financial reasons. It is mostly the older population of Queensland who enter retirement villages. I think they need to be afforded an extra level of protection when entering these contracts. In an ideal world we would say to everyone, and we do say to everyone for those who have practised in law, that you should obtain independent legal advice prior to entering these schemes. We have had—and I am sure members would have instances in their own electorates—representations from people who need our assistance in relation to outstanding moneys, particularly exit fees.

I know that in my area exit fees are a big issue for people. Currently when someone enters a retirement village if they decide to leave early, for whatever reason, or they depart this world then they are going to be up for exit fees or potentially the estate is going to be up for exit fees. This bill tries to sort this issue out. It stemmed from the case of Saunders which originally was held in QCAT. This is where I left off when we had the rude interruption of the telephone from the member for Toowoomba North. I just recalled where I left off at the time. It was in relation to the Saunders case that went to the Queensland Civil and Administrative Tribunal where they looked at all the options of how to calculate the exit fee. The lady who exited that particular retirement village left after two years and one day.

The retirement village operator then proceeded to charge her an exit fee for up to three years because of the one day. The lady appealed it through the District Court and the judge took a different view with respect to the calculation. It was not necessarily a different view in terms of the two years and one day; it was actually when it started from. The judge considered that the two years and one day did not yet fall into the third year but was in fact the end of the second year. The judge then made some obiter comments with respect to exit fees. He said at the time—and I am paraphrasing here—in relation to the exit fees that a pro rata daily basis would be a better system. Although it did not form part of the actual judgement—it was obiter and suggestions are not precedence in our court system—the judge highlighted the issue that is out there at the moment.

With regard to the retrospective nature of the amendments, the concern was that the bill goes back and looks at particular contracts and then adds a pro rata basis. However, it only does that to the extent that there was uncertainty or the contract was ambiguous. If contracts entered into currently do not contain provisions with respect to how the exit fee is to be calculated, then the daily pro rata will apply. The other element is that if new contracts are entered into for retirement villages then the exit fee will be a pro rata. I think that is fair. I think it is fair that residents in retirement villages are not slugged for a full year when in fact they may leave, pursuant to their contract, earlier than that.

With regard to retrospectivity, I note that the Department of Justice and Attorney-General gave advice that if the contract has sufficient regard to a current calculation then in essence nothing will change. The retirement village will still get its exit fees based on the current calculation pursuant to the contract. However, there is one village in my electorate about which I have had many representations from residents, and each representation has a different contract. They have a different term, the maintenance responsibilities are different and the exit fees are different. I do not think that provides a good system if we are to proceed in a fair and equitable way for residents of retirement villages—one of the most vulnerable groups of people in our communities.

Although there were some issues raised in the committee's deliberations with respect to the exit fees and there were submissions, I inform the House that the opposition is supporting the strategy in relation to exit fees. I note that the committee made a note—it was not an official recommendation—that the Department of Justice and Attorney-General or the Attorney-General should in fact have a watching brief on this issue. I certainly would encourage the government through the Attorney-General to have a watching brief on this issue and how it does impact on people. The new exit fee arrangements under this bill will not come into place before a date to be fixed by proclamation, and that of course is in the bill to allow retirement village operators the opportunity to adjust the new contracts that they enter into with people going into retirement villages.

I thank the honourable member for Surfers Paradise, who was on the committee, and the other members of the committee for a thorough investigation of this issue. As I said earlier, we are dealing with two very big issues in terms of civil procedures, and the retirement villages issue should have been in legislation in its own right. I do have concerns that, given that we have gone from such a consultative draft under the former minister and then proceeded to tie this into the bill, this issue gets lost in the Civil Proceedings Bill. The other issues are not big enough to stand on their own in legislation, so we have to put them in some bill without having a separate bill for each of the items. Governments of all persuasions have done that throughout the years.

The opposition will look at the amendments proposed to be made by the Attorney. I have briefly perused those as I have been making my contribution. I cannot see any major issues, but I will address those if the need arises in the consideration in detail stage.

It is also important to note that retirement village residents need the security of knowing that there will be a watching brief on exit fees. We cannot have situations in Queensland where contracts are so ambiguous that they are going to cost the vulnerable in our community lots of money. People do need certainty. People could raise the argument that, yes, they entered into the contract and they should have had legal advice at the time. As I said earlier, some of the contracts I have seen, particularly the older contracts, are just scribbles on paper. Particularly where there is a shortage of retirement village places or complexes to move into, people do rush into these things. People need to be appropriately warned about what they get into when they sign these contracts in retirement villages. However, we also need to ensure that we offer a level of protection, as I believe the case will be in this bill in terms of exit fees. There was contention in the committee's public inquiry in that the member for Everton spoke about the notation in the bill itself and potentially how it could be worded better. I do hope that the member for Everton had conversations with his colleagues on that side of the House privately to see if we can get those sorts of notations amended. The opposition will not be opposing this bill.

**Mr Watt** interjected.

**Mr BLEIJIE:** You were there, member for Everton. You were there on record, member for Everton. I simply make that point.

We do, as is the case in this legislation, have obligations to the constituents of Queensland. We also have obligations to treat this House with the respect that it deserves, and we certainly see contempt of that process by the Labor government today when one is accused of not being in particular places when legislation on the *Notice Paper* should not be before the House for six or seven hours or in fact until the following day. If you look at the *Notice Paper*, Mr Deputy Speaker Elmes, by my account the Civil Proceedings Bill certainly would not have been debated today.

In conclusion, I reiterate the comments that I made with respect to QCAT and I would ask for clarification from the Attorney-General—more than he has given—with respect to—

**Mr Lucas:** I'm advised there's three outstanding matters.

**Mr BLEIJIE:** There are three outstanding matters. That is good news, because that essentially means that the concern that I raised—and I am glad I raised it both in the committee and in the House today—will not arise and we will not have the situation of, hypothetically, 50 members having matters

outstanding. Given that there are three matters outstanding, after this legislation is passed three matters will continue to be overseen by the existing QCAT members while the rest will not. On that point, it would be good for the other 97 members of QCAT—or what is happening with those members—

**Mr Lucas:** Three matters, not members.

**Mr BLEIJIE:** No, three matters, but if there are three matters being overseen by however many members, I would suspect—

**Mr Lucas:** Three or less—

**Mr DEPUTY SPEAKER** (Mr Elmes): Order! Can we direct the comments through the chair, please? I know the Attorney-General is trying to be helpful and I know he will be even more helpful at the end of the second reading debate.

**Mr BLEIJIE:** Thank you, Mr Deputy Speaker, and I look forward to that. There will be, though, numerous sessional members of QCAT whose term expires on 30 November. I have not seen any notifications as to whether they will be replaced or what they are going to do to keep up the workload of QCAT. So I think that, while we are talking about the amendments to QCAT in this bill, the Attorney-General owes an explanation to Queensland in terms of whether these members are being replaced or whether they have been reappointed, how many have been appointed out of the existing ones or have advertisements been put out for new appointments. So that closes my comments with respect to the amendments to QCAT.

In terms of the justice of the peace amendments, as a JP (Qualified) myself, I am pleased that, if I feel the need to take documents for future reference, I can do that. I think that is a good process. With respect to the amendments to the Retirement Villages Act 1999, I have made my point clear. We must be cautious about how we proceed on this basis. We do not want a situation arising that the amendments have the potential to financially impact in a major way on the retirement village sector. However, we realise we have an obligation to protect people who are living in retirement villages. I think the case of Saunders certainly pointed out that there are discrepancies and there are issues with the way in which we deal with matters relating to retirement villages.

One amendment that is contained in the bill that I did not canvass is with respect to incorporated associations. Under Queensland and Australian law, if you are a not-for-profit organisation you can become an incorporated association. You can register under the Queensland Associations Incorporated Act. You can register federally as well. Often community associations and not-for-profit organisations do that. They may have their hands extended out across Australia in that they may have the same organisation operating in different areas of Australia. But to do that, if a not-for-profit organisation registers under the federal system they then are up for potential capital gains and stamp duty costs in relation to that transfer of registration under the federal scheme.

The amendments in this bill provide the opportunity for those organisations to transition—if I can use those words—into the federal scheme. I know when I was practising a few organisations wanted to go out of the federal system and register as corporations limited by guarantee. A lot of organisations across Queensland are wanting to do that. So we would support arrangements whereby these organisations can have that transition, which should be more seamless than what is occurring now. Of course, that way those organisations will not incur the costs that they have to incur now.

I have had representations in my office in relation to some of these organisations wanting to be a company limited by guarantee. Of course, any prudent lawyer, when they are setting up incorporated associations, would give advice at the time in terms of the jurisdictions that such organisations are wanting to operate in, the purpose of the registration and the organisation's financial ability to raise the money. Then, of course, those organisations should also get financial and accounting advice. But I think prudent practitioners, particularly for the corporations that want to extend nationally, would be given such advice that it is in their interests to have the company limited by the guarantee. So I am very supportive of that measure.

The Attorney-General has made comments with respect to the amendments to the Cremations Act 2003. We would not want to not be able to locate or identify anyone who has been cremated, so I think the registration of the cremation would be a good process. I am always reluctant to support amendments that may add some sort of burden on people or on business, but I think this amendment has to be made not only for the industry but also to make sure that we have proper records kept. On that note, can I ask the Attorney-General to delve further into the issues that I have raised and which he has provided commentary on already in the debate today. I look forward to the contribution of other honourable members on this side of the House.

We will have a watching brief on the amendments to the Retirement Villages Act, because if it turns out that this legislation has had quite a negative impact on the operators of retirement villages then I think it is prudent—and it is our obligation—to assess that impact. The reality is that it has been a substantial period since the amendments to the act were first considered by the former minister, who at that time had responsibility for Fair Trading. These amendments are different from the amendments that

were contained in the former bill and certainly have not received the public scrutiny that they deserve and as other amendments in the bill have received. I think this is one of the issues in putting so many amendments in a bill in this House.

**Ms Jones** interjected.

**Mr BLEIJIE:** Throughout my whole contribution, which has now been 42 minutes, the member for Ashgrove has continually had conversations and has made interjections. If the member for Ashgrove wants to have a conversation, surely she can go outside and have all the conversations in the world. If she is taking offence to any of the things that I am saying, I ask her to rise to a point of order. I have not mentioned her in my contribution. Mr Deputy Speaker, I ask that a level of protection is afforded to me from the member for Ashgrove or, if she is wanting to have a continual conversation, then to go outside and have it.

**Mr DEPUTY SPEAKER** (Mr Elmes): Order! Could the member for Kawana come back to the substance of his speech?

**Mr BLEIJIE:** Absolutely. It is a pleasure to do that. The Saunders case was originally heard by QCAT. In that case, in terms of exit fees, two interpretations were considered. Interpretation A was that, under the terms of the residence contract, the applicable percentage for calculating an exit fee would be 20 per cent—that is, four full years or part years times five per cent. Interpretation B—an alternative interpretation of section 15(2)—was that the applicable percentage would be 17.5 per cent—that is, 15 per cent for the first three full years of occupancy plus 50 per cent of five per cent, or 2.5 per cent of the extra half year of the occupancy. Those matters were subject to debate and interpretation in the Saunders v Paragon Property Investments Pty Ltd case, which was, as I said, brought before the Commercial and Consumer Tribunal in 2008 and later appealed to the District Court in 2009.

As I said, when the case was originally heard by QCAT, interpretation B was rejected and the view was expressed that the act describes only a point in time when the exit fee is to be calculated and does not prescribe how the calculation is to be made. That is a matter governed by the terms of the parties in the residence contract. It is important for members to know the legal history of these interpretations—how we have come from there to where we are today. In the District Court, while deciding the matter for a different reason, the court interpreted section 15(2) as requiring a pro rata daily calculation of exit fees regardless of the method of calculation specified in the residence contract. In other words, the District Court considered that interpretation B did apply.

I thank the Queensland Parliamentary Library. In the short time that it had before this bill went to the committee and then this House, it certainly prepared what I think is quite a detailed brief in relation to this bill. As members of parliament we ought to protect our constituents from any grab for cash where contracts are ambiguous. I think we are getting the balance right with respect to offering a level of consumer protection. The retirement village industry did raise loss of revenue in the committee process. I do not say that the calculations that the committee received did not add up, but every retirement village is different. I do not think that there is one structure for the calculation of these figures. They are all different. They all have different exit fees. Governments have failed in the past to address this issue appropriately to make sure that those most vulnerable in our community will not be stuck for thousands and thousands of dollars because they entered into contracts that they did not understand or they had no other alternative but to sell their property and enter into a retirement village.

On that note I shall close my contribution. I will look at the amendments to be moved by the Attorney-General. I look forward to the contributions of other members of this House. As I said, this will be a watching brief in terms of exit fees for retirement villages in Queensland.

 **Mr LANGBROEK** (Surfers Paradise—LNP) (3.21 pm): It is my pleasure to rise to speak to the Civil Proceedings Bill. I note the very comprehensive report No. 8 that has been provided by the Legal Affairs, Police, Corrective Services and Emergency Services Committee. I thank the secretariat.

The chairman of the committee, the honourable member for Murrumba, is here. In his foreword he made some comments about the bill itself. The bulk of the bill is about civil proceedings, which involves some significant changes. We received two submissions, one from the Hon. Paul de Jersey, the Chief Justice, and one from the Queensland Law Society. I note that the honourable member for Murrumba, who will be speaking next, noted that the correspondence from the Chief Justice recommended adoption of these provisions without amendment and that as a courtesy to the judiciary, and as recognition of practical realities, the committee recommends just that to the parliament. As I say, I know the honourable member for Murrumba will refer to some of those matters. The Queensland Law Society, in its submission from President Mr Bruce Doyle, said of the Civil Proceedings provisions—

It is wholeheartedly supported by the Queensland Law Society. It is good law. There has been good consultation. We know the courts fully support it. It is logical and it is a good ordering of the law that is perhaps overdue. We commend the Rules Committee on its work and the consultation with the legal profession and other stakeholders.

The report states—

It is rare for draft law to be described in such glowing terms. The committee is unaware of any countervailing views on the civil proceedings provisions, or of any need for amendment of this aspect of the Bill, and endorses the work of the Rules Committee. The committee commends the civil proceedings provisions to the House.

I note that the first 31 parts of this bill are to do with civil proceedings and their objectives are to implement the recommendations of the Rules Committee for the repeal, reform or relocation of the provisions of the 1995 act; modernise and simplify provisions governing civil proceedings; repeal the 1995 act and repeal obsolete provisions of the 1991 act; amend the 1991 act so that it only contains provisions specific to the Supreme Court; amend the District Court of Queensland Act 1967 and the relevant magistrates courts legislation to harmonise the provisions common to all three courts; assist in the integration, consistency and effectiveness of the court registries; and make consequential amendments to references to the 1995 act and repealed provisions of the 1991 act.

There are a number of other acts that are also amended. I know that other members have referred to those. I want to thank the honourable member for Kawana, the shadow Attorney, for his contribution which was quite comprehensive, especially with regard to the most contentious issue—really the only contentious issue we faced on the committee—of retirement village exit fees. I will come to that. I note the honourable member for Mount Isa, who is also in the House, had some issues about some of the changes to the Justices of the Peace and Commissioners for Declarations Act 1991 and she may well make some reference to those in her contribution.

Overall the committee process worked very well again, as it has on a number of occasions since the new committee system has been set up. There are concerns though, as we have expressed in our report, about the fact that the bill was referred to the committee on 24 August and we were originally required to report to the Legislative Assembly by 19 December, but we then received a letter on 28 September from the honourable Attorney-General and Minister for Local Government and Special Minister of State noting that there were a number of time critical and facilitative amendments that it would be desirable to pass in 2011. Some of those, of course, are in the Associations Incorporation Act, which will allow incorporated associations to transition to the Commonwealth legal regimes for corporations and Aboriginal and Torres Strait Islander corporations and changes to the Births, Deaths and Marriages Registration Act 2003 to require the person in charge of the disposal of a body to electronically lodge a cremation or burial notice. I note that the member for Lytton has made some significant media statements about the necessity for registration of people who dispose of bodies. These changes come under the Cremations Act which will prescribe requirements for crematoriums when labelling ashes.

The bill also contains some changes to the Electoral Act to clarify the provision that allows electoral enrolment on the day before polling. It changes the notice deadline to 6 pm whereas previously it was 5 pm. It contains changes to the Information Privacy Act 2009 to allow electoral roll information to be provided to state departments and authorities on a discretionary basis. I have already mentioned changes to the Justices of the Peace and Commissioners for Declarations Act 1991 to allow justices of the peace and commissioners for declarations to record details of proof-of-identity documents—this, of course, not being mandatory but allowing them to do so if they so wish. I know that is something that could be a significant issue in regional areas where justices of the peace are not that easy to come upon. There were issues about privacy that the honourable member for Mount Isa raised in our committee hearing.

The honourable member for Kawana has also mentioned some of the changes to the Queensland Civil and Administrative Tribunal Act 2009. I heard the interplay between the honourable the Attorney-General and the member for Kawana about the practical applications of this, where it will allow a member of the Queensland Civil and Administrative Tribunal to continue to sit after their term has expired in order to finalise a proceeding. It also contains amendments to the Right to Information Act 2009, which will allow Queensland government agencies to provide personal information to agencies of the Commonwealth and other states and territories for law enforcement purposes and, of course, the Retirement Villages Act 1999. This was the most significant issue that did come before the committee in our public hearing. It is a change that will require particular exit fees to be calculated on a daily basis when a resident leaves a retirement village.

In practical terms this is an omnibus bill. The inclusion of the unrelated amendments, notwithstanding that the majority of the bill's content is directed towards the objective of advising the statutory provisions on civil proceedings, makes the bill an omnibus bill. I know the Attorney-General made some reference to the title. I will come to that in a moment, but I did want to spend some time speaking about this issue. Omnibus bills are typically used as a legislative vehicle to facilitate the convenient passage of a number of small, disparate amendments, none of which would justify a stand-alone bill in their own right. Omnibus bills can give rise to a number of concerns. Scrutiny of the policy issues is difficult, especially if time lines are truncated. I have already explained that in this case the time lines were truncated with a public hearing and a reporting date some three months prior to what the original reporting date was going to be.

There is a chance that substantive and important issues will be buried in the size and complexity of the bill and, therefore, overlooked by stakeholders and members of parliament. Debate is truncated, with unrelated policy issues that would have been the subject of separate debate in the House being compressed into one debate. Members are not able to support or reject different parts of the bill on the readings of the bill, despite the fact that they may do so during the consideration in detail stage.

Miscellaneous provisions bills containing only minor, technical or inconsequential amendments have generally been considered acceptable. However, the former Scrutiny of Legislation Committee expressed concern at the move towards bills containing provisions of a more substantial nature.

Whilst most of the miscellaneous amendments in the bill are of a minor, technical or inconsequential nature, the amendment to the Retirement Villages Act is highly contentious. The honourable member for Kawana has just dealt in great detail with the amendment to the Retirement Villages Act and I will speak about it now. In its discussion paper dated August 2011, the Department of Justice and Attorney-General quoted the statistic that there are 311 retirement village schemes registered in Queensland, 28,000 residents and 8,000 people employed in the villages. Page 9 of our committee's report states that the submission from the Association of Residents of Queensland Retirement Villages represents 9,000 of the 42,500 residents living in retirement villages in Queensland. That is a significant difference: 28,000 to 42,500. Could the minister give clarification on that point, because those are the sorts of statistics that may well provide different outcomes for both the people who operate the retirement villages and the people who live within the retirement villages following the changes to the Retirement Villages Act and the issue of exit fees?

The member for Kawana has spoken in great detail about the *Saunders v Paragon Property Investments Pty Ltd* case, where Judge Robin QC found in favour of the resident. The judgement is also referred to in appendix E, on page 37 of the committee's report. It was obiter that His Honour suggested that 'fairness is regarded as promoted by apportionment' of exit fees. One of the objects of the Retirement Villages Act 1999 is to promote fair-trading practices in operating retirement villages. At paragraph 14, His Honour did not consider a resident to be unduly advantaged if a daily calculation method was employed but rather referred to the alternative yearly calculation method as providing a windfall to operators.

**Mr Lucas:** That is why we are fixing it. That is why we are making it clear.

**Mr LANGBROEK:** I take the interjection from the Attorney-General. His Honour Judge Robin said that he 'could not imagine any prudent operator designing a project whose profitability or viability depended upon windfalls'.

The committee received three submissions about the proposed amendments in the bill about retirement village exit fees. The Queensland Law Society raised concerns. They said that the amendments breached fundamental legislative principles requiring that legislation be clear and unambiguous and not have retrospective effect. A joint submission was made by Aged Care Queensland Inc. and the Retirement Villages Association Ltd on behalf of the Queensland Retirement Villages Scheme Operators. The third submission was received from the Association of Residents of Queensland Retirement Villages, which, as I said, represents 9,000 of the 42,500 residents living in retirement villages in Queensland.

As recently as yesterday at my office I received a query from someone in the retirement village management industry who was concerned about what the committee's recommendation has been. Of course, via email I referred that particular body to our report. As the shadow Attorney-General pointed out, the opposition supports the principles that the Attorney-General and the government are enacting. The department has advised us that one of the objectives of the amendment is to clarify any doubts raised as to how the Paragon judgement should be interpreted as applying to existing contracts. The department considered that most contracts already have an exit fee calculation mechanism on the face of the contract and therefore would not be affected and that therefore it is not retrospective.

It was interesting to look at the numbers. We asked the Retirement Villages Association to provide us with some sort of statistical detail about how many people exit and, therefore, what sort of effect this would have on their valuations. They said it would affect their ability to attract finance. Our report states—

The RVA stated that, in Queensland, typically around ten percent of residents leave a retirement village in any one year. The RVA has 15,000 residents, meaning 1,500 people leave its villages each year. The RVA explained that it is commonly presumed (wrongly) that residents remain in retirement villages until they die. The vast majority (70 percent) leave for other reasons to move into a nursing home, another village, back with family or into the community.

The average length of stay in RVA villages as at 2010 was seven years, however, 40 percent leave in five years or less. This means that on average approximately 600 residents leave RVA's Queensland villages within this period. In serviced apartments, the length of stay is lower (3.5 years), and higher in independent living units (8 years).

The RVA estimates that 60 percent of contracts in Queensland retirement villages have exit fee percentages that take longer than five years to maximise, and they are not calculated on a daily basis. This means that the proposed amendment would apply to an estimated 360 (that is, 60 percent of 600) contracts. The RVA estimates that, if these contracts are not changed in other ways so as to compensate for the lower exit fee, RVA operators' annual exit fee income will reduce by approximately \$2 million (\$5,500 per contract), and the village valuations will suffer a reduction of at least 2 percent.

On the basis of the information provided by the RVA, the amendment would potentially apply to 2.4 percent of RVA residents, being 360 out of a total of 15,000 residents. By way of a hypothetical exercise—

given that we were unable to get exact details of how many people exit—

if that figure were to be applied evenly to the rest of the industry, in broad terms that may represent 1000 of the 42,500 people current living in retirement villages.

In answer to a concern about the impact on the retirement village scheme business model, the department advised that the proposed amendment will only affect the calculation of the exit fee in the marginal final year to which the exit fee applies. Operators have no idea when a particular resident will leave the village and, therefore, can never accurately predict the exit fee. Also, the financial impact of the proposed change will be different depending on when a resident leaves the village. The department advised that the amendment will only affect one aspect of the overall retirement village scheme and is therefore unlikely to reduce the many and varied types of schemes available. The department argued that the amendment merely removes the uncertainty in the situation where a residence contract provides that the exit fee is to be calculated by reference to the resident's length of stay in their unit but does not specify whether the basis of the calculation is daily, weekly, monthly or some other interval.

As the member for Kawana has already said, the committee encourages the department to keep under review the implementation of the proposed changes and any disputes over interpretation that may arise. However, it seemed fairly clear to us at the hearing and from the departmental advice received that, if there is a method within existing contracts that people have signed that is clear about what the exit fee will be, that is exactly how it will be applied. It is only if there is a contract in which there is no clear indication of how the exit fee will be worked out that the daily apportionment rate will be applied. We have all said that we think that is a fair thing—

**Mr Lucas:** For current and past; for the future—

**Mr LANGBROEK:** That is right: it is for current and past contracts. Any future contracts will have to be determined using the pro rata daily method. In conclusion, again I thank the secretariat. I will finish by speaking about the aspect that I started with, which is the omnibus aspect of this bill. We asked the department about the title. We asked about the fact that there were a number of other provisions for other acts that were going to be amended. The Office of the Queensland Parliamentary Counsel did not agree with the Queensland Law Society's contention that the bill does not have sufficient regard to the institution of parliament and they gave us a number of different points of advice. I know that the Attorney-General has already referred to the fact that if we amended the long title there would be some issues later. It would need to be amended on assent; otherwise the new principal act would be inappropriately named.

I would like to point out that, when I spoke before about omnibus bills not containing anything contentious, the history of the retirement village exit fee amendments and other items, as the member for Kawana has said, is that they originated in a draft Fair Trading and Other Legislation Amendment Bill that was publicly consulted on in 2010 by the Department of Employment, Economic Development and Innovation, which had responsibility for fair trading policy before that function was subsumed into the Department of Justice and Attorney-General. The department explained that the 2010 draft bill has now been broken into three pieces with some amendments in this bill, others in the Criminal and Other Legislation Amendment Bill, which is also currently before the committee, and other amendments that have not yet been introduced.

The department told the committee that the retirement village amendments and other amendments were attached to the Civil Proceedings Bill for expediency and to progress them quickly because this bill was the one with a reasonable chance of being passed in 2011. The department described the miscellaneous amendments as being of a facilitative nature aimed at providing greater consumer protection or improved effectiveness of existing legislative schemes. The department stated that the amendments are not substantial enough to each constitute a stand-alone bill but, due to their beneficial impacts, are considered desirable and in some cases urgent to be passed at this time.

That is how we began in the committee. That is why members of the committee, whilst we had some debate about whether we were prepared to get the work done—but we did—are not satisfied with the explanation provided about the short title of the bill. We believe people should be able to tell quickly from the short title that a bill contains a number of miscellaneous amendments. We are concerned that an omnibus bill contains such a highly contentious amendment. We are supporting it. It is going against the convention that miscellaneous amendments grouped in a single legislative vehicle should be confined to minor, technical and inconsequential matters.

 **Hon. DM WELLS** (Murrumba—ALP) (3.41 pm): As the honourable members for Kawana and Surfers Paradise mentioned, I had the privilege of chairing this particular committee for these particular purposes. This was because of the illness of the honourable member for Springwood, who is the rightful chair of the committee. It is a great pleasure to see her back in the chamber today. I say that not because I minded the titanic task of getting all of these reports to the parliament but merely because of the pleasure of seeing her back and intact after fighting off and defeating a serious illness.

**Mr Lucas** interjected.

**Mr WELLS:** The Attorney-General should not talk too much about passing by. I will not go any further down that track. I will, however, comment that the honourable member for Kawana did disclose something interesting when he said that he was a JP. I did not know that he was a JP. I suppose that meant that both opposition members on the committee were JPs, except that in the case of one it is a suffix and for the other it is a prefix. I suppose the member for Surfers Paradise ought now to be encouraged to take out his JP certificate so that he could be JP at the beginning and end of his name.

**Mr Foley:** He would be bookended 'JP'.

**Mr WELLS:** He would be. I thank the member for Maryborough. It is usually the task of the chair to make a number of rather tedious and boring utterances about technical details. However, I am spared having to do that as a result of the member for Kawana and the member for Surfers Paradise having done so more than adequately. I thank them for allowing me to engage in less than my customary brevity in these circumstances.

I would like to say, however, that the main purpose of this piece of legislation was to get the civil proceedings rules through. The circumstances were such that, with it recommended to us after extensive and, indeed, exhaustive consultation within the legal profession, it would be wise for us to endorse the recommendation that has been sent to us. It is very often in these circumstances best to proceed with the empirical method that is so well known to the legal profession—to check to see how it is working, to use the lessons that come from experience in order to build up systems that will work more effectively in the present, and then adjust them if one needs to in the light of experience that comes in the future. In those circumstances, the committee believes that it would be unwise of this parliament to try to adjust such a document unless there was something plainly unworkable or plainly suboptimal in it. In the view of the committee there was not. The committee's recommendation is that we endorse the rules that have been sent to us. Given that we have had recommendations from the Chief Justice and from the Law Society, I think we should add the voice of the parliament to that assent in order that the judgement should be unanimous.

With regard to the other parts of the legislation, I might point out that one of these was the reason the Attorney-General asked us to fast-track our consideration of this legislation. That was the provision relating to the QCAT act. As honourable members on the other side of the House have explained, the provision was to allow members who have been hearing matters but whose terms expire within a couple of days to hear those matters to the end notwithstanding the fact that their terms of office expire. We managed to bring this forward and we managed to bring a number of other pieces of legislation forward.

I would like to thank the members of the committee for being prepared to put their feet on the accelerator in that way. I would like also to thank the secretariat and the other staff of Parliament House who worked so hard to make these bills available for consideration by the House in the last week of parliament. I might mention that, as well as the herculean feats of delivering on those bills, we can also clean Augean stables and kill Nemean lions. Any time the labours of Hercules are required to be done, please send them to our committee.

**Ms Stone:** Speak for yourself.

**Mr WELLS:** I note that the honourable member for Springwood protests, but I note also that she protests only slightly at the invitation that I have just given to cabinet.

I now turn to the issue relating to retirement villages. As honourable members on the other side of the House have said, this was the only seriously contentious issue that came before us. The issue arose in this way—and I will try to put it as simply as I possibly can. The case of Saunders and Paragon in 2009 was heard before Judge Robin QC, who is one of our most brilliant District Court judges, if I may say so with respect. The issues in the case were that a lady left a retirement village after two years and one day and the retirement village operator purported to charge her one whole year of exit fees. It is pretty much the universal practice for retirement villages to charge exit fees for people who move on from a retirement village. It is a very widespread practice for retirement villages to charge a whole year's exit fee even if a resident has left after as little as one day into a new year. Whether it is one day, whether it is 364 days or whether it is 223 days, one whole year's worth of exit fees is still charged.

It was put to us by representatives of the retirement village industry that this was part of their profitability, that this was part of the way they made ends meet. In the case of Paragon, Judge Robin made the point—and with great respect I would say that it was a point which it is incredibly hard, indeed I would say impossible, to controvert—that fairness requires that a person who is in the situation of a resident of a retirement village should be charged for what they are receiving not for what might randomly befall them. It was also mentioned in that particular case that, if the retirement village operators needed to—

**Mr DEPUTY SPEAKER (Mr Elmes):** Order! The honourable member for Coomera may like to take that call outside.

**Mr WELLS:** I thank you, and give Campbell my regards! In that particular case the point was made that, if a retirement village operator needed to rely on the windfall misfortunes of a particular denizen of a retirement village in order to achieve profitability, then they were probably not doing their sums correctly; there were other ways they could do it. Perhaps if they wanted to retain the same degree of profitability, they would have to do a restructure of their system of charging.

The bottom line is that it is simply not fair that a person living in a retirement village should, because of the arbitrary fact that they have to move out seven days after the end of one year, pay a whole year's exit fees to a retirement village. Basically, whatever the economics of it, whatever the practices of the retirement village operators and whatever the convenience of any person, the overriding criterion for this parliament, as indeed for the courts, should be and is a question of fairness. What the

Attorney has done by bringing this proposal to amend the legislation to the parliament is to insist on that principle of fairness. This is a fine piece of law reform. It is one that is being supported by the opposition as well. I commend them for their sense of fairness and for their participation in providing this benefit to the residents of retirement villages.

There are many retirement villages in my electorate, there are many residents throughout Queensland who will benefit from this, although it is not retrospective. If a deal has already been stitched up to the effect that somebody living in a retirement village has to pay a whole year's exit fees when they leave, we are not going to retrospectively change that. It is not retrospective in that sense. Anybody who has an unclear contract that does not spell out whether the thing is going to be calculated on a basis of one whole year for one day, as it were, will find that is going to now be read as implying the new term that we are putting in today. It is not retrospective in the sense of undoing any contract that has already been stitched up. What it does, therefore, is to benefit those people who will be signing these contracts in the future.

May I say to the proponents, the operators of retirement villages, that they are doing a valuable community service and they are entitled to receive value in return for the contribution that they make. But if they wish to be seen as people who are providing a community service then they will, I am sure, accept the general sense of fairness of this community, of this society and of this parliament. It is rare for this parliament to be in a situation where we have the degree of unanimity that we have had on this fundamental issue of fairness. I think it is something that goes to the credit of every member in the House. However, it especially goes to the credit of the department and the Attorney-General.

I would like to congratulate the departmental officers who worked on this and ensured that justice and fairness were delivered to this significant group of people in our community.

 **Mrs ATTWOOD** (Mount Ommaney—ALP) (3.54 pm): I rise again to support the Civil Proceedings Bill 2011. As a long-term replacement member of the legal affairs committee for a number of months, I would like to thank those departmental representatives for briefing the committee and those who made submissions, gave evidence and participated in its inquiry. I reiterate the comments of other members of the House and committee members relating to the hard work of the committee secretariat who, under the guidance of our committee chair, the acting chair of the committee, the Hon. Dean Wells, organised procedures and papers to assist this valuable work of the committee.

I would also like to talk about the bill and some of the aspects of the bill that we examined as a committee. The proposed civil proceedings act incorporates and modernises procedural and substantive law from the Supreme Court Act 1995 and integrates civil procedure provisions from the Supreme Court of Queensland Act 1991. The proposed new act will give effect to the recommendations of the Rules Committee established under the Supreme Court of Queensland Act 1991. This act is the culmination of extensive research and consultation. The result is a clear, logically ordered and modern set of provisions that has received the support of stakeholders and will provide clarity to persons accessing the civil jurisdiction of our courts.

The bill also proposes amendments to the Births, Deaths and Marriages Registration Act 2003 to ensure the integrity of the information provided to the registrar about the burial or cremation of a deceased person. The amendments provide that the person in charge of a crematorium or cemetery where a deceased person is cremated or buried must provide notice of the cremation or burial to the registrar. This will be used to verify the information provided by the funeral director or other person who arranges for the disposal of the deceased person's body.

Our chair, the Hon. Dean Wells, mentioned the main part of the bill that the committee was most concerned about, and that was in relation to the amendments to the Retirement Villages Act 1999 to provide that particular exit fees paid to a scheme operator must be calculated on a daily pro rata basis. This will apply if an existing contract does not provide an alternative method of calculation or the contract is entered into after commencement. These amendments aim to provide fairness and certainty for retirement village residents in how their exit fee will be calculated. The need for this amendment was identified by village residents including the Association of Residents of Queensland Retirement Villages. Although other review work is presently being undertaken in relation to the act, particularly about what happens should a village close, it was considered important to progress this important consumer protection amendment as soon as possible. Therefore, there was the need to rush through our examination of this bill in a timely manner.

I would like to also talk about the part of the bill that is associated with red-tape reduction for Queensland associations. These amendments will reduce red tape for Queensland associations, religious groups and charities by providing a cost effective way to seamlessly transition into a limited liability company or Indigenous corporation. The Associations Incorporation Act 1981 provides a simple and inexpensive way for small, not-for-profit groups to set up. However, when associations grow in size and financial turnover, it is often better to transition into a company limited by guarantee or an Indigenous corporation.

Under the existing laws, if an association wants to change their structure they need to set up a new limited liability company or Indigenous corporation, transfer their existing assets and membership to the new entity, and then wind up the association. Consequently, such an association would face high costs through transfer duty and capital gains tax. The proposed changes to the Associations Incorporation Act 1981 will be a significant benefit for large scale associations because they will be able to change their structure without incurring these prohibitive costs.

Once not-for-profit organisations change their structure, they will need to ensure they comply with the reporting and regulatory requirements of the Corporations Act 2001 or the Corporations (Aboriginal and Torres Strait Islander) Act 2006, whichever is relevant. The financial reporting requirements under these acts may better suit larger associations given they are designed to regulate large scale corporate entities like the Associations Incorporation Act 1981.

Part of the legislation refers to the record keeping of JPs. As the member for Mount Ommaney, I have about 900 JPs or commissioners for declarations living in my electorate. We also provide JP and commissioner for declarations services within my electorate office of a Friday. We are very busy in that regard. We appreciate all of the JPs in the community to whom we refer work from time to time and the fact that they support us and people living in the community by providing that valuable service.

The local JP association sets up a local shopfront in the Mount Ommaney shopping centre every Thursday night and Saturday morning to assist people with that service. There is always a line-up of people waiting for the service provided. The act makes a provision for those JPs to allow them to record details of any identification documentation sighted in the performance of their duties. This amendment provides the discretion for JPs and commissioners for declarations to record these details. It does not require them to, but this facilitative amendment is made at the request of some justices of the peace during the consultation process. I commend the bill to the House.

 **Mr CRANDON** (Coomera—LNP) (4.02 pm): I rise to contribute to the debate on the Civil Proceedings Bill. The main objectives of the bill are to implement the recommendations of the Rules Committee for the repeal, reform or relocation of the provisions of the 1995 act, and to modernise and simplify provisions governing civil proceedings. The bill also amends the Associations Incorporation Act 1981, the Births, Deaths and Marriages Registration Act 2003, the Electoral Act 1992, the Justices of the Peace and Commissioners for Declarations Act 1991, the Queensland Civil and Administrative Tribunal Act 2009, the Retirement Villages Act 1999 and the Right to Information Act 2009.

I am going to restrict my comments to the Retirement Villages Act 1999 and the issue of exit fees in retirement villages. The bill will amend the Retirement Villages Act in relation to exit fees. An exit fee is the amount paid by a resident to the scheme operator upon the resident leaving the village as prescribed in the residence contract between the two parties.

When I was a financial planner I heard many stories, more often than not from families of people who had left retirement villages as a result of death or because they moved into a nursing home or moved home with family to be nursed by family in their home. Some of the stories were absolutely amazing. I used to sit and wonder how someone would enter into a contract that was so draconian that people were going to lose half of the value—the increased value in many cases—of the home that they had bought into. It amazed me, but it did happen.

The point about the pro rata treatment of the fee was never really something that I delved into with people. I looked at various contracts, and I think the member for Kawana made the comment that in his role as a solicitor he looked at many contracts and found them all to be very different. However, that was the past and this is the present. The explanatory notes state that the bill amends—

the Retirement Villages Act 1999 to provide that, in relation to particular exit fees paid to a scheme operator upon a resident leaving a retirement village, the daily pro rata calculation method will be (a) the default method for existing residence contracts where the contract does not provided an alternate method; and (b) the mandatory method for all future contracts and cannot be contracted out of ...

It takes away the possibility of an unscrupulous retirement village manager pulling the wool over someone's eyes. I think we would all agree that whenever people enter into a contract they should take legal advice so that they know upfront what their position is in their particular circumstances and what they would be up for going forward if something were to happen. So often people simply take it for granted that the people they are dealing with are being straightforward, honest and 'just like them'. Many times as a financial planner I would come across people who had just entered into a contract because they believed that everything was going to be hunky-dory. How could it possibly be wrong?

New section 53A defines how to work out exit fees for residence contracts. It talks about the section applying to an exit fee having regard to the length of time a resident has resided in the accommodation unit. If the contract was entered into before the commencement of this section, the exit fee must be worked out on a daily basis—we cannot get very much clearer than that—unless the contract provides a way of working out the exit fee that is not on a daily basis. There needs to be some other satisfactory method of doing the calculation. New section 53A(3) states—

If the contract is entered into after the commencement of this section, the exit fee must be worked out on a daily basis.

It is high time that occurred. It is going to bring fairness to the situation.

I would like to comment on the ease with which members of parliament are able to access properly researched information under the new committee system. To my mind, the committee system is working. It is also providing an opportunity for stakeholders to outline issues. For example, the QRVSO submitted that the exit fee is a key component of what residents pay. There was an opportunity for stakeholders on both sides to come forward and put their argument, and in this case they said that it is a key component of what residents pay for living in a village and enjoying the infrastructure. Exit fees constitute the primary source of income for scheme operators. It is important to know that, because we have to protect the viability of retirement villages as well. There is no point enacting legislation that brings a retirement village to its knees over time because they cannot afford to update. Capital improvement costs are always there. Capital replacement funds are always needed. The scheme operator's share of reinstatement costs is there. There are compliance costs, shortfalls in general service budgets and so on.

In its submission the QRVSO explained that the maximum percentage of exit fees is critically important in terms of how long it takes to reach the maximum and how it is calculated if the resident leaves before the fee reaches the maximum, and there are numerous ways of coming to that in the marketplace at present. It provided us with a classic example in that for a period of one year there is a 7½ per cent fee and for two years a 15 per cent fee. We immediately see the issue of the argument and the changes that are being proposed in this bill—that is, 7½ per cent for one year and 15 per cent for two years but more than one year. Straightaway we see the problem. One year and one day means an exit fee of 15 per cent, and that is why we are looking at this pro rata matter.

The member for Kawana also mentioned *Saunders v Paragon Property Investments Pty Ltd*. The matter of *Saunders and Paragon Property*, or the *Paragon* case as it is referred to in the committee's paper, was one of the main impetuses for the proposed amendments to subsection 15(2). For two years and one day the resident was charged an exit fee of 15 per cent. The resident appealed to the District Court where Judge Robin QC found in favour of the resident. So the tribunal found in favour of the retirement village and of course it was found by Judge Robin QC in favour of the resident.

In the judgement His Honour suggested that fairness is regarded as promoted by apportionment. So he is making the argument that, to be fair, if someone has been there for 1½ years charge them 1½ years worth of exit fees, not two years, and that one of the objectives of the Retirement Villages Act 1999 is to promote fair trading practices. His Honour saw no threat to viability of a village under the daily calculation method as he could not imagine any prudent operator designing a project whose profitability or viability depended on windfalls, because he referred in his judgement to the concept of someone dying after one year and one day and therefore having to pay a two-year fee as simply being a windfall. No-one in their right mind would rely on windfalls to ensure that they were viable. His Honour also referred to the daily method as the more natural approach to calculating exit fees. In closing, I say that having experienced this over the years as a financial planner it is high time that fairness becomes law. The opposition supports the bill.

 **Mr FOLEY** (Maryborough—Ind) (4.11 pm): I rise to participate in the debate on the Civil Proceedings Bill as a member of the committee that was tasked with scrutinising the bill. As a member of that committee, I also want to thank my fellow committee members. It ended up being a bit of a revolving door near the end and we had the pleasure of the company of lots of different members.

**Mr Bleijie:** Not on this side!

**Mr FOLEY:** No, on the government side. The Hon. Dean Wells, the member for Murrumba, did a sterling job as the acting chair in the stead of Barbara Stone, the member for Springwood, who has been unwell. I join other members in welcoming her back to the House. It is good to see her back on deck again. On the odd occasion JP Langbroek—whom we will now call JP Langbroek JP—bookended the job of deputy chair and did so in a magnificent way. Generally speaking, this has been a really great committee with lots of opportunities to tease out the various aspects. But by far, as most speakers have said, the most controversial aspect of this bill was the retirement village exit fee, and I will talk in more detail about that soon.

This bill provides for a new set of laws on civil proceedings, making a whole suite of changes, particularly in the arena of the Supreme Court of Queensland. It touches on some District Court issues but mainly involves Supreme Court issues. Of course one of the strengths of the new system of legislative supervision or scrutiny is the fact that people can make those sorts of submissions and do so on a regular basis. This bill also contains a number of miscellaneous amendments to the Associations Incorporation Act 1981, the Births, Deaths and Marriages Registration Act 2003, the Cremations Act 2003, the Electoral Act 1992, the Information Privacy Act 2009 and the Justices of the Peace and Commissioners for Declarations Act 1991.

Many people, including the member for Kawana, have spoken extensively about the JP side to this bill. There are three JPs in our office, and I think it is one of our very commonly used services. The bill also amends the Queensland Civil and Administrative Tribunal Act 2009, the Retirement Villages Act 1999 and the Right to Information Act 2009. The member for Surfers Paradise referred to the omnibus nature of the bill, and certainly it is a bill with many parts and has been quite a difficult task in some respects because of the numbers of changes to be across as a committee member to ensure that you are really on the ball with what is happening.

When it comes to elderly people and the Retirement Villages Act, I want to quote from Oscar Wilde, the Irish poet, novelist, drunk, dramatist and critic, who said, 'When I was young I thought that money was the most important thing in life. Now that I'm old, I know it is.' Let me say that money is not the most important thing in life, but when one is an elderly—

**Mr Lucas:** This is the Civil Proceedings Bill, not the Civil Partnerships Bill.

**Mr FOLEY:** No, I am talking about money here. When it comes to elderly people, of course money is very important because they are no longer in the workforce and they have to be very careful about the remaining assets that they have, especially as we are tending to all live a little bit longer. In my former life as a financial planner and accountancy practice partner I saw a lot of people trying to balance the fine line of entitlement to Centrelink benefits with certain types of retirement village products and different accommodation options. Even back in the early days, it was always a very heated and sometimes difficult interpretation unless one were a lawyer to work through exactly how these contracts were formulated.

Of course, the case that brought this into focus or crystallised debate on this issue was the famous case of *Saunders v Paragon Property Investments Pty Ltd*. In some respects, the concept of a person being charged a full year's exit fee on day 366—that is, the person may have dwelt in their particular accommodation for only one day of the next year rolling over but they are charged a full year's exit fee—is entirely unfair, and I think there would not be too many people who would disagree with that. But, again, it is a situation of caveat emptor—buyer beware.

In this particular case the resident had occupied the retirement village for two years and one day. The residence contract imposed an exit fee which accrued at the rate of five per cent of the sale price per year of residence and, on that basis, the resident was charged an exit fee of 15 per cent. The resident argued that the exit fee should be calculated pro rata on a daily basis for the partial years of occupation, and of course that makes good sense. If one thinks about it logically and thinks about a modicum of fairness in the debate and in the contract, then that is fair. But of course what is legal and what is fair are quite often two different matters and when people sign up for a contract that contract might have very onerous clauses that they had not anticipated.

But this is also a classic case of the law of unintended consequences. In fairness to the retirement villages industry, before the whole subject of exit fees became a major issue, there was probably not a perceived need to have these clauses in the contracts. What happens of course is a law is changed and then the flow-on effect of the application of that change can then create other situations—the law of unintended consequences. At one of the committee hearings I gave the example of someone taking out a 25-year mortgage many years ago. People would have looked at that loan and asked, 'Can you afford it?' The mortgagee would have said, 'Yes,' and then signed all of the documentation and the papers. I think we have all been pretty guilty of just signing a batch of papers put in front of us.

However, nowadays if you were to take out a housing loan, one of the sureties that would be required would be mortgage insurance, and in particular life insurance, to secure the financial veracity of the contract. So when we are considering measures like that, what do we do? Do we go back and say to everyone who has a home mortgage, 'You now have to take out a life insurance policy'—in other words, make a retrospective change to that contract? In some respects I have some sympathy for the argument against retrospectivity. However, many discussions surrounding retrospectivity can be clarified in a few simple statements.

The retrospective nature of these changes will arise only when the contract falls silent or is completely missing in action on this particular issue. So if there is a model for exit fees in the contract, even if that model is a somewhat tyrannical model, it would still not be retrospective. If a person has entered into—and hopefully they received legal advice—a contract, even if it has a hideous exit clause in that contract, it is not going to be changed retrospectively. It is only where there is no reference to an exit fee in the contract. Again, I repeat my assertion that in the early days perhaps the reason there would have been contracts without any clauses relating to exit fees is that nobody really thought about them and there was not as much scrutiny of those contracts as there is now.

In terms of being a member of the committee that considered this legislation, I think it is more than fair. I think the decision in the *Saunders v Paragon Property Investments Pty Ltd* case, the District Court decision that was then made on appeal and then the Supreme Court appeal, which was eventually discontinued, has teased out this matter of exit fees very substantially. If anything, from here on, contracts will be more tightly worded so that the consumers have more protection and they are clearer about what happens in the long term. With those comments, I commend the bill to the House.

 **Mr MOORHEAD** (Waterford—ALP) (4.22 pm): I rise to speak in support of the Civil Proceedings Bill 2011 and, in particular, I would like to talk about the amendments in the bill that relate to funeral industry practice. I would also like to make some comments about the changes to the Retirement Villages Act 1999.

The amendments in this bill relating to the funeral industry address community concerns about the integrity of information relating to cremations and burials. Much of the concern that led to these reforms came from the very poor treatment of a constituent of mine whom, for the sake of her privacy, I will not mention by name but I would like to give the members of this place some understanding of what happened to her. My constituent's father died from lung cancer. Before he died he said that he wanted a simple and inexpensive funeral and that he did not want a service. He asked for a direct cremation to be arranged. That involved the collection of my constituent's father's body and for the body to be cremated at the Eco Memorial Gardens at Ormeau and for the ashes to be returned to my constituent. When my constituent's father passed away, his body was taken and then a few weeks later the ashes were provided to my constituent in a sealed box in a plain white gift bag. The only markings on the box were a label with the printed words, 'This contains the repository remains of the late ...' and in the blank space on the label someone had written my constituent's father's name. There was no verification markings on the box and nor was my constituent provided with a cremation certificate.

When the matter was questioned with the funeral director the funeral director provided a plastic badge to put on the ashes of my constituent's father and provided a certificate of cremation. But that certificate of cremation was on the funeral company's letterhead, not the official document provided by the Registry of Births, Deaths and Marriages. When my constituent asked where the cremation had taken place, she was advised that it had taken place just north of Brisbane. My constituent was then advised, after some significant investigation, that the cremation had actually been done at Quality Cremation Services—a place in Rockhampton—and that her father's body had been transported to Rockhampton for cremation and returned. In that case the practices of the funeral director were misleading. I think those practices put doubt in the mind of my constituent as to what was actually contained in the box marked for the ashes. Even though we all know with a significant degree of certainty that they most likely are his ashes, there is always going to be that sneaking suspicion that they may not be. The family involved was deeply distressed. Not only had they been misled over what they had purchased but also the dignity of my constituent's father was not protected in the way in which his body was dealt with after his death. The conduct of the funeral director was not upfront when explaining any changes to the previously contracted arrangements.

I believe that the measures provided in this bill will provide some reassurance and peace of mind to grieving families at this most distressing of times. The proposed amendments to the Births, Deaths and Marriages Registration Act will require the person in charge of a crematorium or a cemetery to lodge either a cremation or burial notice with the Registry of Births, Deaths and Marriages. This notice will enable the registry to readily verify information provided by the funeral director or some other person who arranges for the disposal of the deceased person's body and provide additional safeguards for the accuracy of the registry records. Queensland crematoria and cemeteries will be required to lodge the notices electronically. That will ensure that the registry receives the information in an expeditious way. There are limited exceptions for where electronic lodgement is not practically possible because of the location or other exceptional circumstances.

The bill also contains changes to the Cremations Act to address community concerns about the identification of ashes before they are returned to family members. The death of a loved one is a traumatic time and I can only imagine the stress that my constituent's family has experienced in receiving ashes without appropriate identifying information. This amendment will protect against that possibility by providing that ashes must be labelled in accordance with requirements that will be prescribed by regulation. Noncompliance with the labelling requirements will attract a maximum penalty of a fine of 80 penalty units, or \$8,000.

I am very pleased to be able to support the amendments contained in this bill. I want to thank the Attorney-General for his foresight in legislating these changes. I know the funeral industry is one where people must always be mindful of sharp practices. I hope that the sharp practice that my constituent fell victim to will no longer be available after this bill is passed.

I also wanted to speak to the amendments to the Retirement Villages Act 1999. The act regulates more than 300 Queensland retirement villages, which are home to up to 30,000 seniors. The residents of these villages enter into residence contracts with the village operators. Under these contracts, if residents decide to leave they are required to pay an exit fee to the operator. These exit fees are normally substantial and represent the profit an operator makes in running a village. These fees usually increase the longer a resident stays. The proposed change to the Retirement Villages Act 1999 in the Civil Proceedings Bill 2011 will provide a significant benefit for Queensland seniors entering retirement villages. This is because when they leave the village their exit fees will be calculated on a daily pro rata basis, which means that the exit fees are calculated using the actual length of occupation, which is a much fairer and less expensive method for Queensland seniors as opposed to some existing contracts that calculate those fees on yearly increments. For example, where a daily pro rata rate does not apply, a resident leaving a retirement village after one year and one day may be required under the contract to pay an exit fee based on two whole years of occupation.

In addition, the proposed changes will also benefit existing residents if the residence contract does not specify the basis for calculation. In these circumstances, a daily pro rata basis will apply by default. However, where the contract already sets out a basis for the calculation, that basis will continue to bind the parties as per their agreement. The amendments will commence on proclamation in order to provide scheme operators with the time to revise their residence contracts to incorporate this new mandatory requirement.

I wanted to particularly thank Mr James Carter from the Southern Cross Retirement Village who came to see me about these changes with a very altruistic submission, I must say. Mr Carter came to see me on the basis that he lived in a retirement village, Southern Cross Retirement Village, at Edens Landing. He had an appropriate protection in his contract but was deeply concerned that some other people might be treated unfairly. I am sure he will be very happy to see these changes go through parliament today. The amendments will ensure that a fair and consistent calculation method will apply to all Queensland retirement villages. I commend the bill to the House.

 **Mr SHINE** (Toowoomba North—ALP) (4.30 pm): I rise to make a brief contribution to the Civil Proceedings Bill 2011—brief not because it is not an important bill but because what has been proposed is easily understood and has been covered by previous speakers in the debate today. I say at the outset that the desire to make access to justice easier and, indeed, cheaper should always be at the forefront of government policy. It is easier said than done, but the work of the Rules Committee of the Supreme Court and the other courts obviously provides a considerable help in that direction.

The problem of access to justice and the cost of justice has been with us from time immemorial and no doubt will be here for a long time yet, but it is important that we review the procedures that we have, where necessary, to make sure that we take advantage of modern technology and advances that have been made in the administration of justice elsewhere in the world to ensure we provide that justice system as efficiently as possible.

As I said before, we owe a great deal to the Rules Committee for what it has done. I commend in particular retired Justice Glen Williams AO, SC for the work that he has done with respect to attempting to modernise the rules of the Supreme Court over many, many years. I recall that on the occasion of his retirement he spoke of his regret that a modern civil proceedings bill had not been finalised at that stage. I am sure that he is one person in Queensland today who will be very happy to see the passage of this bill, as it is anticipated it will be passed later in the day. I also commend Justice Margaret Wilson for the considerable work she has undertaken and, in more recent times, Judge Douglas McGill SC, who I understand was responsible for the drafting of the bill currently before the House.

The development of this legislation has been a very lengthy and exhaustive process. It has involved a great contribution from members of the legal profession, both the Law Society and the Bar Association, all of which was provided free of charge. They are to be commended for their contribution over those years. The gestation period of the bill has been from 2002 to the present time. One would hope that therefore the end result is one of some degree of perfection, and I am sure that it will be. I note that the bill has the full support of the judiciary in terms of the submission made by the Chief Justice to the committee and also has the support of the committee.

What does the bill do? The bill proposes a new Civil Proceedings Act to govern civil proceedings in the Supreme, District and Magistrates courts. Currently both the Supreme Court of Queensland Act 1991 and the Supreme Court Act 1995 govern civil proceedings in the Supreme Court. The Supreme Court Act 1995 was the product of consolidation of provisions relocated from various court related statutes, some over 100 years old, and has long been recognised as being in need of rationalisation and modernisation. As I mentioned at the outset, the proposed Civil Proceedings Act is the culmination of extensive research and consultation by the Rules Committee, comprising representatives of not just those judges that I mentioned earlier but also judges of the District and Magistrates courts.

The proposed new act comprises a clear, logically ordered, modern set of provisions which have received the support of stakeholders and will assist all users of the civil jurisdictions of our courts. I also make passing reference to the other provisions of the bill, all of which are eminently sensible, and I commend the bill to the House.

 **Mrs CUNNINGHAM** (Gladstone—Ind) (4.35 pm): I rise to speak to the Civil Proceedings Bill 2011, albeit it contains a number of other amendments. I support the amendments to the Births, Deaths and Marriages Registration Act 2003 and the Cremations Act 2003. I remember not that long ago—and the member for Waterford made reference to a period of time—when deceased persons were removed by the owner of a crematorium or the funeral director to a quite remote location for the purposes of cremation and the loved ones were not made aware of that travel. I think, too, there is a continuing concern in the community about the accuracy of the recording and the return of the ashes of loved ones. I believe that the changes that are proposed in this legislation will in great measure give more certainty to those who choose cremation as a method of interment. The incidence of travelling with a deceased person to a remote cremation location was purely and simply done on the basis of cost. It was a cheaper option to go to a crematorium other than the one in the general location of where the death occurred. I think for any family that would be quite traumatic, so I support these changes.

There are also changes to clarify enrolment under the Electoral Act to the day before the polling day. I made some comments in relation to enrolment up to the day before polling day and I stand by those comments.

I also support the changes to the Justices of the Peace and Commissioners for Declarations Act 1991 to allow justices of the peace and commissioners for declarations to record details of identification documents sighted in the performance of their duty. I fully support those amendments. Commissioners for declarations and JPs are asked to validate documentation. They also are required to witness and sign things such as statutory declarations and other documents. It is important for them to be able to defend themselves in instances where perhaps a challenge is mounted and for them to be able to confirm the basis on which their work was undertaken. They do this without recompense; there is no pay involved. They deserve any protection that is necessary in the event of things becoming unravelled.

I commend the minister in relation to the changes to the Retirement Villages Act 1999. Retirement villages and also strata titles have, over time, presented a number of complex issues to be addressed. The changes that the Attorney-General has brought in the Civil Proceedings Bill in relation to the pro rata payment of exit fees is welcome. It is fair to those on both sides of the equation. It certainly gives certainty to the person buying into a retirement village in relation to the time when they may exit for all sorts of reasons, it gives clarity to the family of those who may have elderly relatives who are exiting a retirement village and, in fact, it gives certainty to the owners of the retirement village, although no doubt there are some who may feel aggrieved by this. I commend the minister for the action that he has taken and I support the bill.

 **Mrs KIERNAN** (Mount Isa—ALP) (4.39 pm): It is with pleasure that I rise to speak to the Civil Proceedings Bill 2011, which received a great deal of scrutiny in the committee process, as did a number of amendments therein. I thank all of the people who took the time to provide submissions and to attend hearings. I certainly thank departmental officers who provided committee members with advice throughout the committee process. I also thank the secretariat for the work they did on behalf of the committee.

The policy objective of the bill is to propose a new Civil Proceedings Act to govern civil proceedings in the Supreme, District and Magistrates courts. The proposed new act comprises a clear, logically ordered and modern set of provisions that has received the support of stakeholders and will assist all users of the civil jurisdictions of our courts.

Under the proposed amendments to the Associations Incorporation Act 1981, the bill will reduce red tape for Queensland associations, religious groups and charities by providing a cost-effective way to seamlessly transition those organisations into a limited liability company or Indigenous corporation, if so desired. As we know, the Associations Incorporation Act provides a simple and inexpensive way for small non-profit groups to set up. However, when groups grow and have a substantial financial turnover, often it is better for them to transition into a company limited by guarantee. Obviously, this is also relevant to a number of Indigenous corporations today. The amendments will be of significant benefit for large-scale associations, as I said. They will also benefit by not having to incur substantial costs. As we know, many associations rely on their membership, so any sort of reduction in legal fees or similar costs will be of great benefit.

The amendments relating to the funeral industry address the community concerns about the integrity of information relating to cremations and burials. The proposed amendments to the Births, Deaths and Marriages Registration Act will require the person in charge of a crematorium or a cemetery to lodge either a cremation or burial notice with the Registry of Births, Deaths and Marriages. This will enable the registry to readily verify information provided by the funeral director or some other person who arranges the disposal of the deceased's body and provide additional safeguards for the accuracy of the registry records. Another advantage is that the notices will be required to be lodged electronically. Of course, there are exceptions where that may not be able to be done, where it is not practical or possible due to location or exceptional circumstances.

I am pretty certain that every member of the House would be very aware of the valuable service that JPs and commissioners for declarations offer to our communities right across Queensland. In an electorate like Mount Isa, particularly its smaller communities, the JP is well known and, more often than not, the person seeking the services of the JP is known to him or her. During the committee process I raised with both the department and the minister the concerns I had with regard to privacy. My concerns were not so much about the recording of details but about copying proof-of-identity documents. There are over 500 JPs in the electorate of Mount Isa. Every one of them provides valuable volunteer services in the communities of the electorate. I certainly acknowledge each and every one of them and thank them for their service.

However, during this debate I take the opportunity to pay my respects to one Mount Isa JP in particular. Last week the Attorney-General, Paul Lucas, visited Mount Isa for a few days and I thank him for that. He took the time to recognise the absolute dedication of one of our wonderful Mount Isa JPs. For a number of years Bill Hilton has volunteered as the court JP. Bill's dedication is such that each and every day he attends the front counter of the courthouse to assist when needed. He is such an

incredible volunteer that he phones in when he is sick and will make up time in lieu if required. About a month ago, Bill had a major operation that set him back a little bit, but only a little bit I might add, and he is recovering very well. It was fantastic to have Bill and his wife, Lorraine, present at the court with all of the staff so that we could recognise this absolute gentleman who epitomises the very good of our community.

The bill makes amendments to allow for fairer exit fees for retirement village residents. It proposes changes ensuring a pro rata basis for exit fees are calculated using the actual length of occupation, which will apply to existing residents if their residence contract does not specify the basis of the calculation. In those situations a daily pro rata basis will apply by default. However, where the contract already sets out the basis of the calculation, that will continue to bind the parties as per their agreement.

A bill that covers so many pieces of legislation and that contains many amendments gives us a great opportunity to learn much more about the laws that we pass in this House. The committee process gives us the opportunity to understand many facets of legislation, particularly with a conjoined bill such as this. I thank the other members of the committee. On that note, I commend the bill to the House.

 **Mrs MILLER** (Bundamba—ALP) (4.46 pm): Today I rise in support of the Civil Proceedings Bill 2011. This bill contains amendments to the Justices of the Peace and Commissioners for Declarations Act 1991 to support justices of the peace and commissioners for declarations in performing their valuable volunteer services in our community. As I am a former registrar of justices of the peace, I can certainly vouch for the value of their services in the community.

The bill allows for justices of the peace and commissioners for declarations to copy or record details of proof-of-identity documents sighted by them when attesting documents for the purpose of being satisfied that the person whose signature they witness are who they claim to be. This amendment assists justices of the peace who wish to have this information available should the documents they have attested later be called into question, for example, by a court. For many decades many JPs have been recording such information in logbooks. Indeed, logbooks have been recommended by JPs and by the department, as it is important that justices have such a record. Some JPs also like to take a photocopy of proof-of-identity documents. These days it is pretty easy for people to make copies, because many have home photocopiers or fax machines that can do that. I understand that those JPs take their duties very seriously and undertake them thoroughly.

JPs, the volunteers in the justice system, are well respected in our community. Every couple of years I organise a justice of the peace seminar by Department of Justice and Attorney-General officials. In fact, I held one a few weeks ago. I thank the registrar of JPs, Damien Mealey, and Dimitri Gilanos who gave an informative session on JP matters to JPs and commissioners for declarations of not only my electorate but also other electorates around Ipswich. They also ran an excellent question and answer session that followed. I also thank the Goodna Rugby League Football Club for their hospitality for the JP seminar.

There have been several types of JPs for over 20 years now. We have people who are JPs, commissioners for declarations, JP (Qualified) and only a few JP (Magistrates Courts). The categories of justice of the peace were passed by this parliament some 20 years ago. At the time, it was very innovative and reforming legislation. It was legislation that caused the then Attorney-General, the member for Murrumba, and me, the public servant registrar for JPs, some interesting times, particularly during the implementation stage and the training—the TAFE training programs and the departmental training programs.

The departmental training programs were and still are highly valued. Today the JP (Qualified) course runs over three days and is run by the Department of Justice and Attorney-General. JP (Magistrates Courts) have so far been limited to rural and remote areas. I believe it is about time we had some dedicated JP (Qualified) people in the city areas being given the opportunity to become JP (Magistrates Courts). Perhaps some JP (Qualified) people could apply for such training and, based on their proven active roles as JP (Qualified) people in their local communities and a suitable interview, they could be given this opportunity to train to be in JP (Magistrates Courts) and pass the JP (Magistrates Courts) examinations. I have completed this training. The course is not easy. The examination is not easy. But after 20 years I believe that this should now be considered by our government.

The JPs in the Community Program has been going for many years now. There are over 150 sites and around 2,600 JPs volunteering their services for this program. There are three centres in my electorate. There is one at the Redbank Plaza centre, there is one at the Springfield central centre which is at the Orion shopping centre and we have just started one up at the Goodna-St Ives centre as well.

There is professional development such as justices of the peace and commissioners for declarations workshops. There are five workshops that range from general witnessing procedures through to issuing search warrants and considering justice examination orders. These workshops are

conducted in the training rooms at the JP branch in South Brisbane. They run from 10 am to 1 pm. Places are limited to 30 people at a time. I know that they are certainly highly sought after in our local community.

Can I just say in conclusion that justices of the peace have always performed an important role in our community. They are highly valued and respected people in our community. They volunteer their services in the justice system. I would like to say that they do their work very diligently. I would like to see many more justices of the peace in our area do some more work in our community, however many of them are at work. We have quite a lot of JP (Qualified) people in our community who have full-time employment. I like to see them in full-time employment; however, we would like to see many more study the JP (Qualified) course and certainly be appointed as JP (Qualified) people in our area. I commend the bill to the House.

 **Ms SIMPSON** (Maroochydore—LNP) (4.52 pm): In rising to speak to the Civil Proceedings Bill I note that it proposes the enactment of the new Civil Proceedings Act and a number of amendments to several other acts. Colleagues of mine have made reference to fact that this is de facto SLUMP bill that has been rolled in with a new piece of legislation. The other pieces of legislation that are being amended in this bill include the Associations Incorporation Act 1981; the Births, Deaths and Marriages Registration Act 2003; the Cremations Act 2003; the Electoral Act 1992; the Information Privacy Act 2009; the Justices of the Peace and Commissioners for Declarations Act 1991; the Queensland Civil and Administrative Tribunal Act 2009; the Retirement Villages Act 1999; and the Right to Information Act 2009.

I think it is important to read into the record those other bills that are being amended as it is too easy for people to miss the fact that there have been quite important amendments made. Some will say that they are minor amendments, but in fact there are some quite significant amendments to the acts mentioned. This is a problem when we have a government that rushes in legislation for convenience rather than using good protocol and legislation that incorporates completely unrelated pieces of legislation. Of those acts just mentioned, I would particularly like to address the changes in respect of the Retirement Villages Act 1999, the Associations Incorporation 1981 and the Justices of the Peace and Commissioners for Declarations Act 1991.

With regard to the Retirement Villages Act, the amendments provide that in relation to particular exit fees paid to a scheme operator upon a resident leaving a retirement village the daily pro rata calculation will be (a) the default method for existing residence contracts where the contract does not provide an alternative method and (b) the mandatory method for all future contracts which cannot be contracted out of. I believe that this has been a necessary move because of unfortunate abuses of exit fees in a number of circumstances.

I appreciate that submissions have been made publicly by retirement village operators that they feel that this will disadvantage the way they configure their contracts. We note that where it is quite clear in existing contracts as to the methodology that is to be applied with regard to exit fees those contracts will stand. It will be future contracts that will have this methodology applied. This provision is due to a lack of clarity in some contracts and some abuses.

These issues can cause hardship and genuine distress, but it is unfortunately only when such matters face a legal challenge that they are highlighted. The example that has been highlighted is *Saunders v Paragon Property Investments*. In this case there was a challenge. As I understand it, it was determined that the exit fees would be calculated on a pro rata daily basis. That has informed some of the debate that we are having here and the way that this legislation has been drafted.

There have been previous discussion papers and consultation with industry and stakeholders on these issues. I understand that there are other changes still to come forward. The ones we are seeing incorporated in the Civil Proceedings Bill are the first tranche. We support these amendments. It has been noted that there were some concerns about retrospectivity. As has been outlined, in recent times there has been court action where these matters have been challenged and the court has made a determination. Going forward, the situation will be quite clear with regard to contracts where previously it has not been clear.

In many cases our retirement villages provide a wonderful home for people. They provide security, fellowship and a type of accommodation product that is well sought after. We certainly want to see them continue to be a viable and fair option for those who operate them, but, most importantly, for those who seek to go into them. I would urge people before they enter into a contract to first seek legal advice. This is not to absolve the responsibility of any operator when it comes to any future contracts they draft, but it is really to ask people to be aware of the implications of any contract. I appreciate that often there will be a sense of heightened urgency. People see the opportunity and they might have to move in a hurry. It should never negate the opportunity for people to gain legal advice so they are fully informed as to their rights and can then make an informed choice in respect of the contract they are signing. That is not just with regard to retirement villages but with regard to any contract.

I also want to pay attention in particular to the change in respect of the Justices of the Peace and Commissioners for Declarations Act 1991. This is to allow justices of the peace and commissioners for declarations to record details of identification documentation sighted in the performance of their duties. This is a common-sense amendment. It is one that will assist them in carrying out what is a very important duty and one that I want to take the opportunity here in the parliament today to acknowledge is a valuable service to our community. What our justices of the peace and our commissioners for declarations undertake to do is a labour of service and love to the community and they are not able to be paid for that service. When I meet with JPs I am amazed at how passionate they are about performing their role, being well trained to undertake it, and the importance of what they do in our community. They deserve our full commendation for providing that voluntary service. We should provide any support that we can because, as I said, they are volunteers. They are doing it for the love of it; they do not get paid. This is a small change which will assist in a practical way to deliver their service. I welcome this particular change.

The other aspect in the legislation that I want to particularly put on the record is the change to the Associations Incorporation Act 1981 which will allow associations under the state act to transition to the Commonwealth Corporations Act 2001 if they so choose. There has not been a transitioning provision previously—or certainly not one that is clearly outlined in legislation—that provides such an opportunity. As has been outlined by the minister and certainly in the other contributions of members, there are circumstances where it can be more opportune for an organisation, particularly where they have grown and they have cross-jurisdictional responsibilities, to operate under the Commonwealth Corporations Act. I think that this is an important change and one that may not be relevant to all associations. However, it will certainly be welcomed by those that have a particular need to make that transition into the Commonwealth Corporations Act and to be able to make those structural changes with a practical approach. I certainly hope that this, in its implementation, proves to fulfil a simplification for those associations seeking to make such a change.

In closing, I want to thank the Legal Affairs, Police, Corrective Services and Emergency Services Committee for the very thorough report that it has undertaken. I commend its report to the House. Certainly it has provided a level of detail. Given that its members have had such an abbreviated time frame in which to consider the matters, I think they have done an excellent job.

 **Hon. PT LUCAS** (Lytton—ALP) (Attorney-General, Minister for Local Government and Special Minister of State) (5.02 pm), in reply: I thank all honourable members of the House for their contribution to debate on the Civil Proceedings Bill. I table the amendments and the accompanying explanatory notes to the amendments I will seek to move in committee.

*Tabled paper:* Civil Proceedings Bill, Hon. Paul Lucas's amendments [6025].

*Tabled paper:* Civil Proceedings Bill, explanatory notes for Hon. Paul Lucas's amendments [6026].

The proposed Civil Proceedings Act is a product of detailed expert examination by the Rules Committee. The bill enjoys an extraordinary level of stakeholder support and is welcomed by the profession. It is timely that the new Civil Proceedings Act be considered by the Legislative Assembly in the sesquicentennial year of the Supreme Court. The proposed new act will deliver modern, contemporary and streamlined legislation. This will benefit all users of the court's civil jurisdiction and allow for enhanced integration, consistency and effectiveness of courts and registries.

**An honourable member:** And they'll thank you in a hundred years.

**Mr LUCAS:** They will, in another 150 years or even more so, in the sesquicentenary of me making this contribution.

This bill follows on from the civil jurisdiction reforms included as part of the wider stage 1 Moynihan reforms introduced by this government in 2010 which expanded the civil jurisdictions of the Magistrates and District courts. It is further evidence of the government's commitment to an effective, accessible and well-resourced court system and the foundation of a fair, democratic and just society. The government's unprecedented investment in court infrastructure further attests to this. The bill contains a number of further amendments which I have previously detailed that are aimed at providing greater consumer protection and improved effectiveness of existing legislative schemes through various amendments, and I have spoken about them before. I will just address some of the brief points that people have raised.

I turn to the QCAT amendments—and I am seeking to move a transitional amendment in relation to that as well. I am advised that there are only three reserved judgements that are outstanding. That is pretty good, bearing in mind that in 2010-11 the number of cases finalised by QCAT was 27,457, but it does need to be undertaken. One hundred and five members' appointments were to expire on 30 November 2011. Of these members, 41 have been reappointed and there are 22 new appointments to come. Honourable members should bear in mind that this was the first full period of QCAT. I have accepted the nomination of everyone whom the president of QCAT nominated for me to reappoint and I have rejected none.

In relation to the appointment process, on 1 June 2011 current ordinary members whose appointments were to expire on 30 November 2011 were invited to submit an expression of interest to be reappointed. Members were further required to submit a CV and address an examination as part of their application. On 3 June 2011 advertising for members occurred in the *Courier-Mail* and other newspapers circulating within Queensland and on the internet on the Seek website. Applications were considered and assessed by Judge Fleur Kingham, Deputy President. The President of QCAT, Justice Alan Wilson, nominated 63 appointees to the minister and members were appointed by the Governor in Council on 24 November 2011.

I turn to the JP amendments. The member for Kawana asked what consultation has been undertaken in relation to JPs and commissioners for declarations. The guideline from the JPs' branch me struck me as being a bit tough. In this world of information privacy and those sorts of things, there are some things that are done in the name of that that it seems to me are quite ridiculous. A JP's ability to record information is an important part of protecting themselves. Later on, if there is an allegation that they may not have witnessed something or they witnessed a document for a fictitious person or the like, they will have an ability to provide that evidence. I spoke to a number of them at a number of the seminars that I speak to around the state. All of those I spoke to at those seminars seemed to be pretty impressed by the proposal.

I turn now to the amendments relating to retirement villages. What we have attracted here are both sides of the spectrum. There is a very large number of residents of retirement villages who considered, quite rightly, that it is unfair to have a mechanism other than a daily calculation because that is fair to everybody. It relates to the residents' actual occupancy of the premises. Frankly, if operators are saying that it will reduce their profitability, then in the interests of transparency they need to have a mechanism that more fully charges for the appropriate cost. Then at least people can understand what they are paying for and they will not be relying on a quirk of contractual drafting to make money. I hardly think it is fair to anyone to do that. I have a bit of an issue about this argument that this provision is retrospective. The bill says that, if you do not have a provision in the contract, the exit fee is calculated on a daily basis. If you do have a provision in the contract, this legislation does not override that except for in future contracts you will need to follow a daily mechanism.

The department advises that there are 311 registered villages in Queensland. It is not really necessary to know how many residents are in each, but there are 311 villages. Contracts and exit fee calculations can vary from village to village. We will monitor the operation of this. I was a bit surprised that the Law Society had a bit of an issue with this. I do not know what they would rather have in the situation. I would have thought the Law Society would be defending the interests of the retirees and the people who need the protection of a lawyer when it comes to the relative bargaining power. But apparently they do not have that view and I think that is unfortunate in relation to that particular aspect.

I want to talk about another couple of issues very briefly. I thank the member for Waterford for his comments. I know the member for Springwood also had a very strong view in relation to potential abuses in the funeral industry. This will fix part of that up. We have the ongoing meeting process with the relevant funeral industry stakeholders which is looking at a further model for regulation of the industry to ensure it is appropriate and affordable but not overregulatory and prescriptive.

In the meantime if you want to have your loved one who has died in Brisbane cremated in Rockhampton, that is fine as long as you sign up and understand that. But when, as happened in the case that the honourable member referred to, you think your loved one is going to be cremated in Brisbane and without your knowledge your loved one is transported to Rockhampton, that is outrageous. This information will provide those extra protections.

The member for Maroochydore and I think the member for Mount Isa mentioned the Associations Incorporation Act. This is a very important provision. I think it was 1982 when the Associations Incorporation Act was first enacted, and that was a really significant thing. It actually covers the local woodwork club to potentially an enormous organisation with millions and millions of dollars in trading. It is hard to make the one law apply to both. In fact, very large organisations really have the semblance, and they do for taxation purposes sometimes, of large trading corporations and they are better supervised by ASIC, and that comes from being a company limited by guarantee. This will facilitate that.

Previously, if you wanted to transfer, you had to pay stamp duty on transferring your property from a new entity that you had to create. That is clearly not satisfactory. This will expose them to more regulatory rigour but at the same time free them up to be a bit more flexible in their constitution and the like.

Finally, I want to discuss some comments that some members have made about omnibus legislation and the fact that this is not just about civil proceedings issues. I really appreciate that all of this legislation is supported by both sides of the House, but I think some people need to take a reality check. I reckon if members went to the Wynnum IGA this afternoon and asked people there what they thought about omnibus legislation—whether it should be incorporated in one piece or introduced individually, or whether they think the legislation is important—once people realised that this legislation was about whether it is fair to have daily fees in relation to retirement villages, they would want the government to pass it as soon as possible. The reality of this place is that it costs money and time to

have parliament sitting. If you want to break law down into individual pieces of legislation to adopt a purist view of the world that might have been fine with workloads in legislation in the 1930s, then go right down that path. I for one sign up to the view that we need to expeditiously deal with ever increasing complex legislation in this place. That is why it is dealt with in the fashion that it is.

In the past we did not have any portfolio committee scrutiny. We have that now. All of this legislation is within my portfolio. The Queensland Law Society, which apparently has enough time on its hands to make a submission, made a submission that was contrary to the Office of Parliamentary Counsel, which might actually know about the legislative intent and the conduct of the parliament. Frankly, I think we should be more focused on making sure that groups of people who can make submissions do make submissions to the committee. This was done here and a number of groups made submissions in a number of different areas.

This is about being efficient as a parliament and being able to pass through legislation that is noncontroversial and is relatively discrete in its particular sections. I do thank the opposition for its support. I thank crossbenchers and other sides of the House for their support. In particular, I thank the shadow minister for his courtesies accorded in conducting the consideration of the matter. I thank the parliamentary committee and, in particular, my staff and the staff of the department who worked very hard on this. Because we have been able to do it this way, people will get the law reform that they are desiring for funerals and retirement villages sooner, which is for the betterment of society, and I do not think that is an unreasonable thing to do. I commend the bill to the House.

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

Motion agreed to.

Bill read a second time.

### Consideration in Detail

Clause 1—



**Mr BLEIJIE** (5.14 pm): Clause 1, which is obviously the short title, states—

This Act may be cited as the *Civil Proceedings Act 2011*.

I note that in his summation the Attorney-General commented on the omnibus nature of this bill, the issues that the opposition has raised and the issues that the Law Society has raised. He made the point that the Office of Parliamentary Counsel drafted it, but I think the point should be made that the Office of Parliamentary Counsel, although drafting legislation, does get it wrong from time to time. We have seen that in bills. That is why I think we have this new committee process which is meant to get better legislation. Under the new system, before amendments are made to legislation they are debated through the committee system. I think it was a legitimate concern that the committee raised in relation to the naming of the bill, although not specifically making a recommendation in that respect. The Law Society certainly made a submission which I support.

The reality is that, while this is an omnibus bill, it deals with civil proceedings, as I said in the debate, for the Rules Committee but it also deals with retirement villages which was a contentious issue. We raised it as an issue, and I raise it now, because amendments to the retirement village legislation were originally made in a draft by the member for Southport, the former minister in charge of these issues, and consultation was held. Those amendments certainly had the weight to have a separate bill under the fair trading provisions and I think the same weight can be equally applied here where we are dealing with the issues.

I do not have an issue, as I said, with the JP issues and the QCAT issues. The bill is titled the Civil Proceedings Bill. Its name indicates that the bill is about civil proceedings only, which of course it is not. I reject the submission from the Attorney-General with respect to the naming of the bill and the omnibus issues. The retirement village issues should have been dealt with separately, and it goes to the heart of the civil proceedings legislation. I think it was raised a lot of times because there was concern it would create confusion with respect to two major issues, retirement villages being one of them.

Clause 1, as read, agreed to.

Clauses 2 to 107, as read, agreed to.

Insertion of new clause—

**Mr LUCAS** (5.18 pm): I move the following amendment—

**1 Part 15, hdg (Transitional provision for Civil Proceedings Act 2011)**

Page 63, line 22, 'provision'—

omit, insert—

'provisions'.

Before I commence, I should ask whether the shadow minister wants me to speak generally to all of the amendments now or individually?

**Mr Bleijie:** No, I am not opposing them.

**Mr LUCAS:** The explanatory memoranda sufficiently explains it. I thank the shadow minister for his courtesy. I will sit down while I am ahead.

Amendment agreed to.

Clause 108, as read, agreed to.

Insertion of new clause—



**Mr LUCAS** (5.19 pm): I move the following amendment—

2

**After clause 108**

Page 63, after line 27—

*insert—*

**108A Transitional regulation-making power**

- (1) A regulation (a **transitional regulation**) may make provision of a saving or transitional nature for which—
- (a) it is necessary to make provision to allow or facilitate the doing of anything to achieve the transition of provisions of a prescribed Act after it is repealed or amended by this Act; and
  - (b) this Act or a prescribed Act does not make provision or sufficient provision.
- (2) A transitional regulation may have retrospective operation to a day that is not earlier than the day this section commences (the **commencement day**).
- (3) A transitional regulation must declare it is a transitional regulation.
- (4) This section and any transitional regulation expire 1 year after the commencement day.
- (5) In this section—
- prescribed Act** means—
- (a) *Supreme Court Act 1995*; or
  - (b) *Supreme Court of Queensland Act 1991*; or
  - (c) *District Court of Queensland Act 1967*; or
  - (d) *Magistrates Act 1991*; or
  - (e) *Magistrates Courts Act 1921*.

Amendment agreed to.

Clauses 109 to 113, as read, agreed to.

Clause 114—



**Mr BLEIJIE** (5.19 pm): Clause 114 of the bill is a very short provision which basically omits a section of the Criminal Code. It deals with taxation and the circuit court. This raises a very serious issue which has since arisen in the annual report of the District Court in that it will impact on the provisions of the service. I simply ask the Attorney whether the removal of this provision will impact on the recovery of costs for matters that are heard in the circuit courts.

**Mr LUCAS:** It is not intended to and I am not instructed that it will.

Clause 114, as read, agreed to.

Clauses 115 to 121, as read, agreed to.

Clause 122—



**Mr BLEIJIE** (5.21 pm): This clause relates to the change from a separate registry for each District Court to a single registry. It also replaces section 35 of the District Court of Queensland Act 1967 with a provision to establish a single registry for the District Court, having an office at each place at which the District Court is to be held.

Clause 122 will make some changes to the registry, and I want it to be noted that Chief Judge Patsy Wolfe made some comments in this year's annual report, which was tabled in the parliament, in relation to resourcing. I consider her comments to be a stinging attack on the current resourcing for the circuit courts. I raise this at this point because the restructuring of the registry may see a restructuring of resources and I would be very interested to hear what the Attorney says about the statement made by Her Honour the Chief Judge that the court could not afford to send enough judges to the places where assistance is needed. I wonder how consolidating the registry may further impact on accessing justice.

I raise this as quite a serious point. The annual report of the District Court was only handed down in the last couple of days. The annual reports have been handed down by our courts, and in this particular case the Chief Judge is making some pretty strong comments with respect to the resources. This goes to the heart of this provision in terms of the registry and the restructuring of it. I think the Attorney ought provide an explanation about whether in fact this will have an impact on people accessing justice and the actual impacts that the restructuring of the registry will have in Queensland.

**Mr LUCAS:** My understanding is that it is not intended to have any practical implication, but as we go towards the situation of a court with electronic records and the like in the future we will actually have one registry. Indeed, ultimately we will have a situation where there will be one registry, which is a computer, and it will be accessible from anywhere regardless of where the court is.

In relation to the comments made by the Chief Judge in the annual report concerning circuits and the like, I would point out that the courts in Queensland, unlike other states, are far more likely to be situated in the regional parts of this state. In Western Australia, all of their Supreme Court judges are in Perth, yet we have one in Cairns, one in Townsville and one in Rockhampton, for example. The circuits that we undertake are very significant. When one looks at what this government has invested in the courts, I can tell you that \$570 million is going towards a new Supreme and District Court building. This is an enormous amount of money that is being invested in the courts; it is unprecedented in the history of this state. The other point I would make—

**Mr Bleijie:** She can't be wrong.

**Mr LUCAS:** Well, the other point I would make is that my department is more than happy to work with the Chief Judge as to the way in which those circuits can be most effectively put together.

Clause 122, as read, agreed to.

Clauses 123 and 124, as read, agreed to.

Clause 125—

 **Mr LUCAS** (5.25 pm): I move the following amendment—

**3 Clause 125 (Replacement of ss 36 and 36A)**

Page 71, line 10, 'deputy registrars'—  
*omit.*

Amendment agreed to.

Clause 125, as amended, agreed to.

Clauses 126 to 164, as read, agreed to.

Clause 165—

 **Mr BLEIJIE** (5.26 pm): Clause 165 is one of the recommendations in the Rules Committee. It inserts a new section 49A into the Magistrates Act 1991 dealing with the situation where, after the commencement of any matter before a magistrate, the magistrate dies or becomes otherwise incapable of continuing to sit before the matter has been finalised. Comparable provisions will also apply in relation to each court. In my contribution on this debate, I obviously said that we supported very much the Rules Committee. It has been a long consultation process and we ought not meddle with the rules that the judges have come up with in that consultation, but I do want to seek clarification from the Attorney of whether he is aware of any instances where this has happened in the last decade in other jurisdictions which has led to this amendment being proposed.

**Mr LUCAS:** No, I am not personally aware of any provisions. That is not to say that they have not existed. Obviously, judges become incapacitated either permanently or temporarily from time to time.

Clause 165, as read, agreed to.

Clauses 166 to 209, as read, agreed to.

Clause 210—

 **Mr LUCAS** (5.27 pm): I move the following amendment—

**4 Clause 210 (Repeal of Supreme Court Act 1995)**

Page 126, line 4—  
*omit, insert—*

'(1) The Supreme Court Act 1995 is repealed.

'(2) The *Supreme Court Act 1995*, sections 300 and 303 are declared to be laws to which the *Acts Interpretation Act 1954*, section 20A applies.'

Amendment agreed to.

Clause 210, as amended, agreed to.

Clauses 211 to 225, as read, agreed to.

Clause 226—

 **Mr BLEIJIE** (5.28 pm): Clause 226 amends section 11 of the Cremations Act by providing that, after a cremation, the person in charge of the crematorium must label the ashes in accordance with requirements that are to be prescribed under the regulation. Failure to comply means they are subject to a maximum penalty of 80 penalty units. As with the previous provision, I ask the Attorney about the history of this provision in terms of whether complaints were received and how many complaints were received that have given rise to this provision.

**Mr LUCAS:** The honourable member for Waterford actually covered this in his contribution as he had a constituent who was affected. A small number of complaints have been presented. I do not have the exact number in front of me, but the number is extremely small in proportion to the number of funerals we have. Frankly, this is about the ability to actually require people to label these ashes. This is

not an onerous burden upon someone who is operating in the industry, and it gives peace of mind to members of the community. So it was a relatively small number of people but it did attract significant media attention. There are ongoing matters under investigation in relation to one of these individuals. This is an important thing we can do. In the meantime, we are doing a review of the industry together with the industry.

Clause 226, as read, agreed to.

Clauses 227 and 228, as read, agreed to.

Debate, on motion of Mr Lucas, adjourned.

## MOTION

### Bligh Labor Government



**Mr GIBSON** (Gympie—LNP) (5.30 pm): I move—

That this parliament notes that after 20 years in power this Bligh Labor government has nothing left to offer the people of Queensland and, further, that this parliament condemns the failed Labor government for failing to outline any vision for Queensland's future.

Notice of this motion was given this morning, before we saw a disgraceful stunt in this parliament. If ever there was an example of how this government has nothing left to offer the people of Queensland, we saw it today. We saw in this House the manner in which this government dealt with legislation. For the benefit of the House I table the speaking list for the Commonwealth Games Arrangements Bill.

*Tabled paper:* Speaking list for the Commonwealth Games Arrangements Bill [\[6027\]](#).

I note that the member for Broadwater did not speak to the bill. I note that the member for Ipswich West did not speak to the bill. I note that the member for Southport, someone who would be very interested in the Commonwealth Games, did not speak to the bill. I note that the member for Cairns, someone who expresses an interest in these matters, did not speak to the bill. The member for Whitsunday was on the speaking list but she chose not to speak to the bill. The member for Yeerongpilly was on the speaking list but he chose not to speak to the bill. The member for Albert was on the speaking list. She could have risen to her feet and spoken to the bill, but she also chose not to speak.

What did we see in this House today? Nothing more than an orchestrated attempt by the executive, with the subservience of its own backbenchers, to ensure that the government could rush through legislation and treat this parliament with contempt. If ever there was an example of how this government has nothing left to offer the people of Queensland, we saw it in this House today.

**Mr Lawlor:** You weren't even here. There was no-one here. 'No appearance, Your Worship.'

**Mr GIBSON:** I note that the member for Southport chose not to speak. He is speaking now, but when it mattered the most he was mute; he did not say a word. He could not bring himself to get to his feet. He could not utter anything. He was as quiet as a mouse. Did he want to talk about the Gold Coast Commonwealth Games? No, did he not.

The people of Queensland deserve a strong government. They deserve a government that is forward thinking and has policies, a government that they can trust and a government that will not treat this parliament as its plaything, which is what we saw today. We have a government that can be described as nothing other than inept in the way in which it treats the people of Queensland, inept in the way in which it manages the state.

We have seen a litany of failure by this Labor government that covers so many areas. The government is failing to outline any vision for Queensland's future. I note that the Premier is on the speaking list for debate of this motion. I hope that she chooses to speak to this motion. We have no confidence as to whether she will. She may choose to be mute. But I am sure that the Premier will jump to her feet and move an amendment to this motion and try to talk about the great successes that Labor has had. Let us think about them for a moment. Would that be the Traveston Dam? Fail! Would that be the Health payroll system? Fail! Over and over again what we are seeing from Labor is failure.

This government has no vision for the future. We have it in its own words, in its own document that the tourism minister likes to refer to as policy on some days of the week. But on other days of the week she says, 'Oops! No, no, that's not policy. Sorry, my mistake.' What does that document say? It says, 'This is not government policy.' We are seeing from Labor a government that is failing to step up to the mark to meet Queensland's needs and a government that has failed to take responsibility for its failures. Cost-of-living increases are hitting everyday Queensland families because of Labor's failure to deliver proper governance.

In just the past two weeks we on this side of the House have delivered policies with the best interests of Queenslanders at heart. There have been policy announcements in the key areas of resources, agriculture and tourism, policy announcements in education that focus on disabled students having access to tablet technology and also, as we saw today, policy announcements with regard to independent public schools. This is a new and exciting initiative that will provide principals with the opportunity to take on the leadership role they so desperately want in delivering outcomes in education.

We have also seen policy announcements in a very important part of health that I know those in regional Queensland have been calling out for for years—that is, an improvement in the patient transport subsidy scheme. What did we hear from the minister during question time? ‘We will try to take the health services out to the regional areas.’ We tell the minister that it is a failure. It is not working. I can speak from experience. In the electorate of Gympie, you can have a baby at the Gympie Hospital between 9 am and 5 pm, Monday to Friday. You try telling that to an expectant mother, who says, ‘Okay. What shall we do after hours?’ ‘Jump in the car and drive down to Nambour.’ So much for the government’s policy of bringing forward services! It is another Labor failure.

We have also seen—and it is of great concern—the failure of the Minister for Women today in this House to stand up and match the LNP’s commitment for an additional \$750,000 for the Women’s Legal Service. What did the minister say about that money? How did she describe that \$750,000? ‘Measly’ is how she described it. I would say to her and those other members opposite that that money would help deliver legal services for women in the bush as it will in the city. That funding is not something to be referred to as measly. In fact, it is something to be welcomed. This government should match the LNP’s commitment in that area.

For too long this government has failed the people of Queensland. It has failed them when it comes to electricity costs, it has failed them when it comes to water, it has failed them in terms of consultation on issue after issue and it has failed them on major project management, such as the water grid that we saw blow out in cost. This government is an example of a government that is out of ideas and into stunts. Today that is what we have seen—a government that has nothing left to offer the people of Queensland and a government that treated the parliament with contempt when its own members, whose names I read out from the speakers list for the Commonwealth Games bill, chose not to speak to important legislation.

After 20 years in power in Queensland, what does Labor have to offer the people at the next election? I can see their advertising now: ‘Labor, we’ve got a stunt’, because there is nothing else there—no policies, no delivery on issues, no concern about the real issues that are facing Queensland families, who want this parliament to address those issues that are hitting them hard, such as the cost of living. They want those concerns to be addressed so that they can afford to manage their lives under the increased pressures that Labor has forced upon them.

This Labor government has had nothing substantial to offer the people of Queensland in this term except increased taxes, asset sell-offs and dishonesty in its dealings with the public. And now we see its members coming to the people of Queensland saying, ‘Trust us: we have a vision for the future. We have done nothing in the present and, for goodness sake, don’t judge us on our past because that fails us as well.’ All decent, fair-minded people will recognise that Labor has nothing left to offer the people of Queensland and it should be condemned for its failure to outline a vision for the future.

 **Mr CRIPPS** (Hinchinbrook—LNP) (5.40 pm): I second the motion. When Campbell Newman came to the leadership of the LNP, one of the first things that occurred was the development of our plan to get Queensland’s economy back on track. The plan is based on four pillars, being mining and resources, tourism, construction and agriculture. These are the uncontested strengths of the Queensland economy. These sectors of the economy need to be firing for Queensland to grow. The LNP understands that agriculture is an important part of Queensland’s economy, especially Queensland’s regional economy. The LNP has and is developing a strategic plan for each of these four pillars. They are, each of them, supported by the LNP’s strategic infrastructure plan which was released first to ensure that there was a platform for the growth of the mining and resources industry, tourism, construction and the agriculture sector.

The strategic plan for agriculture was the first of the four pillars to be released. The leader of the LNP, Campbell Newman, and I launched the LNP’s strategic plan for agriculture on Friday, 16 September. The strategy sets out an ambitious target to double our agricultural production in this state by 2040. The LNP’s plan is focused on increasing agricultural production—not regulation, not compliance but production. I was pleased to table that plan in the House on 25 October. On that occasion I outlined the objectives of the strategy and the six priority areas in the plan to achieve its ambitious production goal. Those objectives and priorities are on the record, including the LNP’s plan to re-establish a stand-alone department dedicated to agriculture as the vehicle to drive the implementation of the strategy, so I will not canvass them again in detail during this debate.

What I will do during the course of this debate, in view of the motion condemning the Bligh Labor government for failing to outline any vision for Queensland’s future after 20 years in power in this state, is outline the response from industry to the LNP’s strategic plan for agriculture. The peak representative

bodies representing agriculture in Queensland warmly welcomed the LNP's strategic plan. The President of AgForce, Mr Brent Finlay, welcomed the plan and said the industry needed certainty and long-term planning. Mr Finlay said—

We welcome the LNP's focus on providing the right environment for profitable primary production and we look forward to having input into the implementation of this policy.

I'm particularly pleased to see the LNP's commitment to establish a stand-alone department of agriculture with a focus on improving farm businesses rather than increasing red tape.

The CEO of the Queensland Farmers Federation, Mr Dan Galligan, said that the QFF also welcomed the plan and described it as a very positive contribution to the discussion about the future of agriculture in Queensland. Mr Galligan said—

The QFF has been looking for a blueprint for the \$14 billion agricultural industry in this state. Clearly, the LNP has spent some time listening to industry views in forming this document.

Mr Galligan went on to say that a plan to grow the agriculture sector, which is a cornerstone of the Queensland economy, is a welcome step forward. The CEO of Growcom, Queensland's peak horticulture body, Mr Alex Livingstone, was another industry leader to welcome the LNP's strategic plan for agriculture. He said—

It is good to see a political party with a vision to double food production by 2040 and committed to a long-term policy framework identifying the key planks required to achieve that vision.

Mr Livingstone said the LNP's policies reflected many of Growcom's own policy positions that have been articulated for some time and he called on other parties to outline their policies which would result in an equally bright future for agriculture in the lead-up to the state election. Lastly, Mr Steve Greenwood, CEO of Canegrowers, commenting on the release of the strategic plan, said a plan to strengthen agriculture, a cornerstone of the Queensland economy, was in itself a welcome move. Mr Greenwood noted the intention of the LNP to work with peak bodies, farmers and communities to implement the strategy and its aim of doubling production by 2040.

So there you have it: four leading peak agricultural industry groups welcoming the LNP's plan, amongst them statements recognising that the LNP has been listening to industry and that it was good to see a political party with a vision for agriculture. I table those press releases from those peak agricultural industry bodies.

*Tabled paper:* Bundle of media releases in relation to the LNP agriculture policy [6028].

Of course, the silent charge in these statements is the implied backhander to the Bligh Labor government. The Bligh Labor government has not been listening. It has failed to offer a vision for the future of agriculture in this state. In view of the evidence in respect of the agriculture sector, one of the pillars of Queensland's economy, the motion tonight should be supported by all members of the House.



**Hon. AM BLIGH** (South Brisbane—ALP) (Premier and Minister for Reconstruction) (5.45 pm): I move the following amendment—

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

'the Queensland government has a record of strong and innovative programs for Queensland, including:

- Growing jobs for Queenslanders—700,000 since 1998 including 90,000 since March 2009;
- facilitating a major new export industry, LNG, creating thousands of jobs over the next decade;
- a plan to end sandmining on Stradbroke Island by 2025—50% will be national park by the end of this year;
- a place for every Queensland child in kindergarten by 2014;
- the introduction of prep as an extra year of schooling;
- maintaining low taxes, with Queenslanders on average \$460 per capita better off than taxpayers in other states;
- plans for 7500km of roads over the next five years, including Australia's largest road project Airport Link;
- Australia's largest health infrastructure program, including three new tertiary hospitals underway and upgrades/expansions of Cairns, Townsville, Yeppoon, Bundaberg, Prince Charles, Mackay, Rockhampton, Mount Isa and Robina Hospitals;
- boosting solar power;
- Smart State investments to more than double the number of scientists; and
- protecting the environment by banning tree clearing, protecting the Great Barrier Reef, saving wild rivers, and acting to reduce waste to landfill.

Further, that the Queensland government has big ideas for Queensland's future such as the Queensland Education Trust, Australia's first strategic cropping land protection laws and the 2018 Commonwealth Games.'

I do note that the mover of the motion, the opposition leader, cannot be with us tonight. Perhaps he is a little tired and is having a nanna nap, as so many of his colleagues were earlier today.

**Mr STEVENS:** Mr Speaker, I rise to a point of order. There is a long tradition in this place that the absence of members from the chamber is not referred to.

**Mr SPEAKER:** Order! The honourable member is quite right, there is a long-standing tradition and the Premier will not refer to the absence of any member again.

**Ms BLIGH:** Thank you, Mr Speaker, although absence is obviously something we are going to have to get more used to. The only difficulty in drafting this amendment was the 250-word limit. We could have written pages about the innovation and exciting vision that this government has delivered for Queensland and has in store for the next few years in this state. It is Labor, not only in Queensland but nationally, that has always been the party of ideas. We have been a government brimming with ideas and just a handful of them are outlined in the amendment. We will be going into the next election with big ideas—big ideas that throw to a big future for our state, ideas that will transform, those that are innovative and Australian firsts, as we have delivered so often for Queenslanders. They will be ideas for all Queenslanders—not the elite, not the few—such as the Queensland Education Trust.

What do we hear from the LNP? Well, we do not hear one big idea. Those opposite are constrained by their lack of vision and their lack of ability. What do they tell us? They say they have a plan for four pillars of the economy. They have to have a four-pillar economy because four is all they can manage. The Queensland economy is about a lot more than mining, agriculture, tourism and construction. If you work in IT, if you work in retail, if you work in real estate, if you work in manufacturing, those opposite do not care. The LNP say, 'We will turn our back on you.' Well, not Labor. If you are in aviation, if you are in boat building, if you are in any part of our economy, no part is too small for Labor to look after you. We know that those opposite have a tourism plan to have a plan, they have an agriculture plan to have a target and, can I just say, Labor's agriculture plan has production doubling by 2020, the LNP has it doubling by 2040.

**Mr Cripps** interjected.

**Mr SPEAKER:** Order! Member for Hinchinbrook, I cannot hear.

**Ms BLIGH:** Its plan for mining is a plan to hold the industry back and even their own members, like the member for Condamine, condemn their mining policy. Today we saw an education policy designed to tear school communities apart. Thirty schools a year will be chosen for extra resources. At this rate it will take the LNP 40 years for every school to be part of its plan—not with Labor, because under Labor education is for all, not just the few. Every school matters: the little schools in Gregory and Cook, the big schools in the city and everything in between.

Of course, the LNP wants us to believe that it has a can-do attitude. Where was the can-do team today? The can-do team is nothing more than dressed up, tired old Tories. They are the same tired old Tories who are lazy and who never have ideas. They are the same tired old Tories who cannot be bothered to turn up for work. They cannot be bothered to speak on new laws for Queensland. They are tired old Tories. They are tired old Libs and Nats who cannot drag their sorry old bones into the parliamentary chamber. They say 'can do', but they can't vote. They say 'can do', but they can't come to work. They say 'can do', but they can't shape up. If they want to talk about waste, the biggest waste in this parliamentary chamber is the 31 LNP members who sit opposite.

As I said in the debate last week, I encourage everybody to read the so-called plans under the four pillars. Four pillars is less than one-tenth of what makes up the Queensland economy. When people look at the plans they will see that there is nothing in them. They say they have set a target to double agriculture by 2040, but how? They do not have a single idea. They say they want to encourage mining, but what is in their mining policy?

**A government member:** Nothing.

**Ms BLIGH:** Nothing! What do they want to do for tourism? They have numbers, but they do not have a single idea. They are the same old Tories, the same old Libs and the same old Nats. They are the best resourced opposition in the country, but even after all this time they have no ideas and they can't be bothered turning up for work.

**Hon. SJ HINCHLIFFE** (Stafford—ALP) (Minister for Employment, Skills and Mining) (5.50 pm): I support the amendment. Labor governments always have their sights set firmly on Queensland's future. This Bligh government continues in that great tradition. Because we have planned, Queensland's future is now better and brighter than ever. That is why we will create an education trust with \$1.8 billion over 10 years from future LNG royalties. We have planned investment in the skills and training of a new generation of Queenslanders, which is our investment in their future. Our CoalPlan 2030 is mapping out a great future for the coal industry, which is the cornerstone of the state's strong economy. We have planned for the expansion of the north-west minerals province, which is providing great opportunities. Just this week we heard great announcements from the north-west. We have planned for a massive expansion of the CSG to LNG industry, which will deliver decades of jobs for Queenslanders.

While I am talking about jobs, we have a record on the delivery of jobs and we have plans for the future. Our Jobs Plan created 700,000 jobs since 1998 and 90,000 jobs since March 2009. We are delivering on our commitment to create 100,000 jobs. We have released nation-leading infrastructure plans. First we released the SEQ Infrastructure Plan and now we have released a Queensland Infrastructure Plan. We are the first state to have such a detailed and comprehensive map for the future. We have introduced statutory regional planning across vast tracts of the state. I notice that in the

opposition there are some recent converts to statutory regional planning, after they have opposed it on every occasion they have had the opportunity to do so over the past few years. We have introduced statutory regional planning to manage the future of our thriving regions.

We have worked shoulder to shoulder with industry to plan for the future development of the Galilee coal basin, providing a whole new set of terrific opportunities that will see continued jobs growth and growth in the great resources industry. We have established state development areas across the state in places that are making a huge difference in how we can deliver and provide great opportunities into the future, such as the state development areas around Townsville and Gladstone. Those state development areas are making a huge difference. It is Labor who planned for those. It is Labor who provided for those state development areas. We have created Skills Queensland to ensure that Queensland's industries have the skilled workforces they need long into the future. We have appointed the first-ever independent gas commissioner to map out the future gas needs for our fast-growing state.

We have sound policies and sensible, workable plans for the future. On the other hand, the LNP has a series of wishy-washy discussion papers and so-called strategies, all uncoded and all pie in the sky. The LNP is clueless when it comes to planning for the future. With 'Captain Hindsight' in charge, they are more back to the future rather than looking to the future. In their back to the future we would see Russ Hinze, who should have worn dark glasses and held a cane when he stood under that flashing neon sign and said that there were no brothels in the Valley. In their back to the future they should have knocked down Terry Lewis rather than Cloudland. The LNP has a long association with poor planners and poor performers with poor judgement.

Now we see intelligent sideline comment from people such as the member for Condamine, who said that the resources plan needs more work. That is what the member for Condamine said, and it certainly does. In her contribution the Premier said that there was nothing in the resources strategy. However, there was something. There was a commitment to underfund or defund safety. There was a commitment to take away the levy from industry and to put the cost back onto the taxpayers, which would have an absolutely terrible outcome. I reiterate that the opposition is incapable of planning for the future. They cannot plan their immediate future. They cannot even plan when to be in parliament. To paraphrase John F. Kennedy—and I know my friend the Minister for Education and Industrial Relations will appreciate this—the future is made by those people who show up. The future is being made by Queensland Labor. The future is being made by the Bligh Labor government. The future is not even part of the calculation of this short-termist, unsighted, under-performing LNP opposition.

 **Mr DEMPSEY** (Bundaberg—LNP) (5.56 pm): After 20 long years in government, it is clear that Labor has failed to plan and keep up with the fast-paced development and the basic requirements of the resource industry. This Labor government has failed to look into the future and properly manage the resources industry and the community's requirements and expectations. This has resulted in a great deal of unnecessary fear and suspicion. It has also resulted in an increase in time and cost to all involved, because of the lack of action by the Labor government.

One great shame of the Labor government is that it has achieved the almost impossible in delivering increased uncertainty and sovereign risk for the resources industries. It has done this at a time when there is a heightened world demand for resources. We have an increased demand for resources, but 20 years without planning and hotchpotch management by the current state government has resulted in a lack of infrastructure, even as the mining boom is going on. At a time when commodity prices have reached an all-time high, this Labor government has sat on its hands. The Labor government will say that there is no sovereign risk issue and it will repeat its claim that the respected Fraser Institute is dodgy. That is sheer arrogance. That arrogance was referred to by Mr Fitzgerald. At South Bank he said that when a government has been in power for a period of over 20 years, the layers of that government start to break down. Other leading states and nations around the world believe in the Fraser Institute. However, the best evidence comes from the industry itself. Every day industry tells us that the approvals process and government red tape are becoming unmanageable for resources projects in this state.

On 18 November, at an event hosted by the Queensland Resources Council, Campbell Newman launched the LNP's resources and energy strategy. The key message that comes out of that strategy is that the LNP will reestablish a clear and stable regulatory framework and investment certainty for the resources industry. The LNP knows it can be done. We know that we can improve the outcomes for business and resources investment in Queensland. However, in return we will demand from resource operators the world's best environmental and social outcomes for all Queenslanders. That is the partnership that the LNP would enter into with industry. We will provide certainty and clarity in return for the world's best environmental and social outcomes. We want to make it crystal clear, particularly to the minister, that we are not looking for second-best outcomes; we want the best outcomes in the world for our communities and the environment. Queensland has world-class resources, so we can attract the very best companies to do business here and we can get those improved results for Queenslanders that Labor has failed to deliver.

The LNP strategy aims to make Queensland the world leader not just in resources and energy output but also in industry regulation, environmental practices, community and social responsibility, and research, development and innovation. In developing our strategy we identified eight key issues that need to be addressed for industry. They are: addressing skills shortages; restoring stability and efficiency in regulation and approval processes; protecting the environment; re-establishing community acceptance and social licence to operate; supporting world-class industry research, development and innovation; building key infrastructure; meeting local and global energy demands; and maintaining a fair and competitive tax regime.

The LNP will deliver its side of the bargain—a stable, secure regulatory framework—by providing more authority for the Coordinator-General to get projects up and running; establishing a new mines and energy department; undertaking closer cooperation and partnerships with industry to identify and actually deal efficiently with red tape; renewing the focus on project merit instead of political Labor ideology; and improving the system of statutory regional planning to provide certainty as to where development can and cannot take place.

The LNP will have a clear, upfront expectation of environmental and community responsibilities. We will be saying without qualification that companies will need to be at their best. The Labor government has said anything and done anything over 20 years in sheer desperation. It fails to say what it will do in relation to planning for the mining resource. It cannot be trusted. I support the motion before the House.

 **Hon. VE DARLING** (Sandgate—ALP) (Minister for Environment) (6.01 pm): The Bligh government has a proven record of strong, innovative programs and future focused plans for Queensland. We are protecting the environment and ensuring we can maintain our most precious resources for future generations. This government has introduced landmark reforms to ban broadscale tree clearing, transition North Stradbroke Island from a mining to a sustainable economy, protect the Great Barrier Reef, save our most pristine wild rivers and halve our waste to landfill within the next decade.

These are important environmental reforms to keep Queensland's future bright. We are acting now to ensure wild rivers survive for generations to come. We only get one chance to do this. Not only are these reforms environmentally critical; they also secure jobs for Indigenous communities and allow traditional owners a stake in their future communities. We have already declared 10 wild rivers and we are undertaking widespread consultation on our proposal to declare three Lake Eyre Basin rivers in the near future. We have established Indigenous reference groups to inform the development of potential wild river declarations in Cape York. I was pleased to welcome members of three of those groups who reside in the electorate of Cook to Brisbane today.

When we are talking about what is at stake, I think it is important to consider the alternative. Campbell Newman plans to drain, drill and dry up some of the world's most pristine and renowned river systems, but only on Cape York. What about the gulf and Lake Eyre Basin wild rivers? Mr Newman's empty policy addresses only one area in our state. If he vandalises the cape, what on earth will he do to the rest of the state?

This government is not afraid to make the tough decisions for the benefit of Queenslanders and our bright future. We have introduced landmark new waste laws to halve the amount of waste to landfill, create thousands of green jobs and lift our recycling rates. These reforms are important not only for how Queensland handles and treats its waste but also for how we manage and protect our environment for future generations. Without these laws, Queensland will continue to be Australia's dumping ground. Campbell Newman and the LNP want to bring the state's effort to cut landfill by half to a screaming halt, slash the millions of dollars earmarked for recycling initiatives and cost thousands of new jobs in the waste industry.

And in an interesting move, Queensland's tourism drawcards like our koalas, North Stradbroke Island and national parks have been dumped, dropped and forgotten about by Campbell Newman. His decision to leave Queensland as Australia's dumping ground would see approximately \$100 million earmarked for koala habitat and park acquisitions, including North Stradbroke Island, vanish. We have to ask ourselves what tomorrow will hold, because lately it has been another day, another act of environmental vandalism by Mr Newman and the LNP.

Just over a year ago, when he was resident in City Hall, Campbell Newman was praising the government's initiative on waste, saying that his biggest piece of unfinished business was to reduce our waste to landfill. He supported this reform, sharing the views of the former minister, Kate Jones, saying, 'I must say how impressed I am with Minister Jones's approach.'

For the first time in 50 years on North Stradbroke there has been a decision to set the island on a path towards a sustainable economic future. The government is implementing a strategy that will shift North Stradbroke away from a mining economy to one that relies on the island's natural assets and can also be compatible to other low-impact industries, and we are doing this in consultation with the community and the Quandamooka people. By the end of this year 50 per cent of the island will be national park, and 80 per cent will be national park by 2026.

Unfortunately, it is quite clear where the LNP stands on this issue. The LNP want mining to continue indefinitely on North Stradbroke Island and no national park for permanent protection. The LNP did not even have the guts to vote against the act in parliament when it was passed in April—

**Mr SPEAKER:** Order! That is unparliamentary. There is a better way of referring to people.

**Ms DARLING:**—even though the member for Cleveland told his local paper that he had voted against it. Our ban on broadscale land clearing has been a landmark reform that has transformed Queensland—

**Mr SPEAKER:** Order! The expression was unparliamentary. I would ask you to withdraw it and then continue on.

**Ms DARLING:** I beg your pardon. I withdraw. Our ban on broadscale land clearing has been a landmark reform that has transformed Queensland from a state in which the environment always came last under the National Party to a state in which the environment is protected. These laws came into effect at the end of 2006 and we have seen a huge reduction in tree-clearing rates and a major improvement in carbon emissions.

This government's reef reforms are revolutionary, with \$50 million invested over five years. In decades to come the children of Queensland will look back on this Labor government and judge these reforms as brave and visionary. Most importantly, children in decades to come will still be able to look down through their goggles and wonder at the marvel of the Great Barrier Reef.

**Mrs STUCKEY** (Currumbin—LNP) (6.06 pm): I rise to support the motion moved by the member for Gympie. The Bligh Labor government will be remembered for racking up a phenomenal \$85 billion in debt, estimated to cost nearly \$600,000 an hour in interest repayments alone and placing an enormous burden upon every man, woman and child in Queensland. It beggars belief how this government could have mismanaged our economy so badly as to inflict such levels of debt, especially considering the ferocity with which it gouges small business for every last penny and Queensland's abundance of resources.

This heartless, incompetent Labor government has repeatedly taxed the life out of small business, stripping it to bare bones with a constant stream of new and increased taxes, fees and charges. Labor has failed to deliver major infrastructure projects that were promised for the southern Gold Coast and elsewhere across the state. The construction of the heavy rail line to Coolangatta—a project promised by the Labor government for over 20 years—has fallen completely off Labor's radar. Now there is no budget and only a vague time frame for the delivery of this important transport infrastructure—one that gets pushed further and further back the greater Labor's debt grows. Promises back in 2004 to widen the M1 from Nerang to Tugun never eventuated and were pushed further from our grasp when promised federal funds were stolen to upgrade the M1 in Labor held seats around Logan and Beenleigh.

Here we are, though, on the eve of an election, and the tourism minister can only offer us a discussion paper. After 20 years in government, Labor thinks that offering this paper is a bold and frank way to engage the tourism industry. What, I ask, is bold and frank about this document when the first page declares 'the start of a discussion with the Queensland industry'? It is inexcusable for this lazy minister to only be commencing a discussion with this vital industry now. No wonder the tourism industry, along with many others in this great state, has lost confidence in the Bligh Labor government. It is no surprise, with a minister whose talents are limited to making announcements on anything, like new road signs, and spruiking holiday deals that do not exist.

On the other hand, the LNP is committed to giving control of tourism back to those who do it best—the industry itself. A can-do LNP government will govern for all Queenslanders, not ourselves. It goes without saying that we have been through some pretty tough times lately, with floods and cyclones affecting many people's lives and livelihoods. Labor is good at talking. It has no shortage of excuses and political promises. We have heard them spoken and broken time and again.

Queenslanders deserve more than talk. We deserve action. This Labor government cannot hide behind this string of natural disasters any longer. Figures from December reveal that Queensland was underperforming and it lost its AAA credit rating well before the floods due to appalling mismanagement that is so typical of this government. Who can forget the billion dollar Tugun desalination saga with more episodes than *Days of Our Lives* or the bungled health payroll system that stripped hard-earned wages from nurses and other health and hospital workers?

Labor's increased cost-of-living pressures mean that every single time Queenslanders fill up their cars, turn on the tap, flick on the lights, pay their rego or drive on a toll road they are paying more as a direct result of the economic mismanagement and poor decision making of the Bligh Labor government. Now we have an impending waste levy bill, or the scrooge tax—another kick in the intestines for small business. Labor fast-tracked this one so it can collect the fees from Thursday this week. This is particularly hard to swallow considering Labor failed to update Queensland's outdated waste management policy for a whole decade, allowing Queensland's status to slip to the most littered mainland state in Australia for the last two years running.

Then of course there is the carbon tax. Denial, deception and outright untruths have become the hallmarks of this Labor government, which continues to ignore the plight of countless small businesses and citizens alike, choosing to bleat the mantra that a wave of prosperity is about to wash over us all.

I stand before you today and pledge that a can-do LNP government will work for Queensland, not for our own self-serving political agendas. We can be a can-do Queensland again. The Bligh Labor government is bereft of any vision. It has sold off the farm and squeezed the people in Queensland dry.

**Honourable members** interjected.

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

**Ms Bates** interjected.

**Mr SPEAKER:** Order! The member for Mudgeeraba, goodness me!

 **Hon. CR DICK** (Greenslopes—ALP) (Minister for Education and Industrial Relations) (6.11 pm): This week will go down as a defining moment in the direction of the future of Queensland. Since my election to the Legislative Assembly in 2009, the stark contrasts between the LNP's vision of the future and the Labor vision of the future have never been clearer. On one hand, we have a government that is focused on the future. On the other hand, we have an opposition that is mired in the past. We have a government with ideas, energy and enthusiasm to deliver a fairer, modern, more progressive and more just Queensland. On the other hand, we have an opposition seeking to entrench privilege and elitism in the education system with an election policy about independent schools written by elites and for elites. That is when they can be bothered to rouse themselves out of the hammock and do something for Queensland instead of their normal modus operandi, which is their arrogant and self-indulgent introspection. Of all the governments in the Commonwealth it is the Queensland government that has put education first. Since 1998, this government has made education central to its mission as a government. Our reforms have been substantial, far-reaching and transformative. At all times they have been focused on educational outcomes. What is the best thing for students and their families? We have at all times been focused on the needs of students.

What is that record of reform? Why is it so substantial? In 2003 we started trialling prep in Queensland schools. In 2006 we introduced 'learning or earning' laws, requiring all 16-year-olds to be either learning or in work. In 2007 we started prep, adding an extra year of school in Queensland. In 2008 we lifted the starting age for school by six months and this year we announced the joining of year 7 to high school from 2015. We are investing \$622 million to make that change—the right change for Queensland. We have introduced universal access to kindergarten. This government is investing \$321 million to deliver up to 240 new kindergarten services in Queensland. We have already created 22,500 new places. We are making schools safe; we are leading the nation by establishing the Queensland Schools Alliance Against Violence and the first anti-bullying day of action which we created in Queensland and which has been taken up nationally, and we are doing more work there. We are delivering world-class teachers and setting up five centres of excellence when it comes to teaching.

We have a record \$134.8 million Capital Works Maintenance Program this year—\$50 million more than any other annual Capital Works Maintenance Program in our state's history. We are the only state to achieve all of its national literacy and numeracy partnership benchmarks. We are receiving an additional \$48 million by way of a bonus payment. We established Queensland's first ever Tuckshop Day. We supported the Stephanie Alexander kitchen garden program and supported the Daniel Morcombe Foundation by taking their programs into Queensland schools. We have also passed legislation introducing lifetime bans for teachers convicted of serious criminal offences as well as legislation to implement the new national childcare framework in Queensland, improving transparency and raising standards in kindergarten. Just last week we announced the Queensland Education Trust, a bold policy proposal for the future. We are locking in and locking up 50 per cent of LNG royalties for the one thing that matters in Queensland and the one thing that matters for the 21st century: investing in the people of our state.

What have we seen from the opposition? We have seen tasers for teachers, an 85 per cent capacity idea for schools policy that would cost the state \$1 billion for no purpose and transitioning year 7 to high school over five years. What a debacle that would be! That is the most ridiculous education policy in our history. Now we see from them an education policy written by the elites and for the elites. Maybe I should finish with some quotes from someone who knows the LNP well. What was said on 15 November 2008 about the LNP? The quote states—

So in my quest to help the TV producers find some A-grade dorks, I turned to the one place I was guaranteed to find them—the Liberal National Party.

...

Only bogans act this way in public. Were they stunned into a stupor by the bright lights of a big city like Cairns?

Of course that referred to the 'fettagate' disaster. It goes on—

They are all affable and capable. I'm certain they could all run a farm better than most people.

I'm just not sure we want them running the state.

In fact, this bunch of bogans would be better off as actors on the small screen, where we can laugh with them, instead of at them.

Who said that? The star of the future, Gavin King, the LNP candidate for Cairns. He thinks they are a joke, a bunch of bogans and that they should be on TV so Queenslanders can laugh at them. They are laughing at them today. There was not one of them in the House today discharging their duty as members of parliament. Not one of them was here to debate legislation. That was the most gross abrogation of responsibilities. They are not fit to be in opposition. They are not fit to govern Queensland.

*(Time expired)*

 **Mr BLEIJIE** (Kawana—LNP) (6.16 pm): It is a pleasure to rise today to support the motion moved by the honourable the Leader of the Opposition to condemn the failed government for delivering no vision and having no vision for Queensland. We do it because this government has been in power for 20 out of 22 years—too long. The Premier came in and moved a series of amendments.

**A government member:** There is one amendment. It is not a series of amendments, just one.

**Mr BLEIJIE:** If a government who has been in power for at least the last 12 years cannot come into this place and defend their record without having to move a motion with some bits and pieces—one motion with several items on it for the minister opposite—then its record should be condemned. If it has been such a great government, it should have the ability to come in here and speak off the cuff on its record. However, government members do not. They come in here with their notes that have been prepared out in the back rooms. They come in here and they cannot speak for their record.

However, we can. We can speak about their record. We will speak about their record, and it is a shameful record. It is an absolutely shameful record. Honourable members only have to look. Last week the Premier entertained in a debate with Campbell Newman. She had a debate and the commentators gave it to Campbell Newman. Campbell Newman is not in parliament. He is not a parliamentarian, but he beat a Premier who has been in this place for years and years and whose party should be able to stand on its record but it cannot. Today we have seen the absolute silly season and the Labor Party star. That is a government bereft of any ideas, a government bereft of any vision for Queensland. Campbell Newman has a can-do plan. This team has a can-do plan. We will focus on the four pillars of the economy—construction, mining/resources, tourism—

**Mr Moorhead:** What about manufacturing?

**Mr BLEIJIE:** Manufacturing is an important part of Queensland—and of course construction. Manufacturing falls into one of those categories, member for Waterford.

Shadow ministers have been out for months announcing policies, and these copycats over there have copied policies from the LNP, yet they stand here and say that the LNP have no policies. Why did they copy our policy for GPS tracking of sex offenders? Why did they copy the crime squad policy for the Gold Coast? This is the start of it. We have more policies to announce.

In the portfolio of Attorney-General we released the *LNP CanDo Action: Supporting Queensland Women's Legal Services*. I table a copy of this policy.

*Tabled paper:* LNP document titled 'LNP CANDO ACTION: Supporting Queensland Women's Legal Services' [\[6029\]](#).

We will give \$750,000 to the Women's Legal Service so they can re-establish a rural network phone line which should benefit the members in North Queensland because—

**Ms Jarratt:** Hush money.

**Mr BLEIJIE:** I will take that interjection from the member for Whitsunday. The member for Whitsunday says that \$750,000 for women suffering domestic violence is hush money. You should be absolutely ashamed of yourself. What price do you put on women who are suffering domestic violence? You come into this place following your Minister for Women this morning and say that it is measly money and that it is hush money. You should be ashamed of the comments you have made in this place.

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

**Mr BLEIJIE:** Absolutely, Mr Speaker. The member for Whitsunday should be ashamed of the comment she has just made in this place. It is not hush money. It is legitimate money for a serious issue because the Labor Party government has underfunded and underresourced community legal centres in Queensland. Only the LNP has a plan to fix that wrong in Queensland. Their record is debt, their record is negligence, their record is arrogance. The only way Queenslanders can get back on track is to support Campbell Newman.

 **Hon. AP FRASER** (Mount Coot-tha—ALP) (Deputy Premier, Treasurer and Minister for State Development and Trade) (6.21 pm): I oppose the motion moved here tonight and support the Premier's amendment. What we see tonight from the LNP is a sloganeering road test of some focus group lines. It starts with a premise which is fundamentally false—that is, they have tried to conveniently forget the stain on public life that was the Borbidge-Sheldon government from 1996 to 98. Of course they would like to try to conveniently forget it. Who can forget things like the wild rhinos, Aunty Joan's seven deadly taxes and charges, Wedgwood and Royal Doulton for the afternoon gin while you let them go and eat cake? Who can forget the taxpayer funded concubines that characterise that government? Ultimately, who could forget Leading Schools, which was a part of the Borbidge-Sheldon government?

Someone like the member for Gregory, if he were not shuffled down the order and away from the front bench, would have been there to remind the shadow cabinet before they considered this—if they considered it—of the potential damage that Leading Schools would do. But people like the member for Gregory have been shunted and replaced with what is the political equivalent of a Stock Aitken Waterman boy band—a collection of constructs and yes-men, with people ready to sing the songsheet of Bruce McIver to say whatever it is that Bruce McIver says. It is to the LNP's great discredit that they have gone down that path.

They might want to forget about the Borbidge-Sheldon government—and it was a forgettable jalousy of a government—but these people in here today have proven that, if given the chance, they are more than capable of emulating what the Borbidge-Sheldon government did. The standard was set for incompetence back in 1996 to 98 but the LNP of 2011 put their hands up today. While they were having a lie down, they put their hand up ready to emulate defeats of the Borbidge-Sheldon government.

What the LNP does with this motion here tonight is reveal that, despite the fact they have spent the better part of the last 20 years in opposition, the tired, divided Liberal National Party cannot come up with a proposal or a policy. It is the same old Liberals and Nationals. By their motion, they deny the way in which Queensland has changed, and changed for the better—undeniably for the better. We are the party of work. Since we returned to government in 1998, we have created more than 743,000 jobs—more than half a million jobs for the economy to fuel prosperity for the future. We have seen the number of police in this state increase from 6,800 in 1998 to 10,600 today. We have seen the number of teachers increase from 30,700 to 38,600, and the number of teacher aides has nearly doubled in that time from 3,650 to 6,960. They are the investments in front-line services to support Queensland—a Queensland that has changed substantially for the better.

Ultimately what we have seen from those opposite is no policies, just a whole set of pillars. Everyone has a set of pillars over there. Back in the day the member for Southern Downs had five pillars including climate proofing the state. Those were the days when they were trying to have a little dabble with that area of progressive policy. Then we saw the member for Surfers Paradise with four pillars, and now the current leader in absentia has his own four pillars. There are more pillars than the Parthenon but they are less Acropolis and more *Acropolis Now*—that is, a tired 20-year-old comedy that is cringeworthy to watch, full of B-grade actors without a substantial line to say.

In the end what we see from Labor over the last generation during our time in office is a project to change Queensland and change it for the better. Imagine in 1988 asking someone anywhere around Australia whether Queensland would be the state that would elect in their own right the first female Premier of a state. Imagine the odds that you would have got. But that is what happened, and it happened because this Labor government did the bullocking from the front. We changed the way the education system operates. We changed health services. We provided for fairness.

The way in which this state has changed is demonstrated, and it is a change for the better. In the end what the LNP offers us are \$2 billion worth of carpetbagging, snake oil promises—not one of them is funded, not a cent has been put beside it. In the end the people of Queensland may as well write to Santa in the hope that the LNP is going to come up with costed policies for the future, because what we have seen today by their own inaction, by their own indolence, is that they have been asleep for the last 20 years. They are asleep at this point in time, and they are going to sleep right through the bright future that Queensland has ahead.

Division: Question put—That the amendment be agreed to.

**AYES, 47**—Attwood, Bligh, Boyle, Choi, Croft, Darling, Dick, Farmer, Finn, Fraser, Grace, Hinchliffe, Hoolihan, Jarratt, Johnstone, Kiernan, Lawlor, Lucas, Miller, Moorhead, Mulherin, Nelson-Carr, Nolan, O'Brien, O'Neill, Palaszczuk, Pitt, Reeves, Roberts, Robertson, Ryan, Schwarten, Scott, Shine, Smith, Spence, Stone, Struthers, Sullivan, van Litsenburg, Wallace, Wells, Wendt, Wettenhall, Wilson. Tellers: Keech, Male

**NOES, 32**—Bates, Bleijie, Cripps, Davis, Dempsey, Dickson, Douglas, Dowling, Elmes, Emerson, Flegg, Gibson, Hobbs, Hopper, Horan, Johnson, Knuth, Langbroek, McArdle, McLindon, Malone, Menkens, Nicholls, Powell, Robinson, Seene, Simpson, Springborg, Stevens, Stuckey. Tellers: Rickuss, Sorensen

Resolved in the affirmative.

Division: Question put—That the motion, as amended, be agreed to.

**AYES, 47**—Attwood, Bligh, Boyle, Choi, Croft, Darling, Dick, Farmer, Finn, Fraser, Grace, Hinchliffe, Hoolihan, Jarratt, Johnstone, Kiernan, Lawlor, Lucas, Miller, Moorhead, Mulherin, Nelson-Carr, Nolan, O'Brien, O'Neill, Palaszczuk, Pitt, Reeves, Roberts, Robertson, Ryan, Schwarten, Scott, Shine, Smith, Spence, Stone, Struthers, Sullivan, van Litsenburg, Wallace, Wells, Wendt, Wettenhall, Wilson. Tellers: Keech, Male

**NOES, 32**—Bates, Bleijie, Cripps, Davis, Dempsey, Dickson, Douglas, Dowling, Elmes, Emerson, Flegg, Gibson, Hobbs, Hopper, Horan, Johnson, Knuth, Langbroek, McArdle, McLindon, Malone, Menkens, Nicholls, Powell, Robinson, Seene, Simpson, Springborg, Stevens, Stuckey. Tellers: Rickuss, Sorensen

Resolved in the affirmative.

Motion, as agreed—

That the Queensland government has a record of strong and innovative programs for Queensland, including:

- Growing jobs for Queenslanders—700,000 since 1998 including 90,000 since March 2009;
- facilitating a major new export industry, LNG, creating thousands of jobs over the next decade;

- a plan to end sandmining on Stradbroke Island by 2025—50% will be national park by the end of this year;
- a place for every Queensland child in kindergarten by 2014;
- the introduction of prep as an extra year of schooling;
- maintaining low taxes, with Queenslanders on average \$460 per capita better off than taxpayers in other states;
- plans for 7500km of roads over the next five years, including Australia's largest road project Airport Link;
- Australia's largest health infrastructure program, including three new tertiary hospitals underway and upgrades/expansions of Cairns, Townsville, Yeppoon, Bundaberg, Prince Charles, Mackay, Rockhampton, Mount Isa and Robina Hospitals;
- boosting solar power;
- Smart State investments to more than double the number of scientists; and
- protecting the environment by banning tree clearing, protecting the Great Barrier Reef, saving wild rivers, and acting to reduce waste to landfill.

Further, that the Queensland government has big ideas for Queensland's future such as the Queensland Education Trust, Australia's first strategic cropping land protection laws and the 2018 Commonwealth Games.'

## SPEAKER'S STATEMENT

### Parliamentary Christmas Tree

**Mr SPEAKER:** I remind honourable members, if they would like, to join us for a few minutes, together with members of Jason Gardiner's family, for the switching on of the Christmas lights.

Sitting suspended from 6.35 pm to 7.35 pm.

## RESOURCES LEGISLATION (BALANCE, CERTAINTY AND EFFICIENCY) AMENDMENT BILL

### Introduction and Referral to the Industry, Education, Training and Industrial Relations Committee

 **Hon. SJ HINCHLIFFE** (Stafford—ALP) (Minister for Employment, Skills and Mining) (7.35 pm): I present a bill for an act to amend the Environmental Protection Act 1994, the Geothermal Energy Act 2010, the Greenhouse Gas Storage Act 2009, the Mineral Resources Act 1989, the Petroleum Act 1923, the Petroleum and Gas (Production and Safety) Act 2004 and the Work Health and Safety Act 2011 for particular purposes, and to make consequential amendments to the Aboriginal Cultural Heritage Act 2003, the City of Brisbane Act 2010, the Land and Resources Tribunal Act 1999, the Land Court Act 2000, the Local Government Act 2009, the State Development and Public Works Organisation Act 1971, the Torres Strait Islander Cultural Heritage Act 2003 and the Wild Rivers Act 2005 for particular purposes. I table the bill and the explanatory notes. I nominate the Industry, Education, Training and Industrial Relations Committee to consider the bill.

*Tabled paper:* Resources Legislation (Balance, Certainty and Efficiency) Amendment Bill [\[6030\]](#).

*Tabled paper:* Resources Legislation (Balance, Certainty and Efficiency) Amendment Bill, explanatory notes [\[6031\]](#).

The Resources Legislation (Balance, Certainty and Efficiency) Amendment Bill 2011 brings together government initiatives to support a viable and sustainable resources sector for Queensland. This bill will deliver on Bligh government commitments to:

- establish urban restricted areas to further limit resource exploration activities in and near urban centres;
- streamline processes for resource permit applications; and
- provide regulatory certainty for the coal seam gas (CSG) to liquefied natural gas (LNG) industry and affected parties.

The bill also includes an amendment to confirm existing jurisdictional arrangements for the safety and health of mining and petroleum work sites following the introduction of national work safety laws.

#### Urban restricted areas

Mr Deputy Speaker, Queensland is experiencing strong growth in the resources sector. This unprecedented growth has brought exploration and resource activities close to urban areas across Queensland. While economic benefits from the resources sector are vital to the ongoing prosperity of Queensland, consideration also needs to be given to the amenity and livability enjoyed by the people living in Queensland's clearly urban communities.

This bill proposes a clear yet flexible legislative framework to resolve land-use conflict between residential living and resource development in or near urban areas. Urban restricted areas will be declared by gazette notice to provide certainty for all affected parties about where resources activities are prohibited.

The balance and certainty provided by the bill will support further work mapping urban restricted areas and known or potential resource areas in local government planning schemes. The mapping process will be guided by a state planning policy. This will provide a single source of awareness of resource activity and urban growth potential for integrated development decisions into the future.

Resources acts will also be amended to make it clear that landholders everywhere across the state can say no to any resource activities coming within 100 metres of their home or 50 metres of other structures such as stockyards. However, geothermal tenures will be excluded from this framework to give clean-energy technology the opportunity to grow. And mining of industrial minerals, important to cost-effective building, such as sandstone, dolomite, limestone and slate, are excluded from being part of urban restricted areas.

I seek leave to have the remainder of this explanatory speech incorporated in *Hansard*.

Leave granted.

#### Streamlining initiatives

Mr Speaker, streamlining initiatives announced by the Bligh Government in 2009 are being put in place to save industry and government time and money.

Amendments in this Bill propose to streamline processes used to assess applications for resources permits and to ensure there are consistent processes across the Resources Acts.

Assessment processes for resources permits will be made more efficient by the launch of an online lodgement service for applicants. For example companies will be able to lodge online rather than having to lodge at a regional office close to the exploration area.

Amendments will also establish a single, consistent process for managing changes in ownership of resources permits.

In addition, an administrative burden on exploration permit holders is to be removed. Relinquishment will not be required yearly but rather in fixed term intervals with a total limit of 15 years. This change will also provide flexibility to permit holders to adjust work programs in response to extreme weather events, expertise and equipment shortages and developing land access agreements.

Some streamlining initiatives implemented already have resulted in savings of approximately \$3.1 million per annum to industry and approximately \$1.9 million per annum to government.

An example of an improvement already in place is that of registered searches which are now available online at no charge. This new service generates savings in time, money and effort for industry and the community. Previously interested parties would access this information at a regional office for a fee of \$40.

Some of the streamlining amendments will work hand in hand with proposed reforms introduced in the Environmental Protection (Greentape Reduction) and Other Legislation Amendment Bill 2011. As a result the mines online portal will provide a whole-of-government view about processes for resource and environmental assessment.

This Bill supports the ongoing reforms being delivered by the Streamlining project to decrease the time taken for deciding new permit applications without compromising the rigour of the assessment process.

#### Regulatory certainty for the CSG/LNG industry

Mr Speaker, the emergence of a new CSG to LNG industry requires adjustment of the legislative framework that was primarily established to facilitate petroleum production. The amendments will provide certainty to industry and other affected parties and ensure efficient regulation.

To this end the Bill amends the Petroleum and Gas (Production and Safety) Act 2004 to provide for the registration of pipeline easements. This will provide certainty for both landholders and pipeline licence holders in terms of their property rights. It will also provide an ongoing record of the pipeline when land is sold.

The Bill also proposes amendments to facilitate efficient transportation and treatment of CSG water and brine. The changes will allow industry to more efficiently comply with the government's CSG Water Management Policy which seeks to protect the State's water and environmental resources.

The amendments support improved environmental outcomes such as avoiding large salt fills from CSG water. In addition, economic benefits will be realised from ancillary commercial products such as soda ash and soda bicarbonate. Industry has also indicated community benefits for regions with long term employment in salt recovery plants.

Without these flexible arrangements proposed by the Bill, salt generated from each LNG train would require a landfill of approximately 600 hectares.

A vibrant resources sector is critical to the ongoing success of Queensland's economy. The Bligh Government supports a growing resources sector but understands that this growth needs to be balanced with maintaining Queensland's environment. It also needs to be balanced with the livability of urban communities and the importance of agriculture.

In addition to providing balance, the regulatory framework for the resources sector also needs to be clear and certain in its application for all parties involved in or affected by resources activities. The regulatory processes for assessing impacts and applications also need to be efficient and streamlined to minimise costs for industry and government.

This Bill achieves balance, certainty and efficiency in the amendments it proposes to Queensland's resources legislation.

I commend the Bill to the House.

## First Reading



**Hon. SJ HINCHLIFFE** (Stafford—ALP) (Minister for Employment, Skills and Mining) (7.39 pm): I move—

That the bill be now read a first time.

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

Motion agreed to.

Bill read a first time.

**Mr DEPUTY SPEAKER** (Mr Ryan): In accordance with standing order 131, the bill is now referred to the Industry, Education, Training and Industrial Relations Committee.

## ABORIGINAL AND TORRES STRAIT ISLANDER LAND HOLDING BILL

### Introduction and Referral to the Community Affairs Committee

 **Hon. RG NOLAN** (Ipswich—ALP) (Minister for Finance, Natural Resources and the Arts) (7.40 pm): I present a bill for an act to make ongoing provision for particular matters arising under the Aborigines and Torres Strait Islanders (Land Holding) Act 1985 and to repeal that act, and to amend this act, the Aboriginal Cultural Heritage Act 2003, the Aboriginal Land Act 1991, the Environmental Protection Act 1994, the Foreign Ownership of Land Register Act 1988, the Land Act 1994, the Land Court Act 2000, the Mineral Resources Act 1989, the Survey and Mapping Infrastructure Act 2003, the Sustainable Planning Act 2009, the Sustainable Planning Regulation 2009, the Torres Strait Islander Cultural Heritage Act 2003, the Torres Strait Islander Land Act 1991, the Vegetation Management Act 1999, the Water Act 2000, the Water Supply (Safety and Reliability) Act 2008 and the Wild Rivers Regulation 2007 for particular purposes. I table the bill and explanatory notes.

*Tabled paper:* Aboriginal and Torres Strait Islander Land Holding Bill 2011[6032].

*Tabled paper:* Aboriginal and Torres Strait Islander Land Holding Bill 2011, explanatory notes [6033].

The bill I am introducing today advances the interests of Aboriginal people and Torres Strait Islanders in Queensland by providing the land administration tools to resolve a range of issues with perpetual and term leases, land access and use issues and cultural heritage matters. This bill repeals the outdated Aborigines and Torres Strait Islanders (Land Holding) Act 1985, a complicated and inflexible act. This 1985 act has resulted in legacy issues, including encroachments and long outstanding entitlements for yet-to-be granted leases. This bill is critical in moving forward and resolving those legacy issues. The new act will create a flexible system and allow the state to seek to resolve problems through agreement making. I seek leave to have the remainder of this introductory speech incorporated in *Hansard*.

#### Leave granted.

It will also align the ongoing administration of leases with the principal legislation governing Indigenous land—the Aboriginal Land Act 1991 and the Torres Strait Islander Land Act 1991.

This is done in a way which respects and protects the rights of existing lessees and those entitled to a lease under the repealed Act.

On 8 December 2010, the Department of Environment and Resource Management released a Discussion Paper: the “Aborigines and Torres Strait Islanders (Land Holding) Act 1985”. This Discussion Paper was released to facilitate public consultation on the review of the 1985 Act.

Public consultation occurred on the Discussion Paper between 8 December 2010 and 28 February 2011. Since that time the department has worked with key stakeholders to identify solutions.

In addition, further consultation also occurred with key stakeholders, including the Mayors of all Indigenous Councils and Cape York Land Council.

A key feature of that consultation has been to fix ‘holes’ in the underlying communal, Deed of Grant in Trust land. Under the repealed Act, once an application was approved the land became State land in order to grant the lease.

Such an outdated process is no longer necessary and the Bill will return the underlying ownership of the land back to the proper owners of this land, the trustees. This will not detrimentally affect the rights of lessees and my obligation, as Minister, to grant leases or resolve boundary problems will continue.

This Bill will also ensure that the Land Court provides independent scrutiny of the State’s agreement-making processes. Affected parties will also be permitted to appeal relevant decisions to the Land Court.

Perpetual leases or rights to have a perpetual lease will be protected and continued, as will a small number of term leases under the repealed Act.

Beneficial changes to the perpetual lease conditions will facilitate economic development opportunities through sub-leasing.

This Bill also implements the outcomes of the Indigenous Cultural Heritage Acts Review which has seen extensive consultation with stakeholders and traditional owners.

A three-month public consultation process on the exposure draft of the Bill for Indigenous Cultural Heritage Acts Review closed in January 2011.

In total, 15 submissions were received by the department and these were assessed to inform the development of the amendments in this Bill.

Since March 2011, the department has met with stakeholders who provided feedback on the exposure draft, including: the Land Court of Queensland, the Queensland Resources Council and the Association of Mining and Exploration Companies. All of the key stakeholders support the amendments to the Indigenous Cultural Heritage Acts.

The amendments to the Aboriginal Cultural Heritage Act 2003 and Torres Strait Islander Cultural Heritage Act 2003 will enhance and clarify existing frameworks for complying with the cultural heritage duty of care, clarify administrative processes, and expand the powers of the Land Court to include decision making and mediation of cultural heritage disputes.

These amendments will ensure those Acts provide effective recognition, protection and conservation for Indigenous cultural heritage in Queensland.

In relation to amendments to the Land Act 1994, this Bill does three things:

Firstly, it introduces provisions to govern Indigenous access and use agreements under the Delbessie Agreement.

It is in the interests of all parties—the lessee, native title party and the State—for such agreements to be practical, workable and durable, and provide a high degree of certainty.

Secondly, this Bill provides a head of power to introduce a 25% rental concession for five years as an incentive for Delbessie lessees who enter into Indigenous access and use agreements and withdraw as respondents to native title claims.

This is in addition to the existing incentive of a longer lease term or lease extension for renewed Delbessie leases where the lessee enters into an Indigenous access and use agreement or indigenous land use agreement.

Thirdly, this Bill amends the Land Act to allow construction subleases over State leasehold land for State approved infrastructure projects even if the sublease is inconsistent with the purpose of the lease.

This amendment removes onerous and unnecessary red tape for both the constructing authority and the department and is consistent with subleasing provisions for State transport infrastructure.

This Bill also includes a number of technical amendments, including amendments to the Water Supply (Safety and Reliability) Act 2008 and the Water Act 2000.

Currently the Water Supply (Safety and Reliability) Act 2008 includes additional regulatory requirements for schemes that supply recycled water for dual reticulation but does not contain a definition of dual reticulation.

A large number of schemes that supply recycled water for uses such as for irrigation of sporting fields, golf courses and agricultural land may inadvertently be subject to the dual reticulation provisions.

This Bill includes a proper definition of dual reticulation to apply where a network of pipes allows drinking water and recycled water to be supplied to premises from separate pipes and recycled water is provided for specific purposes.

The amendment means that schemes will be able to apply for an exemption from having a recycled water management plan which will remove barriers to entry and increase the uptake of water recycling by service providers.

The amendments to the Water Act 2000 are minor technical amendments to remove incorrect references to the Treasurer following the change in ministerial portfolio responsibilities earlier this year.

Finally, this Bill also makes a technical amendment to the Foreign Ownership of Land Register Act 1988 to exclude licences, covenants, carbon abatement interests and profits a prendre from the register.

The Act was intended to apply to interests giving exclusive possession and control of land and these types of interests introduced since 1988 were never intended to be recorded in the register. Inclusion of this data in reporting could be misleading.

**Mr DEPUTY SPEAKER** (Mr Ryan): Minister, can I also ask you to nominate a committee to consider the bill?

**Ms NOLAN**: Yes, Mr Deputy Speaker. I nominate the Community Affairs Committee to consider the bill.

### First Reading

 **Hon. RG NOLAN** (Ipswich—ALP) (Minister for Finance, Natural Resources and the Arts) (7.42 pm): I move—

That the bill be now read a first time.

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

Motion agreed to.

Bill read a first time.

**Mr DEPUTY SPEAKER** (Mr Ryan): Order! In accordance with standing order 131, the bill is now referred to the Community Affairs Committee.

## QUEENSLAND ART GALLERY AMENDMENT BILL

### Introduction and Referral to the Finance and Administration Committee

 **Hon. RG NOLAN** (Ipswich—ALP) (Minister for Finance, Natural Resources and the Arts) (7.43 pm): I present a bill for an act to amend the Queensland Art Gallery Act 1987 for particular purposes. I table the bill and the explanatory notes. I nominate the Finance and Administration Committee to consider the bill.

*Tabled paper:* Queensland Art Gallery Amendment Bill [\[6034\]](#).

*Tabled paper:* Queensland Art Gallery Amendment Bill, explanatory notes [\[6035\]](#).

I am pleased to introduce a bill which enables the board to establish a committee to carry on the crucial activities of the foundation for the benefit of the community. The foundation was originally formed in 1979 for the purpose of assisting the board to maintain, improve and develop the state collection of works of art and the facilities and operations of the Queensland Art Gallery. Specifically, the foundation was established to attract and encourage donations, gifts, bequests and other forms of assistance for the benefit of the gallery.

The foundation has been highly successful in achieving its objectives, with over 1,400 members and \$75,452,294 of donations and other monies raised since its inception. Each year the foundation receives donations, bequests and gifts of artworks from private and corporate donors, including \$2,064,000 received in 2010-11.

The foundation provides funds to the board for acquisition of artworks and development of exhibitions and programs, the size of which is dependent on donations received by the foundation, returns on investments, the needs of the gallery and artwork available for purchase. In 2010-11 \$4.39 million was expended on acquisitions.

The foundation conducts fundraising activities at the gallery. The foundation is currently governed by a council. In order to regularise its status, it is proposed that the foundation is subsumed into the board and that a newly created committee governs the foundation's activities.

I seek leave of the House to incorporate the remainder of this introductory speech in *Hansard*.

Leave granted.

Currently the Act allows the Board to delegate its powers to a committee consisting only of Board members. Amendments to the Act are required to enable the Board to establish a committee with broader membership, consisting of both Board and non-Board members to carry on the activities of the Foundation.

This approach allows the Board to retain control over the management and operations of the Foundation, given the large amount of government and private funds under management and avoids the need to create a new government body for the Foundation.

The Bill will include within the Board's functions, the development of the Gallery's collection.

The Foundation Committee will deal with any funds agreed by the Board to be managed and invested by the Foundation Committee for its fundraising purposes.

The Bill ensures that the Board will have control and flexibility over the governance arrangements for the Foundation Committee, including its composition, criteria for membership, responsibilities and meeting procedures.

The Foundation Committee will include at least two Board members. It may also include non-Board members, allowing Foundation members with the capacity to assist the Foundation achieve its objectives also to be represented if the Board considers that appropriate.

The Board will have power to delegate its powers to Foundation Committee members, for the purpose of performing the functions of the Foundation Committee i.e. to raise funds to assist in the fulfilment of the Board's functions.

The Foundation Committee will have the powers necessary to encourage gifts, donations, bequests and legacies of property for the benefit of the Board, but must not incur a debt.

The Bill provides that the Board is a charitable institution and deems gifts to the Foundation to be gifts to the Board. Private ancillary funds (PAFs) are the major source of donations to the Foundation. However, many PAFs are restricted to donating to charitable organisations. The Bill specifies that the Board is a charitable organisation to ensure that PAFs are able to make donations to the Foundation.

In terms of protection to Foundation Committee members, the Bill will extend the protection from civil liability afforded to Board members to committee members; and also extend liability for illegal borrowing by Board members to committee members.

The Bill will also extend provisions regarding Board members who have an interest in matters being considered by the Board, to committee members who have an interest in matters being considered by the committee.

The establishment of a committee of the Board to undertake the activities of the Foundation is the most reasonable and appropriate way to regularise the status of the Foundation and to limit any restrictions on the Foundation's ability to receive and deal with donations and bequests.

It also meets the preference expressed by existing donors and benefactors for the work of the Foundation to be transparent and distinct from the daily running of the Gallery.

Mr Speaker, I commend the Bill to the House.

## First Reading



**Hon. RG NOLAN** (Ipswich—ALP) (Minister for Finance, Natural Resources and the Arts) (7.45 pm): I move—

That the bill be now read a first time

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

Motion agreed to.

Bill read a first time.

**Mr DEPUTY SPEAKER** (Mr Ryan): Order! In accordance with standing order 131, the bill is now referred to the Finance and Administration Committee.

## CIVIL PROCEEDINGS BILL

### Consideration in Detail

Resumed from p. 3887.

Insertion of new clause—



**Mr LUCAS** (7.46 pm): I move the following amendment—

**5 After clause 228**

Page 138, after line 24—

*insert—*

**'228A Amendment of s 65 (Enrolment and transfer of enrolment)**

Section 65—

*insert—*

'(7) Subsection (8) applies if—

(a) a person is required to give notice under subsection (2) or (3); and

(b) the person gives notice—

(i) after the cut-off day for electoral rolls for an election or referendum and no later than 6p.m. on the day before the polling day for the election or referendum; and

(ii) to the commission but otherwise in compliance with subsection (2) or (3).

'(8) The person is taken to have given notice to the electoral registrar in compliance with subsection (2) or (3).'

Amendment agreed to.

Clause 229—



**Mr LUCAS** (7.46 pm): I move the following amendment—

**6 Clause 229 (Amendment of s 106 (Who may vote))**

Page 139, lines 7 to 9—

*omit, insert—*

'(2) Section 106(1)(d)(ii), from '5p.m.' to 'to'—

*omit, insert—*

'6p.m. on the day before the polling day, have given a notice to the commission or'.

Amendment agreed to.

Clause 229, as amended, agreed to.

Clauses 230 to 234, as read, agreed to.

Clause 235—



**Mr BLEIJIE** (7.46 pm): This clause inserts a new section 35A into the JP act to provide that justices of the peace and commissioners for declarations may sight proof of identity documents and record information in the proof of identity documents for the purposes of taking an affidavit or attesting to an instrument or document. This new section will oblige justices of the peace and commissioners for declarations when they record this information not to disclose it except in accordance with their function or as required by law and provide that justices of the peace and commissioners for declarations must take all reasonable steps to ensure that the information is kept in a secure way.

As I said in the debate, we are in support of these measures in relation to JPs taking copies if they choose—because they may choose to take copies—of the identification documents. I would seek advice from the Attorney-General as to how this change will be conveyed to practising JPs. Will this require further training for the JPs? How does the JP branch intend to deal with this change—or are there just going to be notices sent to JPs in relation to what they may do under this new provision?

**Mr LUCAS:** The advice in relation to what was the law or appropriate practice was contained in a guideline that was communicated through the ordinary processes of the division. I would expect that the division would communicate this change in similar terms. Therefore, in the next update they would circulate this change, because it does not actually require JPs to do anything differently. It allows JPs to do something differently. It is not like, 'We now say you have to do something.' It says, 'If you want to do something this is how you would do it.' I would expect that the division would, like all the justices associations and the like and the signing centres as well, be advising JPs of the change in the provisions of the law.

Clause 235, as read, agreed to.

Clauses 236 and 237, as read, agreed to.

Insertion of new clause—



**Mr LUCAS** (7.50 pm): I move the following amendment—

**7 After clause 237**

Page 142, after line 22—

*insert—*

**'237A Insertion of new ch 11**

After chapter 10—

*insert—*

**'Chapter 11 Transitional provision for Civil Proceedings Act 2011**

**'284 Application of Civil Proceedings Act 2011**

'The *Civil Proceedings Act 2011*, section 237 applies, and is taken on and from 30 November 2011 to have applied, to the hearing of a proceeding that was started but not finished before 30 November 2011.'

**Mr BLEIJIE:** The amendment moved by the Attorney-General deals with the retrospective nature in relation to the QCAT sessional members whose terms are due to expire on 30 November. These QCAT members were appointed for a period of time. The government has known that their appointments were due to expire. It controls the legislative agenda in this place. It knew that the terms would expire on 30 November. Members of parliament always have problems with retrospective clauses. If the government knew that the terms of the sessional members of QCAT were due to expire, why has it not taken action to reappoint them or have the matters sorted out? We are now dealing with a

retrospective issue because the government could not get its legislation through the House in an appropriate time. I am sure the government knew all about this and should have taken the appropriate steps to make sure that we would not have to be amending and making clauses retrospective in nature.

**Mr LUCAS:** We had a discussion earlier this evening where people suggested we should put a whole lot of legislation in individual pieces of legislation. That, sure as eggs, would have made it take longer than it actually has. This provision is only necessary because less than a handful of members have not delivered judgements in three matters. In the ideal world they should have delivered their judgements. If they had delivered their judgements today or the bill was able to be assented to immediately then it would not be a problem. This would have to be the most technical and limited issue. As to reappointing them, I do not propose to reappoint people if, for whatever reason, they were not recommended for reappointment.

Let us be sensible about this. The provisions now make it clear—the Civil Proceedings Act has a similar provision for judges—that they can continue to deliver their judgement. We do not want to inconvenience people. We are talking about, as I said to you before off the top of my head, 20,000 or 40,000 matters finalised and we have three outstanding. We do want to make sure that they are appropriately dealt with and this amendment deals with it. I would have thought it was pretty straightforward.

Amendment agreed to.

Clause 238, as read, agreed to.

Clause 239—

 **Mr BLEIJIE** (7.53 pm): Clause 239 inserts in section 15(2) two notations in relation to the exit fees for retirement villages. I note section 240 goes on to work out how the particular exit fee for a residence contract is calculated. The committee heard a submission from the Queensland Retirement Villages Scheme Operators, the QRVSO, that the Queensland retirement village industry, currently valued at over \$3 billion, in 2010-11 produced an estimated \$105 million in exit fees. It was submitted by that organisation that the proposed amendment would have an impact on the RV business model.

ACQ submitted that the retirement villages schemes operate on a low margin and that operators have to wait many years for their investment to be realised. Furthermore, the operators derive no value from the village operations and have to cover vacant unit charges from construction until sold and vacant units after a three-month period. They also contend that this loss of income will affect the valuation schemes, which I note we have talked about in the debate. They told the committee that the large operator of 26 villages would lose approximately \$1 million a year in income as a result of the proposed amendments which would reduce the valuation by one or two per cent.

Given the impact that the committee heard—and the Attorney obviously had the department prepare advice on this impact—of the costs as proposed by the QRVSO, how is the government proposing to ease the effect that these changes would have on businesses operating in the industry? If we can include section 240, I will not then speak about section 240 because it is all encompassing. I want to know what the Attorney plans to do now in relation to retirement village operators. I know it is to be fixed by a date of proclamation. I wonder if the Attorney has a date in mind whereby he can educate the scheme operators about the new exit fees.

**Mr LUCAS:** The opposition cannot have its cake and eat it in relation to this provision. It has sensibly supported the government in relation to the provisions. I think any reasonable person would believe that if you are a senior in a retirement village it is fair, in the absence of a provision in a current contract, that the calculation be on a daily basis. We will give adequate notice of when we will commence the new provisions for the future. If people are suggesting that particular retirement villages are dependent upon a scheme that relies on a little old lady spending one day of 365 days there and then having to fork over the whole lot, I am sorry that we part company in relation to the position.

**Mr Lawlor** interjected.

**Mr LUCAS:** That is not a sustainable business model, as the member for Southport has indicated. We will not be providing any, nor would it ever be suggested that the government should seek to involve itself in that. We are not interfering with privity of contract in relation to those people who have specified a provision, even if it does not do it that way, for existing schemes. This provision will apply only when the contract is silent. If you asked someone in the street what the fairest way to calculate an exit fee is—on a daily, yearly or monthly basis—I know what they would say. Bank interest is calculated on daily balances these days with modern computers and the like. I do not think that is unreasonable. The opposition cannot on the one hand pick up the phone to the retirement village operators and say, 'Aren't we being nice to you?', and the next moment say to residents, 'Oh, we are being nice to you.' This involves a choice. Government involves choices. The reason that we are making a choice in this regard and that you are supporting us is that it is correct and fair and right that the best way to decide it is on a daily basis.

Clause 239, as read, agreed to.

Clauses 240 to 244, as read, agreed to.

Schedules 1A and 1, as read, agreed to.

### Third Reading

 **Hon. PT LUCAS** (Lytton—ALP) (Attorney-General, Minister for Local Government and Special Minister of State) (7.58 pm): I again thank members in the chamber. I thank the parliamentary committee. I thank my staff and the people in my department. I thank the shadow minister for his courtesies. I move—

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

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

Motion agreed to.

Bill read a third time.

### Long Title

 **Hon. PT LUCAS** (Lytton—ALP) (Attorney-General, Minister for Local Government and Special Minister of State) (7.58 pm): I move—

That the long title of the bill be agreed to.

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

Motion agreed to.

## STRATEGIC CROPPING LAND BILL

Resumed from 25 October (see p. 3372).

### Second Reading

 **Hon. RG NOLAN** (Ipswich—ALP) (Minister for Finance, Natural Resources and the Arts) (7.58 pm): I would like to respond to report No. 6 on the Strategic Cropping Land Bill 2011 by the Environment, Agriculture, Resources and Energy Committee. I thank the committee for its deliberations on this significant legislation. In a moment I will table the government's response to the report. The report's first recommendation is that the bill be passed subject to clarifications and assurances in respect to key clauses and provisions of the bill. Shortly I will provide those clarifications and assurances in response to the first recommendation. I note that, despite the highly politicised nature of this debate over more than two years, neither the majority nor, interestingly, the dissenting report recommend any substantive amendments to the bill.

However, the committee does seek further clarifying detail to be added in relation to the exceptional circumstances test. While I appreciate the committee's deliberations on this matter, the government does not accept the recommendation. In simple terms, the exceptional circumstances test provides that a development that permanently alienates strategic cropping land can only go ahead on two conditions: that the project can demonstrate an overwhelming public benefit and that it could not be located at an alternative site. I think these criteria are fairly plain and simple. Exceptional circumstances can only be granted upon the decision of the minister or the coordinator-general and only after a period of public consultation. It is the government's proposition that a minister, the most publicly accountable office holder in our democracy, should be empowered to make a decision in the public interest. Indeed, we contend that that is exactly what ministers should do. I now table the detailed response to the committee's report, to which I will speak.

*Tabled paper:* Queensland government response to the Environment, Agriculture, Resources and Energy Committee Report No. 6 on the Strategic Cropping Land Bill 2011 [\[6036\]](#).

I turn to a number of issues on which the committee sought clarification. Firstly, the committee raised a concern that the bill does not provide a clear and unambiguous definition of strategic cropping land. In response, the bill sets out a detailed eight-point soil science test, including points like slope, rockiness, moisture-holding capacity and others. The test was developed by expert soil scientists and then peer reviewed by industry expert, Roger Shaw. Further, clause 227 of the bill provides for the establishment of a soil science implementation and technical committee, solely comprising professional soil scientists. While I acknowledge that the two sides of this debate, the farming lobby and the mining lobby, both of which gave evidence to the committee, would each like to see different definitions, although of course in opposite ways, it is the government's contention that strategic cropping land is unambiguously defined in science and, with this bill, it is intended that it be enshrined in law.

Secondly, the committee asked me to outline the rationale for permanent impact being set at 50 years. The committee asked to what extent coal seam gas developments would be captured by the bill. I do not think too much should be read into '50 years'. If an activity is determined to have a permanent impact immediately or, say, from a short period of open-cut coalmining, such a determination will be made straight up. No matter how long it takes to do it in a protection area, you cannot alienate permanently strategic cropping land. Fifty years relates to a period for which land can conceivably be

taken out of production without there being a permanent alienation. In that time, for instance, a timber plantation could be planted and harvested without a determination being made that it permanently alienates the land. Contrary to some of the theories put about, the bill does pick up on coal seam gas. Temporary measures like a well or a pipeline, which are designed to be utilised and then removed, are not prevented by this bill. Permanent measures like a dam are. That is the government's longstanding, clear policy intent.

The committee raised a concern that there is insufficient time for an affected party to respond to zone amendment changes, for example, the protection zone, which has a higher level of protection, changing to the management area. In response I simply point out that 21 days is a minimum time for that decision-making process.

The committee asks how it is that the focus on soils in the bill does not allow its intent to be circumvented by a mine going underground. Further, the committee asks whether soil science tests will be conducted by professional soil scientists. In response, the government deliberately put soil quality at the heart of this bill. I know that there are parties, including some that gave evidence to the committee, that would see the bill not as a means of protecting soil for cropping but, more simply, as a vehicle to prevent mining full stop. Government rejects that as a policy intent. If a resource company sought to mine under strategic cropping land, it would be for the proponents to establish through the EIS that the project would not impact the productive capacity of the land. To be frank, it would be easier to mine somewhere else.

As I said, the committee also raised the Australasian Society of Soil Science question as to whether soil science tests will be conducted by accredited soil scientists. As I said earlier, solid soil science is at the heart of this bill. Not every element of the test is straight-up soil science, though. Some of it, for instance, is geotechnical so a range of professionals will be involved.

The committee asks me to explain government's premise that strategic cropping land can be rehabilitated. To be frank, I am unclear about the basis for that claim. Government does not believe that land can be appropriately restored to a cropping standard after mining. That is the whole rationale for the bill. If government was of the view that after open-cut coalmining, for instance, the land could be appropriately restored to the same cropping capacity that it had before, quite simply this bill would be unnecessary.

Finally, the committee asks how the Bandanna clauses differ from other transitional arrangements. The simple answer is that the Bandanna clauses are tougher. They require the mine to go underground. They will require rehabilitation, should such be required. Far from entrenching privilege, they set a very high bar.

I understand that in conducting public hearings on this bill, the committee heard a range of competing views. Politics, like life, was not meant to be easy and disparate viewpoints—a tug of war—are the crux of this issue. Committee members, all members of parliament, can search all we like on this issue, but there is simply no consensus to be found. Government has sought to draw a line. We have done the science and this evening we are seeking to entrench it in law. I do not contend that there are easy answers to be found here, but I do contend that it is a very good thing that we are the first parliament in the country to consider groundbreaking legislation like this and I do contend that with this bill we have the balance right.

**Mr DEPUTY SPEAKER** (Mr Wendt): Order! Minister, before sitting down could you please move that the bill be now read a second time.

**Ms NOLAN**: I move—

That the bill be now read a second time.

 **Mr CRIPPS** (Hinchinbrook—LNP) (8.07 pm): The explanatory notes accompanying the Strategic Cropping Land Bill state—

The purpose of the Bill is to implement a legislative framework that recognises the State's strategic cropping land (SCL) as a finite resource that must be protected against the impacts of development and preserved for future generations.

The bill proposes to utilise planning and development powers to manage development impacts and, in identified areas, protect strategic cropping land from developments that will have a permanent impact on it and/or diminish the productivity of the land. The explanatory notes state that in recent times Queensland's SCL has been subject to an increasing range of competing land uses, including mining and other resource developments and urban expansion. The pressure on SCL areas for nonagricultural uses has escalated as the economics of the mining and resources sector has changed due to advances in technology and urban growth continues.

Finally, the explanatory notes claim that, as Queensland grows, this bill will strike a balance between the competing land uses and ensure that there is no overall loss of agricultural productivity associated with the state's SCL in the long term. The bill claims to provide a consistent process for assessing and deciding whether developments are able to be processed on SCL and to provide clarity and certainty for investment decisions by the agriculture, urban development and mining and resource sectors.

The LNP supports the purposes of the bill as they are stated in clause 3: to protect land that is highly suitable for cropping; to manage the impacts of development on that land; and to preserve the productive capacity of that land for future generations. The Environment, Agriculture, Resources and Energy Committee report on the bill, tabled in the House on 25 November, accurately identifies the most contentious issues raised by the public submissions and in the evidence given to the committee during its public briefing by DERM and the public hearing on the bill. I certainly want to acknowledge the hard work of all committee members in view of the constrained time frame available for the consideration of the bill and extend a particular expression of gratitude to the parliamentary staff who supported the committee for their extraordinary efforts.

Recommendation 1 of the committee's report recommends in part that the bill proceed through this House. The LNP members of the committee support this recommendation to that extent. However, the LNP members of the committee feel compelled to submit a statement of reservation because the balance of recommendation 1 recommends that the bill be passed subject only to the clarifications and assurances sought by the committee of the minister in respect of several clauses and provisions in the bill.

The LNP members of the committee cannot ignore the fact that the committee only seeks further clarifications and assurances from the minister in respect of critical issues concerning several key clauses and provisions of the bill. The public submissions taken by the committee on the bill have raised a number of fundamental concerns that the Department of Environment and Resource Management has been unable to adequately address. As such, we consider the committee report ought to have recommended that the minister provide clear and unambiguous advice about these substantive issues rather than simply seek clarification and assurances about them.

As the explanatory notes accompanying the bill point out, the bill is significant because it is without precedent in other states or at the Commonwealth level. As such, achieving a maximum level of certainty is a priority consideration. Why is there such a pressing need for the parliament to achieve the maximum level of certainty as it pertains to the clauses and the provisions in this bill? The answer is that, given the bill is without precedent, there may be fewer sources of extrinsic material available to assist with the statutory interpretation of this bill in the event that it passes the House and becomes law in Queensland. As such, the proceedings of the parliament during its consideration of the bill in a relatively new area of legislation may, after its assent, be relied upon to interpret the act should it be contested in a court of law in the relative absence of other extrinsic matters. This is made clear in clause 14B of the Acts Interpretation Act.

Therefore, the LNP members of the committee consider that the committee report ought to have recommended that the minister provide clear and unambiguous advice about the substantive issue rather than the report simply seeking clarification and assurances about them. The LNP believes strongly that SCL must be protected and that it presently does not have adequate protection in Queensland. As such, the LNP will not be opposing this bill. The position of the LNP is that the bill is significantly flawed; however, the LNP considers that the bill needs to be passed by the parliament as soon as possible to afford SCL at least a degree of protection.

The LNP remains committed to implementing its stated policy to protect SCL; however, the LNP believes that this bill should be passed to inform the decision-making processes in respect of new development applications. The LNP believes that some of the technical work that will be done in terms of the analysis of soils, as a result of the implementation of this bill, will be useful in implementing its policy.

Standing order 136 ordinarily provides parliamentary committees with up to six months from the referral of a bill to the date that it is required to be reported to the Legislative Assembly. In this instance, the committee was required to report back to the Legislative Assembly by 25 November this year, only one month from the date of the bill's introduction into the Legislative Assembly on 25 October 2011.

While the matters contained in the bill have been the subject of an extended government run public consultation process, it does not appear to have been an effective one. The call for public submissions to the committee inquiry resulted in 56 written submissions, the overwhelming majority of which, while supporting the principal objectives of the bill, expressed serious concerns about the bill's clauses and provisions. It would appear that the efforts of the government to undertake public consultation, as outlined by DERM during its public briefing to the committee on the bill, have been unsuccessful in resolving the major community and industry concerns about its SCL policy.

The government facilitated public consultation, as outlined in the explanatory notes accompanying the bill, has proven to be an inadequate substitute for a full and proper consideration of the bill by the Environment, Agriculture, Resources and Energy Committee of the parliament, which has turned up myriad issues. As I said earlier, the committee report accurately identifies the most contentious issues raised by the public submissions and in the evidence given to the committee during its public briefing by DERM and the public hearing on the bill. Amongst this material is a wealth of additional information that supports the LNP's contention that the bill is significantly flawed. A great deal of that material outlines the concerns of the public submissions that highlight significant policy, technical and administrative flaws in the bill.

I mentioned earlier that the explanatory notes accompanying the bill state that in recent times Queensland's SCL has been subject to an increasing range of competing land uses, including mining and other resource developments and urban expansion. This is an understatement that only this government, which has failed to act responsibly, could make with a straight face. This land competition and the concerns and problems that it has created have not snuck up behind this government and taken it by surprise. This land-use competition and the concerns and problems that it has created have been obvious and plain. Notwithstanding that they have been obvious and plain, not until now has the government tried to do something to protect SCL in Queensland.

Given that it has been in power for the period during which the land-use competition has escalated, creating these concerns and problems, the responsibility for failing to act lies with this government. The LNP has long recognised the essential need to protect prime agricultural land in Queensland, and that supports the basis of our intensive cropping land industries and our broadacre farming systems. The LNP understands that the critical objective is to ensure the productive capacity of our prime agricultural land is maintained. The LNP recognises that many farm enterprises and mining and resource enterprises have co-existed in harmony for long periods of time. However, the LNP also recognises that in recent years the mining and resources industries have been growing and expanding rapidly and that these projects can have a significant impact on farming activities. Furthermore, the LNP believes that it is in the public interest to prevent these significant impacts from occurring on SCL.

The LNP has also long recognised that the coal seam gas industry has created a new dimension and more complicated challenges. There is a need for legislation that must deal with the competition for land use between agriculture and the CSG industry which will need to co-exist over a large geographic area for a long period of time. The LNP fully understands the importance of protecting our prime agricultural land that sustains our intensive cropping and broadacre farming system. We are committed to ensuring there is no expansion of the CSG industry on that land if it will adversely affect its productive capacity to produce food and fibre in the future.

The LNP was first to place on the record its commitment to protecting prime agricultural land in response to the increasing land-use competition between the agriculture and mining and resource industries. The LNP has repeatedly called on this government to modernise the legislation in recognition of these plain and obvious challenges.

During a speech in a second reading debate in the parliament on 28 October 2008, during the regional sitting of parliament in Cairns, the then shadow minister for mines and energy, the member for Callide, when responding to the Mines and Energy Legislation Amendment Bill on behalf of the LNP, made the position of the LNP very clear in relation to protecting SCL in Queensland. He said—

The black soil flood plains on the Darling Downs are regarded as some of the best country in the world ... They are places that should be protected at almost all cost.

...

I think it is important that everybody involved in the process knows that under an LNP government, with our determined policy to protect prime agricultural land, the value of prime agricultural land will be a very important factor in the public interest test that is applied by an LNP minister and at every stage of the application process ...

...

If a company is going to spend its own money in exploring areas of prime agricultural land, then it needs to know very clearly that under an LNP government the value of that prime agricultural land will be a paramount consideration in the public interest test that we will apply. I cannot say it any clearer than that.

...

Landholders, who are the other part of the equation, also need to have confidence that an LNP government will ensure that the value of that prime agricultural land is a paramount consideration ...

With a clear commitment from this very early stage, no stakeholders in this matter—whether it be local communities, farmers, mining and resource companies or financial institutions—could be in any doubt that an LNP government would ensure the mining and resource industry would be subject to legislation and regulation that would give effect to our long-held policy of ensuring that the productive capacity of our prime agricultural land is maintained into the future. Since 2008 the LNP's strong commitment to protecting prime agricultural land has been reaffirmed many times. In 2010 the LNP released a position statement on the CSG industry. As part of that position statement, the LNP repeated its strong approach with a commitment under the heading 'Protecting Prime Agricultural Land'. It said—

The LNP recognises the long term need to preserve prime farmland for continued agriculture throughout Queensland from mining, urban development and gas production activity which adversely impacts on that land.

...

Just as it is unlawful to consider applications to clear vegetation in areas mapped as remnant vegetation, so too should it be unlawful to consider applications for open cut mines on lands identified as top quality agricultural lands.

In September this year the LNP released its strategic plan for agriculture which included a detailed outline of our intention to protect SCL in Queensland through the implementation of an improved system of statutory regional plans which will involve extensive local community input in developing regional plans; ensure that there is no open-cut mining on strategic cropping land; not allow underground mining, coal seam gas activity or other development on strategic cropping land if it is likely to have a significant adverse impact on the productive capacity of that land to produce food and fibre in the future; and prioritise regional plans for the Darling Downs and golden triangle regions followed by other regions where these matters are pressing and in urgent need of attention.

While the LNP is absolutely committed to implementing its policy should we be elected, it is worth pointing out or reminding those Queenslanders who have expressed concerns and who have been campaigning for the protection of SCL in this state that this government has had at its disposal the legislative capacity to prevent the unnecessary confrontation between agriculture and the mining and resources industry from escalating to this point but has taken an active decision not to do so. The Mineral Resources Act contains provisions allowing the responsible minister to exercise at their discretion a public interest test at the issuance of individual mining tenements. These provisions in the Mineral Resources Act allow the responsible minister to apply a public interest test at every stage, specifically when an exploration permit is applied for, when it is due for renewal, when an exploration permit is upgraded to a mineral development licence and when the mineral development licence is upgraded to a mining lease.

Those Queenslanders who have expressed concerns and who have been campaigning for the protection of SCL should be aware that this government has had every opportunity to apply a public interest test to protect SCL in Queensland when an exploration permit is applied for, when it is due for renewal, when an exploration permit is upgraded to a mineral development licence and when a mineral development licence is upgraded to a mining lease. At each stage it has been within the minister's power to apply a public interest test to protect SCL. Why then has this government not been exercising its capacity to protect SCL in Queensland by applying that public interest test not to grant exploration permits, renewals, mineral development licences and mining leases?

As far back as 2008 the LNP made it quite clear that this is a regulatory instrument that we would utilise to protect SCL. It is a question that those Queenslanders who have expressed concerns about, and have been campaigning for, the protection of SCL ought to ask this government. The answer will be extremely interesting. Unfortunately, it has taken this long for this government to bring forward modern legislation that properly protects SCL. This means there has already been extensive expansion of the mining and resource industry on SCL under outdated and inadequate legislation which has caused considerable community concern.

It was not until February last year that the Bligh government finally caught up with the pressing need for a policy to protect SCL with its release of its strategic cropping land discussion paper. In April this year the Bligh government released its proposed criteria for identifying what it described as strategic cropping land that was to be used to draft new strategic cropping land legislation. In August this year the Bligh government released its draft State Planning Policy to protect strategic cropping land, and this bill was eventually introduced into the House on 25 October. The Bligh government ought to be condemned for taking so long to develop a response to the dilemma of increasing land-use competition between agriculture and the mining and resources industries, which has been occurring and escalating for so many years under its watch.

I now turn to the bill proper. The most contentious issues arising out of the bill include the process for identifying strategic cropping land, the process for validating whether land is SCL or not, the process for assessing the impacts of development on SCL, the process for certain projects to be permitted on SCL in protection areas in exceptional circumstances, the process for mitigating the impact of a development on SCL and the nature of the transitional arrangements for projects that have met certain milestones in the planning process as at 31 May this year.

There were substantial concerns expressed in relation to the process established by the bill to identify SCL, particularly the policy decision by the government to establish two SCL protection areas and the SCL management areas. It was asserted that there was no justification for differentiating between SCL in the two protection areas, being the southern and central protection areas, and in the management area. A number of submitters expressed dissatisfaction that an arbitrary distinction had been made between the protection afforded to SCL within the two protection areas and SCL in the management area, insisting that SCL was either worth protecting or it was not.

Mr Michael Murray, representing Cotton Australia at the committee's public hearing on the bill, made the following statement when reflecting on the government's policy decision to establish two SCL protection areas and an SCL management area—

There is really no justification for the differentiation between the protected and the management zones. Either this country is worth protecting or it is not. Unfortunately, the management and the rules around that, as we understand them, really allow people to buy their way out of this process and there is no guarantee that they will actually be able to maintain the standard of the soil, so I think we need to move to the fully protected area.

Mr Dan Galligan, CEO of the Queensland Farmers Federation, said the following in response to a question from the member for Southport—

Our submission does not actually request that we lock up more land. What we said is that having a management zone, which is actually what is left after protection zones are in place, seems to be against the purposes of the act, which are to provide protection for SCL. The management zone identifies SCL and then does not provide the protection that was the intent of the policy in 2009. The position we have always had is that it should be a scientifically based process.

Mr Galligan continued—

All we say is that the management area is diluting the exact purpose of the policy in the first place.

I asked Mr Galligan to clarify his statement with the following question—

Is the point you are making that there are no technical differences in the assessment of the strategic cropping land soils within the protection areas as opposed to the technical assessment of strategic cropping land soils outside of those protections?

Mr Galligan responded—

That is right. There is no difference in the two zones.

The failure to afford all SCL a consistent level of protection appears to be contrary to the stated purpose of the bill, that being to protect land that is highly suitable for cropping. Notwithstanding that the explanatory notes accompanying the bill claim that it provides for a consistent process for assessing and determining whether developments are able to proceed on SCL, this is clearly inaccurate. There are no technical differences between the quality of the soils on SCL in the two protection areas compared to the quality of the soils on SCL in the management area. As such, while the bill claims to establish a scientifically based process for identifying SCL in Queensland, it does no such thing.

It proposes to create a two-tier system, distinguishing SCL in the two protection areas from SCL in the management area based only on its location, not on its productive capacity. Nothing in the bill's explanatory notes or in the information provided by DERM justifies this distinction. That the bill creates this arbitrary distinction is a legitimate criticism of its provisions. This arbitrary provision has been included without any explanation and, therefore, must be considered a policy decision of the government. This policy decision appears to undermine the stated purpose of the bill. It is reasonable, therefore, to question whether the public can have confidence in the balance of the provisions of the bill.

There were considerable concerns expressed in relation to the criteria established in the bill to determine whether or not land is SCL involving assessment against eight criteria based on the physical characteristics of the soil. The criteria include the slope of the land; the rockiness of the soil; gilgai microrelief, which refers to small changes in topography of up to a few metres above and below the general plane of the land surface that shrink and swell substantially with changing water content; soil depth; wetness; PH; soil salinity; and soil water storage capacity. The criteria for determining whether or not land is SCL will also involve minimum size requirements and whether it meets a cropping history test.

These provisions encouraged wide ranging debate about what makes cropping land strategic. The bill acknowledges that the soil criteria and the minimum size test need to be flexible enough to acknowledge regional differences as to what constitutes SCL and what is an economically viable cropping area.

The five different regional cropping zones identified in the bill are western, eastern Darling Downs, Granite Belt, coastal and Wet Tropics. While soil characteristics are a critical aspect of identifying SCL, peak agricultural industry groups have pointed out that soil type alone does not determine the productive capacity of the land. Other factors such as a reliable supply of water, the availability of labour, access to transport infrastructure and proximity to markets are also important factors that determine whether crops can be viably grown, harvested, delivered and sold from any given location. Cropping land that meets these criteria may be described as strategic as opposed to just being good quality agricultural soils.

While the eight physical soil criteria are considered to be relevant tests to legitimately determine the quality of cropping soils, the thresholds set for each of these criteria have been questioned for excluding highly productive land that has been successfully growing high-value crops for extended periods. Notwithstanding zonal adjustments allowing for regional differences, the eight soil criteria are considered to be flawed in and of themselves.

The cropping history test criteria has been criticised for its failure to consider that land worthy of being considered SCL, meeting the physical soil criteria, could be excluded on the basis that factors other than suitability for cropping may prevent a landholder from farming land. Amongst these include depressed market prices, extended drought conditions or a fixed-term biosecurity declaration over the land.

One of the good examples of where valuable productive soils may or may not be afforded protection under this bill is because they fail slope criteria. For example, the coastal zone established by the bill dictates a maximum of five per cent slope for land to be considered SCL. In some areas of Queensland, land with a slope of up to eight per cent has been demonstrated as being highly productive and regularly returning highly valuable crops in the sustainable farming system. One way of addressing

this issue is amending the boundaries of the regional cropping zones to allow some types of land to be incorporated into adjacent zones with a higher slope criteria threshold or to allow the land to be protected or creating more zones. Another alternative would be to fall marginally short against one or two criteria but still be able to be considered for SCL if, for example, the land enjoys a reliable water supply, if it is close to a market or if it displays a reliable cropping history.

The soil criteria, minimum size and cropping history test have been criticised by various stakeholder groups. Again, Mr Galligan, the CEO of the Queensland Farmers Federation, offered the following evidence to the committee during its public hearing—

We are very disappointed in some respects with the criteria being solely focused on soils. We represent a number of intensive industries, particularly the irrigation industry. Consideration for the importance of irrigation infrastructure associated with land is one key criteria. We have always felt it important to at least acknowledge in strategic cropping land in that, essentially, it would be crazy for us to be suggesting that we are going to alienate irrigation schemes in Queensland if they want strategic cropping land. So access to water is certainly one of the issues that we will be looking at in the two-year review as well.

Mr Galligan went on to elaborate on this evidence in responding to a question from me, pointing out that, given the minimum size test and the cropping history test are not based on the physical characteristics of the soil, the bill does not establish a purely technical or scientific process for determining SCL. Taking this point to its logical conclusion, the physical characteristics of soil are not the only things that influence what makes cropping land strategic or what makes it productive. Mr Galligan said—

We have always been disappointed and are still disappointed about the fact that there are 10 criteria and not eight. There is the soil criteria, then the minimum area requirements and the cropping history. The minimum area requirements I think are going to pose significant problems in the validation of SCL, because there will be lands that people have a common understanding would be good cropping lands which will be knocked out, and horticulture and cane are both concerned about that. The cropping history test I will be more scathing of. It is quite ridiculous, to be honest. It is going to impose a bizarre administrative burden—a final hurdle.

Mr Drew Wagner, representing AgForce, on the same issue offered the following observation—

The fact that we still have 10 criteria is very much an issue for AgForce and for our members ...

...

Slope, in particular, is one that is of massive concern at this point in time, regardless of what is actually in situ. With the productive value and nature of food security and food and fibre principles coming from these landscapes, you can find a very large tract of area cut out extraordinarily quickly just because of slope.

The additional minimum size criterion appears to present a reasonable test against which SCL mapping can be undertaken. A small, isolated area of land that would otherwise be considered as SCL is not realistically a strategic asset. However, the minimum size test along with the cropping history test moved the SCL validation process a step further away from a purely technical or scientific assessment of soils.

Another matter that attracted some attention of the committee during its consideration of the bill is the cost to validate SCL mapping on the ground when a development application was lodged. This issue started unfolding months ago during the budget sitting week. I asked the former minister for environment and resource management a very simple question. I referred to the new user charges associated with the implementation of the government's strategic cropping legislation announced in the budget and asked who would pay those new user charges. The question was a very straightforward one seeking some very simple information. Notwithstanding that, the former minister could not help herself, as she is regularly unable to, and was political in her answer. The former minister did manage to get out in the course of her politicised answer the advice that I was looking for: that it would be the proponent, the person looking to do any work on the strategic cropping land area, who is required to pay for the assessment.

That would have been sufficient to answer my question, but of course as I have already indicated the former minister could not help herself. It would be the proponent's responsibility. The former minister went on to make the remark—no doubt it was one that she thought was clever at the time—that if the LNP wanted farmers to pay for the SCL assessments we would have an opportunity to move amendments during this debate. That statement obviously suggests that the former minister did not think that farmers would be paying for assessments under the government's policy because she probably did not understand or know that farmers lodge development applications from time to time. Taking that argument to its logical conclusion, the member for Ashgrove obviously believed mining resource companies would be the only ones to lodge DAs requiring SCL to be mapped under the provisions of the bill. It showed a lack of understanding of the government's own policy by the former minister.

Nevertheless, I had the information that I was looking for. I had the confirmation that applicants would pay for the mapping, and that included farmers lodging code assessable development applications. So I do not need to take the gratuitous advice of the member for Ashgrove to move any amendments. Indeed, they were to pay extraordinary costs. Many submissions to the committee expressed horror at proposed costs of \$27,254 to have land go through the process of validation as it is

set out in the bill. I went through the process of putting scenarios to DERM officers at the public briefing in which there would be no change of land use, there would be no reconfiguration of the lots involved, there would be no subdivision of lots where landowners wanted to undertake normal, ordinary and routine works on farms and whether or not they would be caught by the bill. The DERM officers just pointed to clauses 290 and 291 in the bill. They did not really know. That was not helpful for certainty for local communities or for farmers.

**Ms Nolan** interjected.

**Mr DEPUTY SPEAKER** (Mr Elmes): Order! Minister, I ask for a little bit of shush, and it would help if we kept it to non-political matters for a little while, member for Hinchinbrook.

**Mr CRIPPS:** If those making representations to the committee in the consideration of the bill or appearing before the committee at the public hearing still sought clarification about what was in or out after having considered the bill, the government has not achieved clarity, and the stated objective of the government's bill is to achieve certainty and clarity for all stakeholders. In any event, recently we have seen the government—many months after the former minister made a clumsy attempt at politicising the issue—clarify the issue of—

**Ms JONES:** Mr Deputy Speaker, I find that offensive. I ask him to withdraw.

**Mr CRIPPS:** I withdraw. The government has announced changes to the fee structure for the SCL validation process as follows: small developments of less than 750 square metres will not attract a fee; developments between 750 and 3,000 square metres will attract a \$500 fee; developments between 3,000 and 9,000 square metres will attract a \$9,035 fee; and only developments above 9,000 square metres will pay the original \$27,254. There will be other fees including: a \$3,998 fee for the validation of SCL; a \$1,951 fee for assessing the cropping history test; and a \$46,253 fee for applications that may need to meet the exceptional circumstances test in an SCL protection area.

There were considerable concerns expressed in relation to the mechanisms for assessing the impact of development on SCL in terms of its reduced productive capacity, the efficacy of measures to avoid and minimise these impacts and determining if the impacts are temporary or permanent. A particular concern is the absence of a clear mechanism for calibrating impacts on SCL with the formula for calculating the proposed payments to the mitigation fund for mitigation measures.

The appropriateness of the 50-year time frame for determining if a permanent impact has occurred on SCL following a development has also been contested. Other time frames more relevant to agricultural enterprises, such as the 10- to 15-year planning cycles for water resource plans and the 30-year lease renewal periods under the Delbessie Agreement, have been proposed, most notably and authoritatively by the Queensland Murray-Darling Committee, as more appropriate for the purposes of this bill. These more relevant time frames are more appropriate for agricultural enterprises to measure productivity losses resulting from a development against the opportunity cost to their investment.

A development on SCL essentially alienates an agricultural enterprise from a key asset in that enterprise. Measuring this alienation against access to other key assets, such as water and tenure security, makes more sense. I asked the industry representatives at the committee hearing about this 50-year time frame and its appropriateness for measuring permanent impacts on SCL and if the time frames nominated by the Queensland Murray-Darling Committee were more relevant. Mr Dan Galligan, the CEO of the Queensland Farmers Federation, offered the following—

The short answer is yes. The logic behind the analysis by the Queensland Murray-Darling Committee is sound as well. A time frame that related to the certainty for the business—and it is an agricultural business—would have some logic to it. We are talking about essentially alienating that business from a key resource that the business relies upon. All of those time frames make sense. They are much more relevant and there is some logic to them. None of those facets exist for the 50-year time frame. There has never been any logic put to me. There has never been any relevance put to me. There has never been any explanation as to why it is 50 years.

Mr Michael Murray, representing Cotton Australia, made the following statement—

At 50 years nobody will hold any personal responsibility at all in terms of anyone having the corporate knowledge of what went on or say, 'Yes, we made a mistake,' or 'We didn't make a mistake.' It is outside all normal planning. I would suggest something around 20 years. That gives enough time for a reasonable amount of business planning certainty. It is also within a person's natural lifetime in terms of taking action and making management decisions.

No real justification for the 50-year time frame is provided either in the explanatory notes accompanying the bill or in the information provided by DERM to the committee. A further serious concern is that DERM has not yet established an accurate mechanism to calculate the resources, financial or otherwise, that will be required to re-establish the productive capacity of SCL through a mitigation measure.

There was considerable concern expressed in relation to the process for determining if a development meets certain criteria to be approved under exceptional circumstances provisions within a protection area, where such a project would ordinarily not be permitted to occur. Chief amongst these

concerns was that the definition of what constitutes exceptional circumstances is too vague. A proposed development may proceed on SCL in a protection area if it meets two exceptional circumstances criteria. The minister may approve a development if there is no alternative site for the development or if the project will provide an overwhelming and significant community benefit. However, the required value of the community benefit is not quantified, nor is the nature of it established by the bill. It should be noted that the bill states that 'significant community benefit' means 'an overwhelmingly significant opportunity of benefit to the state' and 'the benefit outweighs the state's interest in protecting the land as SCL'.

It is difficult to understand, then, how the provisions contained in chapter 4 can stand part of the bill—they facilitate development on SCL that will have a permanent impact on the productivity of the land—when they appear to be inconsistent with all of the stated purposes in chapter 1, being protecting land that is highly suitable for cropping and preserving the productive capacity of that land for future generations. Approving a development in a protection area under the exceptional circumstances clause, which will have a permanent impact on the SCL in question, is clearly inconsistent with the stated purpose of the bill, which is to protect land highly suitable for cropping, manage the impacts of the development on that land and preserve the productive capacity of the land for future generations. The contradiction is plain.

There were considerable concerns expressed in relation to the scientific and technical legitimacy of proposed measures in the bill to facilitate the restoration of the productivity of SCL after a development activity has ceased. The submission to the committee from Growcom, Queensland's peak representative body for the horticulture industry, in particular raised this issue. There were also considerable concerns expressed about the ability to accurately calculate the loss of productive capacity of SCL after a development activity is ceased.

In terms of the science of rehabilitating the productive capacity of SCL through the mitigation measures provided for in the bill, a number of submissions stated that there is no scientific evidence that this can occur, particularly on prime agricultural land. The provisions providing for mitigation measures to restore the productive capacity of SCL are a fundamental plank supporting the objectives of the bill. Evidence was given to the committee during the public hearing on the bill that, during the extended public consultation period on the government's SCL policy, no peer reviewed science documenting the successful rehabilitation of prime agricultural land was presented. This is extraordinary given that the provisions in chapter 5 of the bill are at least in part dependent on the assumption that SCL can be rehabilitated. I asked industry representatives at the committee hearing for their opinion about the science of rehabilitating strategic cropping land and what was able to be demonstrated at this time. Once again, the evidence from Mr Galligan, the CEO of the Queensland Farmers Federation, was particularly interesting. He said—

I think what Growcom has raised and a number of submissions have raised is that people have seen no evidence that gives them any confidence that restoration can happen, particularly in higher value cropping areas ... Once a decision is made to allow resource development to occur, nobody has given me or any of my members any information that demonstrates that rehabilitation would come back to a level that would be satisfactory.

Mr Brent Finlay, the President of AgForce, provided a similar opinion—

To my knowledge, nowhere in the world has land been repatriated back to its original state.

I put the following question directly to the industry representatives at the committee hearing—

Given that you represent a broad spectrum of the agricultural peak bodies representing industry in the rural sector in Queensland, when you were consulted on the development of this proposed legislation, you would have engaged in a discussion with the responsible departments from the Queensland government about the science of rehabilitation being successful. Surely they would have presented you with a body of peer review documented science about the success of rehabilitating strategic cropping land or prime agricultural land elsewhere around the world.

Mr Galligan, the CEO of the QFF, responded—

No. No evidence has been presented to the advisory committee in relation to rehabilitation.

If the provisions of chapter 5 are not supported by any peer reviewed science documenting the successful rehabilitation of SCL, these provisions are contrary to two stated purposes of the bill, being to manage the impacts of development on SCL and to preserve its productive capacity. If SCL is not to be rehabilitated, the impacts cannot be managed and SCL's productive capacity cannot be preserved.

There were considerable concerns expressed in relation to the transitional arrangements provided for in the bill that relate to developments that had met certain milestones in the assessment and approval process prior to 31 May this year. In that regard there was particular attention paid to the unique arrangements pertaining to the Springsure Creek coal project, where special transitional arrangements have been put in place. Evidence to the committee stated that Bandanna Energy's application did not meet the 31 May deadline for projects to have completed their EIS terms of reference to avoid being subject to the new SCL transitional arrangements. Indeed, officers from DERM appearing at the committee's public briefing confirmed that the government's policy decision to allow the Bandanna Energy application to proceed was outside the intent of the SCL transitional arrangement provisions. However, the committee was advised that this policy decision was justified on the basis that the application had been administratively completed save for its publication.

A submission by AgForce to the committee stated that the strategic cropping land advisory committee was briefed at a meeting on 2 June 2011 that, as the proponents Bandanna Energy had not finalised the terms of reference for its EIS prior to the government releasing its SCL policy, the Springsure Creek coal project would now be subject to the SCL framework as set out in the bill. The submission also states that, subsequent to and notwithstanding this advice, the government has since entered into special transitional arrangements with Bandanna Energy to allow the development to proceed outside the SCL framework, the details of which were outlined in correspondence to Bandanna Energy dated 6 June 2011 from the Treasurer and Minister for State Development and Trade. That correspondence was tabled by Mr Gavin Batcheler from HopgoodGanim, representing Bandanna Energy, during the committee's public hearing on the bill.

The unusual nature of these arrangements has undermined public confidence in the government's SCL policy. The Springsure Creek coal project is in a regulatory twilight zone. It is not subject to the processes that governed applications prior to 31 May, but equally it is not subject to the processes that have governed applications since 31 May. This unusual situation has implications for the integrity of chapter 9 of the bill, which provides for these transitional arrangements.

Having canvassed the major contentious issues in the bill, the dilemma facing the LNP becomes obvious. With parts of the bill seemingly in conflict with its stated purposes, with other parts of the bill seemingly failing to achieve its objectives, with some provisions of the bill included without justification, in the absence of science to support certain parts of the bill and with a regulatory nightmare undermining public confidence in the bill generally, the LNP's contention that the bill is flawed is well and truly substantiated. The dilemma, however, is that this government has failed to modernise the regulatory arrangements to properly manage the land-use competition between agriculture, mining and resources and urban development. Equally, this government has not afforded SCL a degree of protection by exercising its powers under the Mineral Resources Act, which allows the minister to apply a public interest test at every stage of the issuance of a mining tenement. Therefore, the LNP, while remaining of the view that the bill is flawed, will not oppose the passage of the bill to ensure that it informs decisions made on development applications on SCL in Queensland.

**Ms Nolan** interjected.

**Mr DEPUTY SPEAKER** (Mr Elmes): Order! Minister, I have been listening to what the member for Hinchinbrook has been saying very carefully. I do not consider that he has been in any way pejorative, so he should be heard in silence.

**Mr CRIPPS:** Thank you, Mr Deputy Speaker. It is our hope that in supporting the bill SCL is afforded a modicum of protection. It will certainly be a degree of protection that SCL has not been afforded previously, notwithstanding that the LNP and many communities and the agricultural sector in Queensland have for years been asking this government to address the escalating land-use competition across the state. While the LNP will not oppose this bill, to ensure that it informs decision making on new applications for mining and resource projects, offering SCL a degree of protection, it does not believe that the policy adequately protects SCL, and we remain committed to implementing our policy.

The LNP has adopted a policy of implementing a series of statutory regional plans that will provide for specific land-use mapping in individual regions, delivering certainty for local communities, landholders, the agriculture sector and the mining and resources sector. Statutory regional plans are an existing and understood planning tool that can be utilised to protect SCL. Statutory regional plans and the land-use maps attached to them take precedence over other planning instruments, such as local government planning schemes, unless otherwise provided for.

The SEQ Regional Plan and the FNQ Regional Plan are two existing regional plans that already have strict statutory land-use zones in force. These statutory regional plans will involve the development of land-use zones that define, regulate and control what land in certain zones can be used for or what it may not be used for in the future. Once zoned for particular land uses, the regional plans will deliver certainty to landholders and other stakeholders. The regional plans will clearly identify appropriate land uses in individual zones across the region, give proper statutory planning protection to strategic cropping land and establish suitable statutory separation distances between resource industry projects and other land uses that are incompatible, such as residential areas and agriculture.

The effect of statutory regional plans in establishing specific land-use zones is that planning authorities or regulatory agencies such as local councils or government departments are not able to accept an application for a proposed development activity that is not compatible with the dedicated land use in that zone. If an LNP government is elected, it will fast-track the development of statutory regional plans for the Darling Downs and the Central Queensland region encompassing the golden triangle, where the concerns relating to land-use competition between agriculture and mining and resource industries has been most acute.

The Bligh government does not intend to develop a statutory regional plan for the Darling Downs. Instead, it proposes only a Surat Basin Regional Planning Framework. Unusually, this is the only region in Queensland that is proposed to be covered by a regional planning framework as opposed to a regional plan. The final framework was released in July this year. This framework is not to be confused

with the draft Toowoomba Regional Planning Scheme. The draft Toowoomba Regional Planning Scheme is also not to be confused with a regional plan for the Darling Downs. It is a consolidation of the eight former local government planning schemes that existed in that region prior to the forced amalgamation of eight local government authorities by this government.

The stated purpose of the Surat Basin Regional Planning Framework is to manage sustainable regional growth in the area by setting directions and principles to inform future decision making and policy. A regional planning framework based on principles to inform future decision making is a far cry from the planning certainty required by local communities, landholders and the agriculture, mining and resource industries. The LNP's policy demonstrates our commitment to addressing as soon as possible the serious concerns of local communities and those industries that have an interest in achieving planning certainty and preserving the productive capacity of SCL for the future production of food and fibre in Queensland.

More recently the LNP has announced plans to develop the statutory regional land use planning maps for the Scenic Rim, where the issues of competing land use between agriculture and mining and resources is presently beginning to escalate. As part of the development of these statutory regional plans, an LNP government will ensure that SCL is carefully identified and mapped as a defined land-use zone. These zones will be mapped and defined using transparent and robust science to identify top-quality agricultural soils and extensive industry and community engagement in relation to other factors that make cropping land strategic.

As previously outlined, the LNP believes the eight soil criteria used by this government's bill to develop its legislation are technically sound as an assessment of soils but they fail to give consideration to a range of other factors that may make cropping land strategic and make it deserving of protection. An LNP government would make the identification of SCL a core part of the statutory regional planning process. The consultation process utilised by the current government in the development of the SEQ and FNQ regional plans was criticised for not adequately engaging local government, industry and local communities. An LNP government will give Queenslanders a greater say in regional planning processes so that local communities have more input into their futures. This will result in better regional plans being developed, accepted and supported by local communities in respect of a range of economic, social and environmental issues. Critically for the issue of SCL, this improved regional planning process involving extensive local community input will provide important feedback on the issue of land use.

The LNP believes the use of statutory regional plans will enable individual plans to more accurately reflect regional variations in what ought to qualify as SCL. This bill establishes five regional cropping zones—western, eastern Darling Downs, Granite Belt, coastal and Wet Tropics—a number of which are geographically extensive. While some of the zones encompass large latitudinal variations, others cover areas that have significant altitudinal differences. Furthermore, peak agricultural industry groups have pointed out that favourable climactic conditions, as well as the existence of microclimates, or land with an advantageous aspect, being natural protection from frost or naturally good drainage, can also contribute towards certain areas legitimately being considered as SCL. As such, the narrow use of the eight criteria pertaining to the physical characteristics of soil and the questionable cropping history test used to identify SCL in this bill risk overlooking areas that deserve protection. The five regional cropping zones fail to adequately recognise regional variations within the zone.

In contrast, the LNP's plan to use statutory regional plans to establish strategic cropping land zones as part of land-use maps attached to those plans will ensure individual plans accurately reflect the regional variation in what qualifies as SCL. This regional flexibility will maximise the SCL protected for food and fibre production. Once strategic cropping land zones are established in a statutory regional plan, planning authorities or regulatory agencies such as councils or government departments would be unable to accept an application for a development activity that is not compatible with the cropping activity being pursued in that zone. Consistent with its long held and often repeated commitment to the protection of prime agricultural land, now referred to as SCL, an LNP government will implement its policy to establish statutory regional plans that include strategic cropping land zones. These zones will offer the highest level of protection to SCL, as I mentioned earlier, by prohibiting the development of any further open-cut mining projects on land zoned as strategic cropping land and prohibiting the development of any further underground mining, coal seam gas or other resource industry project on land zoned as strategic cropping land if it is likely to have a significant adverse impact on the productive capacity of that land to produce food and fibre in the future.

These tests were outlined in the LNP's strategic plan for agriculture. Determining if an industry project is likely to have a significant or adverse impact on the productive capacity of land to produce food and fibre in the future will involve information drawn from the consultation process during the development of an individual statutory regional plan and input from independent experts. The LNP made it clear as long ago as 2008 that our commitment to protecting strategic cropping land would be a very important factor in the public interest test applied by an LNP minister at every stage of a mining or gas project application process through its exploration, development and operational phase. The LNP wanted to make the mining and gas sectors understand at that time that under an LNP government an

LNP minister would use the public interest test to give paramount consideration to the productive capacity of the land in question. The LNP intends to apply this approach in government with its own SCL framework, its statutory regional planning framework, to projects in areas of strategic cropping land that currently hold a lease, permit or licence in the event the proponents make an application to move to the next phase of the project. In doing so the LNP will seek to achieve the right balance in this difficult area of public policy.

The LNP believes that this bill is flawed. However, we will not oppose it for the reasons that I have outlined. Labor has been dragged kicking and screaming by the LNP and by many stakeholder groups in the community to take action to protect SCL. We have outlined our alternative policy and we are committed to implementing it should we have an opportunity to do so in government. The need to move this bill through the House to give strategic cropping land at least a modicum of protection has been called for by a wide range of stakeholder groups in the community making submissions to the committee and they have asked, with grave reservations about the technical, administrative and scientific provisions in this bill, for us to pass the bill so that it at least provides some modicum of protection. For that reason the LNP will not oppose this bill.

 **Mr SPRINGBORG** (Southern Downs—LNP) (9.07 pm): The only thing positive about this bill is the fact that it seeks in some way to protect strategic cropping land. However, the machinery of the legislation fundamentally lets it down in so many ways. Many of those things have already been demonstrated by the member for Hinchinbrook in his contribution this evening. I have had many discussions over the last few weeks with people in rural industry organisations and also town-planners when it comes to the particular provisions of this legislation. There has been quite extensive discussion on the many flaws of this legislation. Those people have indicated to me that, whilst there are so many flaws in it, the best thing we can do is to support it and sort it out along the way. I will demonstrate to honourable members opposite as I make my contribution some of the areas where it is fundamentally flawed.

There are so many areas where the legislation is fundamentally flawed. It seeks to give the impression that that which is defined as strategic cropping land across various parts of Queensland is going to be protected from particular developments that will destroy its original values—that is, its capacity to be productive for food and fibre production in the future.

Indeed, the bill falls down because in exceptional circumstances it leaves those areas open to developments that may impact upon the ongoing or long-term values of the land. As the honourable member for Hinchinbrook pointed out earlier, it does not consider that outside of the protection area, in the management area, there are many parcels of land that are equally as good as those that are in the protection area. Whilst they meet all the criteria—indeed, they meet exactly the same criteria—they are not protected in the same way as that land in the protection area. The regional planning process is a far better way to overlay and protect the land not protected as strategic cropping land.

Indeed, many people are of the view that strategic cropping land is going to be protected from coal seam gas development. As the minister herself said earlier in responding to the committee's report, and as has been pointed out in many of the other discussions on this bill, SCL is not protected from coal seam gas development. Indeed, you may be lucky, if they cannot trigger the exceptional circumstances provision, to have open-cut mining ruled out on strategic cropping land.

That is why the LNP's proposal and process for a regional planning framework is far superior. Not only does it lay down and identify strategic cropping land and seek to protect that land; it also recognises that there are regional frameworks and regional areas in Queensland where land should be protected from particular types of development, whether it be coal seam gas in its entirety or other types of development that may be considered to be abhorrent or inconsistent with the footprint that is being developed in that regional planning framework, through consultation with the local councils, local industry groups and the local community. Members have to understand that, particularly in South-East Queensland, there are many areas of land that may not be protected from resource or energy development by strategic cropping land legislation but that would be protected through a regional planning framework because there are many social considerations.

The government has been running around Queensland saying that it is going to protect communities with populations of more than 1,000 persons from mining exploration within two kilometres of their boundary. Those sorts of considerations should also apply to farming areas that are not caught up in the SCL legislation that is going to pass through this House either later tonight or tomorrow. It is only right that the government considers an appropriate place, through proper planning policy, where resources and energy should be developed over and above a strategic cropping land framework. Basically, 80 per cent to 85 per cent of Queensland is available for exploration and potential mining development or energy development. Why shouldn't it be the case that we look at an area much larger than the 2.5 per cent, or thereabouts, proposed through the SCL that should be protected for future generations through criteria over and above that laid down in the framework we are debating here tonight?

I have some very serious reservations about the criteria that are being used to define strategic cropping land. Indeed, the initial trigger of an area's cropping history can be fundamentally flawed. I note that the legislation indicates that there needs to be cropping history continuity for three of the past 12 years. I give the example of our property, where there is always some degree of cropping going on. My late father would routinely take areas out of cropping for up to 10 or 15 years to allow them to regrass and to allow the carbon content to build up in the soil. That soil would then regenerate and the land would go back into a cropping rotation. From reading the legislation, I understand that if there is evidence of continuous cropping on a property, notwithstanding that rotation, it could still trigger the initial categorisation of strategic cropping land. However, I ask the government and the minister to consider that there probably are landholders who take their land out of cropping production for a period and go into grazing, and then it may go back into cropping. That is good soil management practice. It makes a lot of sense to do something along those lines.

The five per cent criteria for slope has very many failings. On the Granite Belt there are highly productive areas that have a gradient of more than five per cent. Those areas are highly productive, yet they would not be categorised as strategic cropping land under the slope criteria outlined today. That needs to be properly considered by the government.

The process for assessment of strategic cropping land is very complex and convoluted, but it does not consider all of the idiosyncrasies of various soil types. You may not have the most fertile soil in Queensland, you may not have soil with an ideal pH or you may not have soil with the ideal moisture-holding capacity; however, you can use modern farming techniques, plant the right types of crops and note the environmental considerations. For example, in the Granite Belt, because of the milder summer climate, you can grow vegetables at a time when other areas in Queensland are too hot to grow them, yet you may not meet the other criteria. Therefore, I think the criteria are far too strident and do not take into consideration the peculiarities of different areas across Queensland.

Tonight the minister and other members opposite have been making many interjections about how beneficial the legislation is, asking, 'What are the problems with it?' Only a few weeks ago I pointed out quite publicly a number of the serious failings of the legislation. One of them was that you cannot build a packing shed or any other shed with a floor area over 750 square metres unless you can meet the exceptional circumstances test. On the Granite Belt and in other areas in my electorate there are any number of primary producers who have packing sheds and other sheds with floor areas greater than 750 square metres. Indeed, some of them have sheds with floor areas three or four times that size. The government never considered that through its so-called protracted process of negotiation with the stakeholders. I cannot believe that that was missed in the original consideration of the legislation.

Similar issues in SCL areas—for example, putting a second residence on a farming property or putting a restaurant on the back of a winery—were also excluded from the government's original strategy. That shows how hamfisted and badly put together it is. It shows how little the government understands the various issues associated with the protection of strategic cropping land. We must allow for ongoing rural practices, such as building a second residence, a shed of more than 750 square metres or other development on the property, for the innovation and ongoing sustenance of agriculture. Those are the fundamental flaws that have led to the many problems with this legislation. They will have to be ironed out down the track, notwithstanding that it is a very idealistic and supported principle.

 **Mr SEENEY** (Callide—LNP) (Leader of the Opposition) (9.17 pm): I rise to make a contribution to the consideration of the Strategic Cropping Land Bill 2011. At the outset I congratulate the shadow minister and member for Hinchinbrook for the great contribution that he made to the consideration of this bill and, indeed, for his dissection of what is a very complex and complicated issue. It stands in stark contrast to the contributions of the minister, the member for Ipswich, and the former minister, the member for Ashgrove. Tonight in this House the contributions of those two members have been appalling. The shrieking, shrill interjections yelled across the House by the minister and the former minister—the puerile and stupid interjections that those two members have contributed to the debate tonight—illustrate beyond words why this government has dealt so poorly with this issue. In recent times those two members have been responsible not just for the strategic cropping land issue but also for the administration of the natural resources portfolio. What a disgrace that this is the best the Labor government can do in relation to the administration of natural resources in Queensland. These two disgraceful contributions that have been made tonight illustrate why the administration of natural resources and the administration of the resources industry itself in Queensland has become one of the stand-out failures of the Bligh Labor government.

The resources industry has been an enormously important industry for Queensland. The agriculture industry has been an enormously important industry for Queensland. But it became apparent as far back as five years ago that there were land-use conflicts which had to be addressed, which should have been addressed by a responsible government, to protect those two great industries, to allow them to operate in a harmonious fashion together and to continue to make the huge contribution that they do, not just to the Queensland economy but also to every Queenslanders.

The dozy ministers who were responsible for the administration of this particular part of the state government's responsibility could not recognise the need to act, just as they cannot tonight in this parliament recognise the complexities of the issue that have been outlined by the member for Hinchinbrook and the member for Southern Downs. They could not recognise the issue. They could not see the challenge that was there for any responsible government to make sure that these land-use conflicts were resolved before they became a major issue for the Queensland community.

But of course they did not act. They did not act when they should have seen the problem for themselves. They did not act when the problem was raised in this parliament. It was raised in this parliament first by me in 2008 at the regional sitting of parliament in Cairns. I made the speech that the member for Hinchinbrook quoted. That was the first time it was raised in this parliament in a formal way. That was the first time the government was called upon to act. But it had been the subject of considerable community debate for some considerable time before that. Not only did the government not wake up to the fact that it had a responsibility; it completely rejected the call that was made to act on it in 2008.

The LNP made it very clear in 2008 that we would act to protect our special agricultural areas, that we would act to ensure that those land-use conflicts were resolved. We made it very clear that we would move to ensure that those land-use conflicts did not prevent the development and the harmonious operation of those two great industries.

As the member for Hinchinbrook outlined in his contribution, we have continued to develop the frameworks to do just that. We have continued to urge the government, in the nearly four years that have passed since we made that first call in this parliament for the government to act, to put in place the type of land-use protections that were required. Of course the government has dithered. The member for Ashgrove and the member for Ipswich both showed a remarkable ability to progress slowly—to go round and round in circles and achieve not very much at all.

As the two members who have spoken before me have illustrated so clearly, the piece of legislation that they have finally brought into this parliament is fundamentally flawed. They are not my words, not the words of the member for Hinchinbrook, not the words of the member for Southern Downs, but the words of every stakeholder group that appeared before the committee and made a submission. Every stakeholder group had the same message for the incompetent minister and the incompetent minister's incompetent predecessor. Every stakeholder group had the same message—that is, that this legislation is fundamentally flawed but after four years of waiting it is better than nothing. After four long years of waiting, it is better than nothing. That is the fundamental message that the stakeholders brought to the committee and that is reflected in the committee's report to this House.

We will not oppose the passage of this legislation through the House because it is better than nothing, but it is a long way short of what it should be. The people of Queensland need to understand that, given the chance, the LNP will put in place a statutory regional planning process that will be about resolving these land-use conflicts. It will be about land use, not just about the land itself. It will not be just about the soil. It will not be about a number of soil criteria. It will be a proper planning process—the type of planning process that should have been put in place years ago. It will be the type of planning process that allows communities to have an input into deciding what is an appropriate land use in particular parts of their communities. We will ask the communities, local governments, stakeholder groups and industry groups to have an input into deciding what is appropriate land use and what is not appropriate land use for defined land-use zones. That is the type of planning instrument that is commonplace across urban areas. There would not be a significant urban area in Australia that does not have that type of planning instrument in place.

Just as people living in the suburbs of Ashgrove or Ipswich deserve to be protected against inappropriate competing land use being established in the middle of their suburb, just as they deserve to be protected against a factory, a tannery or something being established in the middle of an urban area, so the people who live in rural and regional Queensland deserve to be protected from having inappropriate land uses established in their prime agricultural areas, in their rural residential areas and, indeed, in and near their urban areas. That is what this government has allowed to happen. That is why we have seen the sorts of protests we have seen in places like Toowoomba, Gowrie and the Scenic Rim shires and across the prime agricultural lands of the Darling Downs and Central Queensland. This government has not understood the need to ensure that competing land uses do not give rise to that sort of community conflict; we do. On this side of the parliament we do and we have and we will.

We did as far back as 2008 call on the government to act. We have put forward a policy that outlines our regional planning process—the statutory regional planning process that this government was prepared to use to protect areas of vegetation in North Queensland. It was prepared to put in place a statutory regional plan there to protect what it calls areas of special ecological significance, but it was not prepared to produce the same planning instruments to protect special agricultural areas, to protect rural residential areas and to protect urban communities. The government mocks our suggestion that that same planning process be used to protect people and agricultural lands—such is its failure to

understand the problem, such is its failure to understand the responsibility of a government to ensure that these types of planning processes are in place long before the land-use conflicts arise. The LNP will fix the mess that the Labor government has made. We will fix the problem that it has ignored for so long.

*(Time expired)*

**Mrs SULLIVAN** (Pumicestone—ALP) (9.28 pm): I rise to support the Strategic Cropping Land Bill 2011, which seeks to protect strategic cropping land for the future of this state. In recent times Queensland's cropping land resources have been subject to increasing land-use competition across some of the state's most important economic sectors, including the resources, agriculture and urban development sectors.

I want to take this opportunity to thank the minister and all of those people who had an input into this legislation. I am told that it has required a substantial amount of time. It has been quite tough. There have been a lot of hiccups along the way, but this legislation is actually unprecedented. We had nothing to copy from. I know from talking to other people that other states are actually looking to implement legislation similar to this. They will copy our legislation and make changes along the way.

In recent times Queensland's cropping land resources have been subjected to increasing land competition. The competition is driven by increased global demand for energy, food and fibre as well as Queensland's population growth. Development of the mining, petroleum and gas industries generates significant economic benefits for Queensland, and these industries generate employment and provide royalties used for essential services such as hospitals, schools, roads, housing, public transport and sporting facilities for all Queenslanders. Food and fibre industries are also key components of the Queensland economy. Availability of the land resources is critical in allowing the agriculture sector and associated regional and rural communities to adapt and respond to shifts in market.

Queensland has a longstanding intent to protect cropping land. The State Planning Policy 1/92 (Development and the Conservation of Agricultural Land) Order, SPP 1/92, provides protection for land identified as good-quality agricultural land through local government planning schemes under the Sustainable Planning Act 2009. A 2009 review of SPP 1/92 identified urban development and mining as continued threats to good-quality agricultural land. Urban threats include the physical encroachment of urban uses such as urban subdivisions and the cumulative effect of urban influences in the form of rural lifestyle developments. And who plans these subdivisions? Of course it is councils. I would dare say that if the LNP really were interested in protecting good agricultural cropping land for the future they would talk to their councils about putting ad hoc development outside the town plans.

**Mr Seeney** interjected.

**Mrs SULLIVAN:** They have been doing it for years, and the member knows it. SPP 1/92 only applies under the Sustainable Planning Act 2009 and so does not apply to the resources sector, exploration and production proposals.

Now I would like to tell honourable members why we initiated these changes. Public concern over land-use conflict has increased markedly over recent years with the rapid expansion of exploration for resources, coal, coal seam gas and liquefied natural gas. The need to consider a new policy response is evident from the recent statistics of resources activity across the state. The area of Queensland covered by various forms of authorities to explore for resources including coal, minerals, gas and petroleum was some 59.6 million hectares of granted exploration tenures, or 34 per cent, in 2007. However, in 2011 there is now 73.3 million hectares of granted exploration tenures, or 43.3 per cent of the state. In addition to these granted exploration tenures, there is a further 50.6 million hectares subject to exploration applications. This equates to 123 million hectares, or 70 per cent of the state, which currently has either a granted tenure or an application to grant a tenure for exploration. In terms of resources activity on areas mapped on the strategic cropping land trigger map as potential strategic cropping land, about 6.4 million hectares, or 84.5 per cent, of potential strategic cropping land currently has an application or granted tenure for resource exploration, development or production. So now is the time to act.

I want to now concentrate my remarks on the issue of policy development. Because this is such important legislation, it is imperative that we get it right. We did this by consulting with communities, scientists and industry leaders, by listening to their views and by striking a balance between interests. That is not an easy thing to do when you are in government. When you are in opposition it is easy, because members can have a bob each way.

**Mr Cripps:** No, we're very clear.

**Mrs SULLIVAN:** A stakeholder advisory committee has been integral in providing input—and the member for Hinchinbrook knows that they are having a bob each way because he added a statement of reservation to the report. However, he does support the bill; he just does not support every single part of the clauses in the bill.

**Mr Cripps:** I think I outlined that pretty clearly.

**Mrs SULLIVAN:** I take the member's interjection. A stakeholder advisory committee has been integral in providing input into the development of the framework, the public has been kept informed and had a number of opportunities to provide feedback, and government agencies have worked together to deliver this landmark legislation. I think the member for Hinchinbrook wants to go back about 20 years, when everything was simply bulldozed. Nobody was consulted about anything during the Joh era. However, we work differently.

The extensive consultation undertaken has resulted in a framework that will allow important economic development to continue while protecting the best cropping land for future generations. This is provided for in the bill through, firstly, scientifically rigorous criteria for identifying strategic cropping land at a property level; secondly, two protection areas in Central and Southern Queensland that provide the highest level of protection for strategic cropping land; thirdly, a management area that will be strongly managed by requiring proponents to avoid, minimise and mitigate impacts on strategic cropping land; fourthly, mitigation measures to address the loss of productivity that occurs when strategic cropping land is permanently impacted; fifthly, transitional arrangements for undecided resource applications in order to provide a level of certainty for proponents; and, sixthly, strong compliance and enforcement provisions to ensure our best cropping land is protected.

This new strategic cropping land legislation is part of a comprehensive package of initiatives that this government is putting in place to ensure Queensland can prosper from the expanding mining, petroleum and gas industries while ensuring our best cropping land is protected, our regional towns are protected and Queensland's unique environment is also protected, along with water resources.

This bill is part of a whole-of-government package that includes, firstly, the land access framework that sets out important policy and legislative reform to foster improved relationships between the agriculture and resource sectors; secondly, a halt on any new applications for resource exploration in and around urban areas while government consults on a longer term solution; thirdly, the Surat Basin Future Directions Statement that sets out an effective framework to shape a prosperous and sustainable Surat Basin region; fourthly, a tough regulatory framework for coal seam gas activities to protect groundwater interests for landholders and ensure long-term aquifer stability; and, fifthly, the green-tape reduction project, which will streamline, integrate and coordinate environmental regulatory requirements for resource activities.

This bill demonstrates that the government is prepared to listen and respond to community and industry concerns. However, no legislation can cover or compensate every single individual circumstance. This bill is a result of extensive consultation and is based on robust, evidence based science. Provisions are written into the bill to ensure it remains current and achieves the government's policy intent; namely, that the legislation must be reviewed two years after commencement and that a scientific and technical implementation committee be established to provide independent advice on administration of the act in relation to soil and land resources. This landmark bill strikes the balance between protecting an important finite resource—that is, strategic cropping land—while allowing the state to continue to prosper from development of our mineral, petroleum and gas resources.

There were 55 submissions to our committee, the Environment, Agriculture, Resources and Energy Committee, which I chair. I take this opportunity to thank those submitters who put in some very comprehensive submissions. I also want to thank the Department of Environment and Resource Management officers for their very comprehensive briefing. If anybody wants any further information on the Strategic Cropping Land Bill I suggest they go to the DERM website, [www.derm.qld.gov.au](http://www.derm.qld.gov.au). There is some more information on that website.

The EAREC report made two recommendations. One, of course, was that the bill be passed, but we did ask that the minister clarify some clauses and give some assurances to the committee about various aspects of the clauses. We did make another recommendation—that chapter 4, part 2 be redrafted to clarify meaning and remove ambiguity from the application of the exceptional circumstances test. I look forward to hearing the minister's summation. I am very keen for her to address the issues we have brought to her attention in the report. I commend the report; it is a good read. I also commend the bill to the House.

 **Mr DEMPSEY** (Bundaberg—LNP) (9.39 pm): The Strategic Cropping Land Bill 2011 is an important bill to all Queenslanders. I would first like to place on the record my appreciation for the great work that has been done, particularly by my colleague the member for Hinchinbrook, in examining this legislation for the benefit of our agricultural industries. This legislation has been led by the opposition, through my colleague the member for Hinchinbrook as the shadow minister for agriculture, because that is what this legislation is meant to do—protect Queensland's best agricultural land.

**Mr O'Brien** interjected.

**Mr DEMPSEY:** The LNP has pushed over a long period of time the need for better protection—

**Mr O'Brien** interjected.

**Mr DEPUTY SPEAKER** (Mr Ryan): Order! We will wait for the House to come to order. Member for Cook, it is highly disorderly to be interjecting across the chamber. The member for Bundaberg has the call.

**Mr DEMPSEY:** The LNP has pushed over a long period of time the need for better protection for cropping land for the future generations of all Queenslanders, and this strategic cropping land legislation has been a long time coming.

**Mr Rickuss** interjected.

**Mr O'Brien** interjected.

**Mr DEPUTY SPEAKER:** Member for Lockyer! Member for Cook! I will start to warn members under the standing orders if they do not respect the member for Bundaberg's right to speak in this place.

**Mr Rickuss** interjected.

**Mr DEPUTY SPEAKER:** Order! Member for Lockyer, you are on your final warning.

**Mr DEMPSEY:** I take this opportunity to again put on the record and remind Queenslanders that this Labor government has been in place for 20 of the past 22 years. It has had ample time to consult, prepare and protect our best cropping land but it has failed to do anything of the kind until now.

The Strategic Cropping Land Bill has been instigated in response to community concerns about the encroachment of mining and resource industries on the most productive cropping land in Queensland. These industries existed in Queensland before this parliament was formed and are represented on the coat of arms behind you, Mr Deputy Speaker, in the bottom right-hand corner, from 1893 when it represented one of the great wealths of this state. It is, however, interesting to note that the greatest loss of cropping land is coming from urban encroachment—housing and industrial development—rather than from mining encroachment. This is a fact, although again the government has failed to keep track of how much land is being affected and by what industries. It is significant to note that 73 per cent of the state is affected, as the previous speaker highlighted. But we have to make a clarification that that percentage of land is currently under exploration permits, not under mining leases as such.

The LNP certainly recognises the need to protect Queensland's strategic cropping land from development for future generations. According to the World Bank, 44 million people worldwide were driven into poverty by rising food prices in the second half of 2010 alone. I was recently at a function where it was predicted that the world's population would grow from seven billion to nine billion by 2050. That is less than 40 years away. This will equate to the need for a city the size of Brisbane to be constructed every two weeks and will have an enormous impact on the need for food and resources. In this day and age we need to be working to bring more people out of poverty, not driving people into it. In food supply, as with other products, it is a case of increasing supply to meet demand and the significant demands that we will have in the future.

Queensland can play a strong role in making sure Australia and the world have food security for the future. We in the LNP have a genuine interest in growing agriculture and the LNP have committed to a 30-year plan to double food production in Queensland in our agricultural strategy released recently. That is why the LNP has pushed this so hard and why we are so interested in making sure that the right solutions are put in place.

The LNP supports a more productive future for farming, and Queenslanders know that they can trust this side of the House to find a proper balance between this and our fast growing resources industry which we need to keep growing and producing jobs, royalties and all of those benefits for our state. Labor has had 20 long years to plan but has continued to introduce stopgap measures obviously in reaction to political ideology which has been a barrier for Labor over a number of years.

I would like to put on the record my strong view that this form of strategic cropping land legislation is not the ideal way to achieve the desired outcome. Like much of Labor's legislation playing at the edges of addressing issues in the mining and resource industry and its development, and like many of the laws brought forward in the recent past, this legislation has been rushed in the final consultation phase and formulation of the bill with key stakeholders such as the Queensland Farmers Federation, AgForce and the mining industry. One such comment is from the QRC. Andrew Barger from the QRC said in his testimony to the committee—

... it has been a rush. Although the process has been long and gruelling, the preparation of the bill has been a real pressure cooker. The symptom of that is that there has not been much time for all the people you have seen and will see later this afternoon who have put a lot of time and energy into this to get across the bill. It is a complicated bill. It is a messy intersection of science, of agricultural business, of resource business. It requires a lot of expertise. It is not an easy bill to draft. It is not the sort of thing you want to do in a rush. It is an important bill. It regulates Queensland's two major export industries—agriculture and resources. They are the two pillars that have kept Queensland afloat during the financial crisis. What you are doing is you are altering the balance of property rights between those industries. Again, that is not something you necessarily want to do on the fly.

I agree with those comments. It appears to me, as it does to the industry, that this bill is another ad hoc, knee-jerk or oversimplified response to what is a very complicated problem. The LNP are supporting the legislation because we support what it aims to do, not necessarily because we think this

is the best way to achieve the desired outcomes. It is a bit like hopping over a short fence before you get to another larger fence, as described previously by another member in the House. At least you get over the first barrier.

As indicated by my colleague the member for Hinchinbrook, we support the stated aim of this legislation—the use of planning and development powers to manage development impacts in identified areas to protect strategic cropping land from developments that will have a permanent impact on it or diminish the productivity of the land. This side of the House is on the side of improving outcomes in Queensland agriculture. Our LNP policy is to protect strategic cropping land. We have made it clear we will not allow open-cut mining on strategic cropping land. We will not allow underground mining, coal seam gas activity or other development on strategic cropping land if it is likely to have a significant adverse impact on the productive capacity of that land to produce food and fibre in the future. Our policy on this is crystal clear. However, we would like to have this protection implemented in a much clearer way.

In the meantime this legislation provides a level of protection for the very best cropping land as identified as strategic cropping land. It is better than having no protection at all in place for this valuable land. The shadow minister for agriculture has been through the issues and anomalies associated with implementing the eight soil criteria, the cropping history requirements and the discrepancies between the identified protection areas and the management areas. These are issues that deserve proper examination and strong responses from the government as this debate continues this evening.

Our LNP plan to protect strategic cropping land will also identify and protect this valuable resource under an improved system of statutory regional land-use planning. We know that this Labor administration has failed to plan properly for the future, and this has resulted in planning and development at a regional level that has been ad hoc and patchy to say the least. The lack of planning by Labor has meant that early opportunities to reduce land-use conflicts between the rapidly growing resources sector and other sectors were missed.

The lack of cohesive strategic plans for each region has not only resulted in poor local planning outcomes but also restricted the ability of governments at all levels to coordinate program delivery and policy in a way that maximises benefits for regional communities. This Labor government has taken 20 long years to release a draft Queensland infrastructure program for consultation, revealing an estimated unfunded infrastructure deficit in excess of \$150 billion.

A robust and consultative statutory regional planning framework is what is needed. It would allow policy to be tailored to regional variations; just as importantly, it would allow regional communities to make a contribution to the framework during the consultation phase so that each plan best matches that particular community's aspirations.

Importantly for the industries that I am most interested in as the shadow minister for mining and resource management, statutory regional planning will help to deliver improved certainty for investors in these industries. Certainty in mining and resource investment is something that has been slowly slipping away under this government. We have seen the Fraser Institute figures—which the minister obviously did not like—which show that Queensland has slipped from a ranking of eighth and highest in Australia to 38th and lowest in Australia since 2006-07.

The LNP resources and energy strategy promises to return certainty to the industry in return for the world's best environmental and social outcomes. The LNP will develop statutory regional plans that clearly identify appropriate land use across each region. These statutory regional plans will not just protect strategic cropping land; they will map out the economic and social infrastructure needs of each region to foster economic and community opportunities into the future.

A thorough consultative planning process will not stop at mapping and protecting strategic cropping land and other priority land uses. It will identify existing and emerging issues as well as wider policy requirements by also identifying infrastructure needs for developing industry and communities; planning for social infrastructure, such as schools, police and health services; identifying workforce and skills demands for the future; planning housing development needs to accommodate future workforces; ensuring local input into the management of land-use conflicts; and coordinating state and federal policy with local government planning. Different regions will of course have different economic and social strengths and issues. Others might have increased resources developments and others might be historically agricultural regions but seeking to manage the impacts of new development opportunities.

Statutory regional plans are an existing planning tool that can be utilised—for example, to protect strategic cropping land. Only through a robust and comprehensive statutory regional planning program can local aspirations be matched with the demands not only of agriculture but also of the LNP's other three pillars of resources, tourism and construction and the flow-on opportunities in other sectors. Just as statutory regional planning provides an avenue for communities to ensure their aspirations are taken into account, the process also provides improved certainty for industry stakeholders and investors by reducing the likelihood of ad hoc legislative responses to emerging issues, including possible encroachment of strategic cropping land that could have been avoided by better planning.

The LNP's statutory regional planning framework will mean all stakeholders will have a much clearer understanding of planning demands and restrictions for regions they propose to operate and particularly invest in. From our regional plans, the LNP will be able to ensure that state-wide strategies are consistent with regional needs and that the Public Service has a clear and mapped out understanding of the needs of each region as they develop policy and service delivery responses.

The LNP will deliver certainty for landholders, local communities and industries through the implementation of statutory regional plans with specific land-use mapping in individual regions. The South East Queensland Regional Plan and the Far North Queensland Regional Plan are two existing regional plans that already include strict statutory land-use zones. The LNP believes that other regions deserve equivalent protection and the certainty and security that can come with that protection. The LNP's statutory regional plans will involve the development of land-use zones to define, regulate and control what land in certain zones can be used for and what it may or may not be used for in the future. Once zoned for particular land uses, the regional plans will deliver certainty for landholders and other stakeholders.

Under the LNP, regional plans will clearly identify appropriate land uses in individual zones across the region, give proper statutory planning protection to strategic cropping land and establish suitable statutory separation distances between resource industry projects and other land uses that are incompatible, such as residential areas. The effect of statutory regional plans in establishing specific land-use zones is that planning authorities or regulatory agencies, such as local councils or government departments, are not able to accept an application for a proposed development activity that is not compliant with the land use mapped out in that zone. Because of the particular issues in relation to the coal seam gas industry and concerns raised about the conflict between resource development and the need to preserve strategic cropping land, the LNP will fast-track statutory regional plans for the Darling Downs and golden triangle regions and we will prioritise land-use planning for the Scenic Rim, with other regional plans to follow.

Unlike the current Labor government—which is tired after 20 years—the LNP will plan for the future, not simply live for the moment. As a result, Queensland communities can help shape their future while providing for investors and industry stakeholders. Having said this, the LNP supports the Strategic Cropping Land Bill with reservations. The bill gives a level of protection which has not been provided to date by this Labor government, so it is a step in the right direction.

In summing up, I wish to quote a statement made to the committee by the Queensland Resources Council. When asked if they thought the government's bill achieves what it set out to achieve when it started two years ago, Mr Barger from the QRC said—

Once the government had made a policy decision that they wanted to inject a new decision process at the point of applying for tenure, having made that policy decision in 2009, you really need something that looks like a strategic cropping land bill. Absent that policy decision, you could easily envisage an alternative approach where you conditioned environmental impact assessments or you empowered regional planning or you funded the department of primary industries to get out and do some really good soil work so you had a basis for making decisions.

The LNP believes that empowering regional planning to identify and protect strategic cropping land is the right direction to be heading in. In the meantime, I commend the bill to the House. I thank the secretariat and all those who provided submissions. They were quite significant submissions, with some being up to 70 pages. Once again, I thank all those involved.

Debate, on motion of Mr Dempsey, adjourned.

## ADJOURNMENT

 **Hon. RG NOLAN** (Ipswich—ALP) (Acting Leader of the House) (9.58 pm): I move—  
That the House do now adjourn.

### Gold Coast, Party Houses

 **Mr STEVENS** (Mermaid Beach—LNP) (9.58 pm): There is great news for long-suffering neighbours of so-called party houses on the Gold Coast and in other areas of Queensland should Campbell Newman's LNP team become the government at next March's state election. Campbell Newman has guaranteed that if he leads the next government he will introduce state government legislation that will empower local councils to outlaw these party houses in inappropriate locations. It is simple stuff—no ifs, no buts, no local council excuses, no exemptions for existing party houses, no buck-passing between the state government and local council and, most importantly, no party houses behaving badly in suburban residential areas.

For three years I have been relentlessly hounding the fact that this party house problem has always been a local government town planning matter. If the LNP is elected to govern Queensland, the legislative requirements will be enacted to give local councils the power in their town plans to ban these

houses. Legitimate short-term accommodation tourism rental properties should also be rejoicing at the Campbell Newman pledge, as these backdoor, unapproved suburban operators are stealing business away from them in a difficult tourism economic downturn.

Martin Winter, the CEO of Gold Coast Tourism, has been unequivocal in his opposition to these party houses and the Campbell Newman commitment must come as a great relief to the frustrations that he has encountered at both a local government and state government level. I note that the Gold Coast City Council has made certain utterances in relation to the party houses since Campbell Newman made his pledge. I would remind that council of the three years in which it has been floundering to come up with a solution to party houses. I would also remind that council of its ignoring of the unanimous resolution of the committee set up by Mayor Ron Clarke to address party houses and I would remind that council of the flat rejection by this Bligh Labor state government of its overtures to legislate to fix the problem.

Only a can-do Campbell Newman government can deliver a positive legislative resolution to this long-term town planning problem of party houses. It behoves the Gold Coast City Council to follow to the letter of the law the solution to be provided by an LNP government should it win in March next year and change its town plan under new legislative arrangements to give effect to legally enforceable prohibition orders on party houses. There will be no excuses accepted by long-suffering Gold Coast City Council party house neighbours. Current and future party house owners will not go quietly. They have already registered a major win in the courts over the Sunshine Coast Council under the current legislative framework.

### Disability Services, Young People

 **Mrs ATTWOOD** (Mount Ommaney—ALP) (10.01 pm): Currently, there are over 6,500 young Australians living in aged care simply because there are very limited alternatives. A further 700,000 are being cared for at home by family or friends. In most cases the specific needs of young people living in aged care will not be met but will vastly differ from those of elderly residents. Social isolation associated with these young people means that there is an increased incidence of depression. Many relationships involving the full-time care of a young person will end in divorce. The family and those around them are also under great pressure and strain, with many having the lowest level of wellbeing of any group in society.

I am very proud that Youngcare first set up facilities for young people needing 24-hour care in the electorate of Mount Ommaney. Many years ago I lobbied my government for capital and recurrent funding to make this facility a reality. Youngcare believes that there is a need to raise awareness and to create real choices in care options for young Australians with these specific needs to give them the opportunities to get the care specific to their needs, to have friends around them like other young people, to access local services and to have social outings.

It is sad that a young local politician in my electorate does not take these young people's needs seriously in recently misleading residents of Youngcare in my electorate into thinking that they would get a safe crossing on Seventeen Mile Rocks Road to access local shops. It is extremely disappointing that playing politics gets in the way of genuinely helping people get on with their lives in the best way they can.

There are some great people and organisations in my local area who make representations to me about improving facilities for people with disabilities. The Mount Ommaney Special School was concerned about the pick-up and drop-off area near its preschool. Sometime later, after talking to the Minister for Education, extra funding was provided to construct a circular driveway where parents could drop off their little ones knowing that they would be safe from other vehicles reversing out of the car parks. The school was recently successful in obtaining funding of \$50,000 from the National Australia Bank to create a high-quality drama program in partnership with the Song Room. That funding has seen marked improvements for students, who have shown boosted self-esteem, confidence and willingness to engage more with others. When it comes time to leave the special school and grow into young adults, these young people need somewhere else to go to ensure that their lives continue to be fulfilling. When Zoe's Place had to close owing to a number of difficulties, that space became available for other uses. Multicap took over the site to provide programs for these young people with a disability.

As elected representatives, we need to ensure that the people and the community who we serve come first. That means absolutely everyone. To use people for political purposes, particularly misleading those who are already disadvantaged, to my mind is totally and utterly the lowest of the low.

### Gold Coast, Public Transport

 **Dr DOUGLAS** (Gaven—LNP) (10.04 pm): Bus timetabling on the Gold Coast is dangerous for drivers, gives the public poor service and reflects a 1995 Gold Coast demographic. Recent very minor changes are not reflective of the growing, urbanised city of the Gold Coast. Bus drivers, passengers, pedestrians and motorists are being put at risk as drivers are forced to speed and run red lights just to

meet the stops on these 15-year-old timetables. Gold Coast roads are complex and carry heavy-density traffic 24/7. Most bus routes now have multiple intersections and traffic lights. If bus drivers do not keep moving constantly, they can be one hour late at the end of a route. They can forget about getting a toilet break.

Common sense might suggest that if the frequency of bus services is doubled then patronage should double. Interestingly, the data shows that patronage is not directly proportional. Doubling frequency leads to a more than doubling of patronage over time, especially when you upgrade weekend services to match weekday services. The marginal costs of operating more off-peak bus services would be returned in patronage growth.

Queensland Rail also must move forward with a stage 2 timetable review. Like the bus system on the Gold Coast, the rail services do not run frequently enough, particularly in off-peak periods. If the government was serious about encouraging positive public transport habits, it would run more services in off-peak periods with a good discount. At the moment, the Brisbane to Gold Coast rail trip has a number of tradies taking trips outside of peak hour. There are real gains to be made here.

However, I want to raise the importance of the interconnectedness required in our transport system—that is, between heavy rail, which is metropolitan rail; light rail, which is coming; and bus. At the moment, the bus and rail timetables on the Gold Coast are not synchronised. Unfortunately, commuters will frequently wait more than 20 minutes—in fact, the average wait is 31 minutes—for a train after getting off the bus or vice versa. This delay increases a journey time considerably. For example, a journey from Highland Park in my electorate of Gaven to the Brisbane CBD takes close to two hours. Over 15 minutes of that time is spent waiting for the train connection at Nerang.

This Labor government has also reneged on its deal to provide wi-fi on Gold Coast trains by 2009. It is now 2011. In other words, there is still no wi-fi. Why does Labor not care? Because people cannot find a seat on the train during peak hour anyway. The trains are crowded and people are standing in the trains during peak hours. Therefore, if Labor were serious about encouraging greater public transport use on the Gold Coast, it would review the bus and rail timetables. Not only are the bus timetables outdated but also they need to be synchronised to run efficient routes. Additionally, TransLink needs to run more services in off-peak times and it needs to provide wi-fi, as promised over two years ago. The drivers need adequate time for a turnaround and dignified toilet breaks and locations.

### Animal Welfare

 **Mrs SULLIVAN** (Pumicestone—ALP) (10.07 pm): I read with interest the humble beginnings of the Royal Society for the Prevention of Cruelty to Animals—or the RSPCA—in Queensland on its website. It states that the society began in Brisbane in 1876 and that its object was 'to prevent, as far as possible, cruelty to animals, by enforcing, where practicable, the existing laws, and by procuring such further legislation as may be found expedient to obtain this object'. The RSPCA took a leading role in the move for more effective legislation to prevent cruelty to animals and the animals protection legislation was finally passed by the Queensland parliament in 1925. This new Animals Protection Act gave the RSPCA legal status and very specific powers to its inspectors.

The society continued to grow and it was not long before the RSPCA realised that it needed a refuge. For many years the shelter in Fairfield has been its headquarters. That shelter will close on 8 December and move to Wacol—to a new animal care campus—and funds totalling \$12 million from the Bligh government and other community donations have assisted that relocation.

From its humble beginnings, the RSPCA focused on animal welfare. The first animal intake averaged 17 per year and now it is over 1.5 million. In 2001, along with other Labor MPs, I helped pass the animal care and protection legislation through the Queensland parliament. The Animal Care and Protection Act strengthened the laws against cruelty to animals and substantially increased the penalties for mistreating animals. Since then, the Labor government has outlawed tail docking of dogs, quail and duck shooting and regulated puppy farms with strict guidelines. We have been working with industry to improve standards for circus and zoo animals.

Christmas is fast approaching and it is a time when many animals will be given as gifts. A lot unfortunately will end up at the RSPCA because people cannot or do not want to look after them. I urge people to think carefully before they buy a gift with a heartbeat. Animals require a lot of looking after and it is a lifelong commitment.

I want to thank everyone who works at the RSPCA, both paid staff and volunteers. They do a sterling job and go out of their way to see animals get the best care. I visited the RSPCA Fairfield Shelter early last year after an illegal puppy farm was raided. To see the animals in such terrible condition brought tears to my eyes. I vowed to do what I could in the limited time I had as a full-time member of parliament and started to sell lollies in the parliament's cafeteria. To date we have raised \$1,536.30. So to all those generous staff in the cafeteria—Colleen, Ellen, Margaret and John—who

helped and, of course, to those who bought the lollies, I say a big thank you. The money has been well spent. The RSPCA deserves our continued support. Log onto their website at [www.rspcaqld.org.au](http://www.rspcaqld.org.au) or ring the 24-hour hotline 1300852188 for animal cruelty issues.

The RSPCA also works to alleviate cruel practices in relation to stock. I have taken great interest in highlighting the plight of pigs imprisoned in sow stalls their entire lives. I do not eat pig products because of these practices which deny pigs any quality of life. If you want to learn more about the way pigs are cruelly treated, log onto [www.voiceless.org](http://www.voiceless.org). This is another organisation that brings the plight of pigs in sow stalls to public attention. After viewing footage of pigs treated so cruelly, you might like to ask for free-range pig when next you buy a leg of ham.

*(Time expired)*

### Disability Services, Funding

 **Mr HORAN** (Toowoomba South—LNP) (10.10 pm): I rise to bring to the attention of the parliament the plight of a mother, a sole parent, who is caring for a son with an extreme disability as well as caring for her daughter. I am pleased that the Minister for Disabilities is in the parliament because I do intend to take this matter up with the department. This sole parent is caring for a severely disabled son who has a disease which is rare, neurodegenerative, progressive, debilitating and fatal. He is expected live to his late teens or early twenties. To date he is fully blind and 97 per cent wheelchair bound. He is now 100 kilograms, and lifting and transferring him to the toilet, shower chair, in and out of bed and into her vehicle places a huge physical strain on the mother's body. She does not have a partner so she is doing the job of not two but closer to four people due to her son's continuous rapid decline in his physical and mental health.

All she has ever asked for is adequate disability funding to care for her son in her home. She says that a small amount has filtered through to carers but certainly not the amount that one is led to believe. She has had to continually fight to get funding for her son. She has had to conduct an appeal to purchase disability aids and equipment. Of course, what she does not have is any 'me time' or time for herself, as you can imagine. She also has to look after her daughter, who is some 2½ years older than her disabled son. She is desperately trying to get sufficient funding to purchase a wheelchair accessible vehicle. She has held one fundraiser and assisted with a second but still does not have enough at this stage. Her current battle is applying for maintenance to continue. Because her son is 18, maintenance is due to cease at the end of the year.

In particular, she is concerned to hear about her son's postschool funding, which is due to commence next year. She received a letter from the minister indicating that her son would receive some support. There is no indication as to how much support. The letter states to contact the regional office for this information. Again, she had to spend her time chasing up the regional office and as usual they had no idea and have not been informed by the central office of any client's funding nor of who to contact.

Basically, this is a desperate cry from her, someone who is living hell on earth trying to care for her son in her home. She was going to provide a letter to the Premier when she was in Toowoomba last week. I am going to go to the department to see if we can get some special assistance for this brave woman who has endeavoured to raise her son right through what is one of the most difficult disabilities one could imagine.

### Wynnum Road, Upgrade

 **Ms FARMER** (Bulimba—ALP) (10.13 pm): Next week I will be handing between 1,500 and 2,000 petition signatures to Councillor Shayne Sutton to lodge at Brisbane City Council to put pressure on Lord Mayor Graham Quirk to do something about Wynnum Road—that is, to do something about the fact that, despite 30,000 cars driving along this corridor every day, council has refused to retain it as a priority. In 2008 Campbell Newman promised that he would fund a \$150 million upgrade of this corridor. However, that promise has been pushed back and pushed back so that now it will be 2016 before any work even starts. Even then, only \$2 million will be allocated to the project and presumably that is only for planning.

The reason I have so many signatures on this petition is that local residents are anxious. Traffic congestion on this corridor is absolutely the No. 1 issue in this local area, and local residents know that it is only going to get worse. We have a new neighbourhood plan coming into effect which will see five- and six-storey buildings approved along the Wynnum Road corridor through Cannon Hill and Murarrie. We have new suburbs developing in front of our very eyes in Wakerley and Gumdale and we know that if we have to wait for another five years before we even start thinking about doing something about Wynnum Road then we are going to be in real trouble.

The state government knows about building infrastructure and we know how long it takes. We know that we have to put infrastructure on the agenda way ahead of time and we know that it is hard. Such is the leniency of local residents that often they say to me, 'Di, this is hard stuff. What can we do?'

I say to them, 'That is what governments are for. That is what governments have to do. We have to get the experts in, we have to work out how to do it, we have to commit to it and we have to put the money into it.' Building the Gateway Bridge was hard and it took a lot of money. Now we have taken 12 minutes off peak-hour driving time each day. Building the Eastern Busway was hard and it took a lot of time and it took a lot of money. Now we have an eight-minute saving in peak hour each way. This is just what governments have to do.'

I was appalled that the Lord Mayor used the floods as a reason that he could not do anything about Wynnum Road. He said that council funds were diverted into fixing things after the floods when we know that, in fact, council incurred very few debts as a result of the floods. We know that the reason they cannot do anything about the Wynnum Road upgrade is that Campbell Newman has left them in so much debt that they can barely commit to fixing potholes. We know that he spent his money on a failed bike hire scheme; on King George Square, where you could fry an egg; and on the Clem7 tunnel, which is a complete disaster. We want action in our local area and we want to know what they are going to do about Campbell's mess so that they can fix it.

### **Nicklin Electorate, Roads; Mapleton State Primary School**

 **Mr WELLINGTON** (Nicklin—Ind) (10.16 pm): Yesterday I had the privilege of inspecting the state of the roadworks currently underway on Nambour-Mapleton Road with the Main Roads regional director. I am pleased to report to the parliament that the construction crew have been able to accommodate a slow-vehicle pull-off lane on the final climb to Mapleton in the same location where Main Roads was able to, a number of years ago, construct an unofficial overtaking lane. I ask that the minister please convey our appreciation to the designers and the workers onsite for working so hard to try to accommodate our slow-vehicle overtaking lane in the project. I continue to receive regular reports from daily commuters on Nambour-Mapleton Road on the state of the roadworks.

I also take this opportunity to provide feedback to the Minister for Main Roads on the most recent community consultation on the planning progress on section A—Cooroy southern interchange to Sankeys Road—of the Bruce Highway upgrade between Cooroy and Curra. I have recently received many phone calls from Cudgerie community residents very pleased and relieved with the change in the location of the proposed Cudgerie community access to the National Highway from the original proposal in the Cudgerie community to a new traffic interchange halfway between Cudgerie Drive and Black Mountain Range Road. We now look forward to the allocation of additional significant funds so the design work can progress to construction stage. There is no doubt that with an upcoming state election we will see commitments from both the Liberal National Party and the current government. I also look forward to hearing commitments from the federal government and the federal opposition to the continued funding of this very, very important project.

Before I resume my seat I also report that last night I had the privilege of attending the Mapleton State Primary School year 7 graduation. It is great to see the students excel in their schooling. Various students received special recognition for their extra hard work during the year. Unfortunately, because of the debate that will be happening in this chamber on Thursday I have had to record an apology for the Nambour Special School graduation. I know that this is a very special and important occasion for the special school students but I have advised them that I unfortunately will have to be here because of the debate that I anticipate will be going on on Thursday afternoon and perhaps late Thursday night.

### **Wild Crocodile Egg Harvesting**

 **Ms MALE** (Pine Rivers—ALP) (10.19 pm): This evening I rise to urge the Department of Environment and Resource Management to refuse a scientific purposes permit that would allow the harvest of wild crocodile eggs from western Cape York. In the 2007 debate on the Cape York Peninsula Heritage Bill, I raised many concerns because crocodiles are listed as a vulnerable species under our Nature Conservation Act. Various amendments were made in the clauses and I was assured that science would prevail.

In his summing up, the then minister stated that the last thing the government wanted was scientific research being done by people who have an interest in the commercial outcome, yet that is exactly what we have. Big Gecko, which is based in the Northern Territory, did the research on behalf of the people who want to harvest eggs. The legislation also states that there needs to be a baseline study of number, distribution, maturity and the nesting success and survival rate to maturity, yet all that was presented is an out-of-date and incomplete two-year study.

The removal of crocodile eggs at any stage means that those eggs have no chance to become fully grown crocodiles, as opposed to some chance. Removal of crocodile eggs for 'research' is starting to sound like the scientific research being conducted by the Japanese on whales—that is, killing whales to ensure their survival, not to mention putting whale meat on the menu in restaurants and homes across Japan. This proposal is similar: harvest wild crocodile eggs, hatch them, grow them to a certain size, kill them to make handbags and matching shoes, and then see what effect that has on the

population and survival of our vulnerable crocodiles. All this proposal will do is give the green light to more illegal harvesting of wild crocodile eggs and ensure that farms are full of wild croc DNA so that nobody can be prosecuted for illegal harvesting. It sets an incredibly dangerous precedent.

Some people claim that croc egg harvesting would be an economic windfall for local Indigenous people. Stealing 50 eggs from wild crocodiles, growing them for a couple of years and slaughtering them is not going to make anyone prosperous and it is not sustainable. There are real projects that would provide economic benefits across the cape for years to come, such as increasing the number of wild rivers rangers and developing tourism ventures such as cultural and fishing tours, bushwalking, camping and bird watching. Pharmaceuticals can be developed from Cape York plants, with royalties going to traditional owners in perpetuity.

The Northern Territory had a million dollar per year project that involved Indigenous people in fire management. We could certainly use that in the cape. It would be an excellent way to get and keep traditional owners on country and managing their own agendas. We could look at programs such as camps for local Indigenous children to get them back onto country, to experience and participate in a range of bush and cultural experiences. There are so many research opportunities where traditional owners could partner with universities across Australia and the world. That is what we should be looking at to provide economic stability and prosperity for local Indigenous communities.

If you are going to allow wild crocodile egg harvesting for a vulnerable species, you may as well allow people to harvest koala joeys, grow them for a couple of years and use their ears to make fluffy little coin purses. It is exactly the same thing. Our crocodiles are listed as a vulnerable species, just like koalas. I call on the minister to put an end to this nonsense, commission some real, long-term scientific research, and get the department to act on the other threats to crocodiles such as trophy hunting, illegal fishing and the rest. Please ensure the survival of our vulnerable crocodiles.

*(Time expired)*

### Synthetic Drugs

 **Mr MALONE** (Mirani—LNP) (10.22 pm): Tonight I wish to speak about the effects of synthetic drugs in our communities. At a time when some may think that we are getting on top of the illegal drug problem, it appears that the use of synthetic cannabinoids is spreading up and down the Queensland coast and right throughout Australia. Synthetic cannabinoids—substances that mimic the effects of cannabis—are relatively new products available to recreational drug users both in Australia and overseas. They are part of a category of drugs known as ‘legal highs’. They are designed and manufactured to provide similar effects to drugs that have been prohibited and are illegal.

Before June this year, synthetic cannabinoids were largely unknown to most Australians, but they have gained recent notoriety following media reports of synthetic cannabis showing up in at least one in 10 urine samples in mining workers in Western Australia. Since June, several states and the Australian government have banned many of the key components in a variety of synthetic cannabinoid products. In turn, manufacturers have created variations of those compounds and are still exporting and distributing their products.

Many people associate synthetic cannabinoids with the brand name Kronik, but that is just one of the many names used to describe the drug. In Australia, other brands include Karma, Voodoo, Kaos and Aussie Gold, while in Europe and the United States Spice and K2 are among the most recognised brands. Although synthetic cannabinoids are often marketed as incense products or smoking herbs, sometimes with the disclaimer that they are not meant for human consumption, in reality they are designer drugs manufactured and consumed in an attempt to avoid the laws that make cannabis illegal.

This is a huge issue that has arisen at a time when we believed that our kids and grandkids were a little bit better protected from illegal drugs. However, we are seeing this product on streets throughout Queensland. It is time that we all make efforts to curb the sale of these products, which are sold freely. In Mackay they are sold freely in tobacconists and other outlets. We have to stamp on this quickly. The young people in our communities have to deal with enough issues without having to deal with the free availability of synthetic drugs. I call on the parliament to move to make these drugs illegal, to protect our kids.

### Caboolture Special School

 **Mr RYAN** (Morayfield—ALP) (10.25 pm): Members will be pleased to hear that construction works for the new two-storey classroom building at Caboolture Special School are progressing well. The new \$4.26 million two-storey building will have eight teaching spaces, a meeting room, office space, a therapy room and new amenities. The new building will replace an older two-classroom building and will give the school more room to move and continue to grow.

The block will be a state-of-the-art facility, complete with the latest communications technology and a lift for student access. The big advantage with the two-storey configuration is that it will give the school eight teaching spaces and a range of other facilities without the loss of playground space. Work

on the new building is progressing well and should be completed for the start of the 2012 school year. This project is part of the Queensland Labor government's commitment to ensuring all Queensland students receive the best possible education and are supported through facilities to meet their learning needs.

Recently I was fortunate to witness the very talented students of this great school, Caboolture Special School, in action at their senior concert. The students were brilliant and I was very impressed by the efforts displayed by all involved in the production. So impressed am I that I think it is only appropriate that I quote from a poetic tribute to the students and staff of Caboolture Special School, written by the principal, Ms Beth Devonshire. The poem is called *Oh what a night* and reads as follows—

There were never so many teenagers at school  
 Who came to the stage with one message: 'WE RULE!'  
 They astounded their parents; they didn't know what to say,  
 They even surprised our MLA!  
 Olivia would have been proud when the students 'Got Physical'  
 They jumped, stretched and jived till their legs got whimsical.  
 Then the boys came on as 'Men at Work'  
 Their talents were sweet with an obvious smirk!  
 When the Tin Man came on with friends Dorothy and Scarecrow  
 There were rounds of applause from back to front row  
 They were ever so brave till the sound and curtain man came  
 And fixed it right up before the lion went tame.  
 Then as the five boys gave their one girl roses  
 The audience cried and they all wiped their noses  
 The gesture was sweet, it was all too much  
 Their smiles were so bright and so was their touch  
 And finally at the end of the show  
 We were shown the wilds of Caboolture Special School, you know  
 It was danger out there, but their guide was astute  
 The camouflage, khaki costumes were anything but cute!  
 We all survived the night, weeks of practice and nerves  
 It was right on the night with just a few swerves  
 So thanks to one and all for the memories we'll keep  
 And trust that we all now have a good sleep.

*(Time expired)*

Question put—That the House do now adjourn.

Motion agreed to.

The House adjourned at 10.28 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, Lawlor, Lucas, McArdle, McLindon, Male, Malone, Menkens, Mickel, Miller, Moorhead, Mulherin, Nelson-Carr, Nicholls, Nolan, O'Brien, O'Neill, Palaszczuk, Pitt, Powell, Pratt, Reeves, Rickuss, Roberts, Robertson, Robinson, Ryan, Schwarten, Scott, Seeney, Shine, Simpson, Smith, Sorensen, Spence, Springborg, Stevens, Stone, Struthers, Stuckey, Sullivan, van Litsenburg, Wallace, Watt, Wellington, Wells, Wendt, Wettenhall, Wilson