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FIRST SESSION OF THE FIFTY-FOURTH PARLIAMENT

Wednesday, 1 May 2013

Subject	Page
SPEAKER'S STATEMENT	1325
Resignation of Member from Liberal National Party	1325
<i>Tabled paper:</i> Letter, dated 30 April 2013, from member for Redcliffe, Mr Scott Driscoll MP, to the Speaker, Hon. Fiona Simpson, relating to Mr Driscoll's resignation from the Liberal National Party of Queensland.	1325
PETITIONS	1325
TABLED PAPERS	1325
MINISTERIAL STATEMENTS	1326
National Disability Insurance Scheme	1326
Commission of Audit	1327
Queensland Economy	1327
Commission of Audit	1328
Commission of Audit	1329
Commission of Audit	1329
Commission of Audit	1330
Commission of Audit	1330
COMMITTEE OF THE LEGISLATIVE ASSEMBLY	1331
Auditor-General's Report, Referral to Portfolio Committee	1331
ETHICS COMMITTEE	1331
Reports	1331
<i>Tabled paper:</i> Ethics Committee: Report No. 129—Matter of privilege referred by the Speaker on 27 November 2012 relating to an alleged deliberate misleading of the House by a member.	1331
<i>Tabled paper:</i> Ethics Committee: Report No. 130—Matter of privilege referred by the Speaker on 29 November 2012 relating to an alleged deliberate misleading of the House by a member.	1331
LEGAL AFFAIRS AND COMMUNITY SAFETY COMMITTEE	1331
Report	1331
<i>Tabled paper:</i> Legal Affairs and Community Safety Committee: Report No. 29—Subordinate legislation tabled between 28 November 2012 and 19 March 2013.	1331

Table of Contents – Wednesday, 1 May 2013

FINANCE AND ADMINISTRATION COMMITTEE	1331
Report	1331
<i>Tabled paper:</i> Finance and Administration Committee: Report No. 27—Portfolio subordinate legislation tabled between 27 November 2012 and 12 February 2013.	1331
QUESTIONS WITHOUT NOTICE	1331
Sale of Public Assets	1331
Sale of Public Assets	1332
Intergenerational Report	1333
Commission of Audit	1334
Commission of Audit	1334
Sale of Public Assets	1335
Commission of Audit	1336
Gladstone Ports Corporation	1337
Sale of Public Assets	1337
Sale of Public Assets	1338
Health Services	1339
Leasehold Land, Rents	1339
Commission of Audit	1340
Southport Courthouse, Disability Access	1341
Department of Tourism, Major Events, Small Business and the Commonwealth Games	1341
Office of the Public Trustee	1342
<i>Tabled paper:</i> Summary of e-petition, posted 18 April 2013, relating to the Office of Public Trustee.	1342
QBuild; Project Services	1343
SPEAKER'S STATEMENT	1343
School Group Tours	1343
CRIMINAL PROCEEDS CONFISCATION (UNEXPLAINED WEALTH AND SERIOUS DRUG OFFENDER CONFISCATION ORDER) AMENDMENT BILL	1343
Second Reading	1343
LAND PROTECTION LEGISLATION (FLYING-FOX CONTROL) AMENDMENT BILL 2012	1373
Second Reading	1373
<i>Tabled paper:</i> Queensland government ministerial media release, dated 1 May 2013, titled 'Streamlined approvals put community health first'	1376
<i>Tabled paper:</i> Newspaper article, undated, titled 'Bat colony to be moved on'	1379
<i>Tabled paper:</i> Newspaper article, dated 30 April 2013, titled 'Void of honour' and letter to the editor regarding the member for Dalrymple, Mr Shane Knuth MP, and bat colonies	1379
<i>Tabled paper:</i> Media articles regarding bat colonies.	1394
Division: Question put—That the bill be now read a second time.	1397
Resolved in the negative.	1397
CRIMINAL PROCEEDS CONFISCATION (UNEXPLAINED WEALTH AND SERIOUS DRUG OFFENDER CONFISCATION ORDER) AMENDMENT BILL	1397
Second Reading	1397
Consideration in Detail	1406
Clauses 1 to 6, as read, agreed to.	1406
Insertion of new clause—	1406
<i>Tabled paper:</i> Criminal Proceeds Confiscation (Unexplained Wealth and Serious Drug Offender Confiscation Order) Amendment Bill 2012, explanatory notes to Mr Byrne's amendments.	1406
Division: Question put—That the amendment be agreed to.	1407
Resolved in the negative.	1407
Non-government amendment (Mrs Miller) negatived.	1407
Clauses 7 to 53, as read, agreed to.	1407
Insertion of new clause—	1407
Division: Question put—That the amendment be agreed to.	1409
Resolved in the negative.	1409
Non-government amendment (Mrs Miller) negatived.	1409
Clauses 54 to 73, as read, agreed to.	1409
Third Reading	1409
Long Title	1409
PRIVILEGE	1409
Ethics Committee Report No. 129	1409
Ethics Committee Report No. 130	1410
ADJOURNMENT	1410
Ipswich Hospital, Emergency Department Access	1410
Nanango Electorate, Anzac Day	1411
Sugar Industry	1411
Davidson, Mr P; Anzac Day	1412
Mount Gravatt Men's Shed	1413
Cattle Industry	1413
Anzac Day	1414
Cattle Industry	1414
<i>Tabled paper:</i> Cranford/Moorriya National Park Drought Proposal Map.	1415
Sunshine Coast Hinterland, Public Transport; Queensland Plan	1415
Morayfield Electorate, Anzac Day	1416
ATTENDANCE	1416


WEDNESDAY, 1 MAY 2013

The Legislative Assembly met at 2.00 pm.

Madam Speaker (Hon. Fiona Simpson, Maroochydore) read prayers and took the chair.

SPEAKER'S STATEMENT

Resignation of Member from Liberal National Party

 **Madam SPEAKER:** Honourable members, I have received correspondence from the member for Redcliffe formally notifying me of his resignation from the Liberal National Party. For the information of the House, I table the correspondence.

Tabled paper. Letter, dated 30 April 2013, from member for Redcliffe, Mr Scott Driscoll MP, to the Speaker, Hon. Fiona Simpson, relating to Mr Driscoll's resignation from the Liberal National Party of Queensland [\[2536\]](#).

PETITIONS

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

Moggill Electorate, Bus Service

Dr Flegg, from 552 petitioners, requesting the House to reconsider the proposed cut to the bus services to the Moggill electorate and in particular restore the 443 and 444 services as well as the 435 which currently is the only transport service to the Brookfield Village aged care facility [\[2537\]](#).

Trading Hours Act 1990

Hon. McVeigh, from 1,066 petitioners, requesting the House to amend the Trading Hours Act 1990 to allow manufacturers and retailers of camper trailers, caravans, motor homes, motor vehicles and trucks to display and promote their goods and their businesses on Sundays at special events, trade shows and consumer exhibitions like motor shows and caravan camping expos [\[2538\]](#).

The Clerk presented the following paper petition, sponsored by the Clerk in accordance with Standing Order 119(3)—

Moreton Bay Regional Council, De-amalgamation

11,633 petitioners, requesting the House to conduct a referendum on the proposal to de-amalgamate the former Redcliffe City Council from the current amalgamated local government area known as Moreton Bay Regional Council [\[2539\]](#).

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

Isis Junction Railway Station

Mr Bennett, from 28 petitioners, requesting the House to give consideration to re-opening the Isis Junction Railway Station for passengers from Buxton, Childers and surrounding towns to access train services, including the Tilt Train [\[2540\]](#).

Coal Dust Emissions

Mr Judge, from 455 petitioners, requesting the House to require all coal trains operating on the West Moreton Coal System to be 'veneered' and take other actions to control the impact of coal dust and noise emissions as well as other forms of pollution [\[2541\]](#).

Springfield Central Railway Station, Parking

Ms Trad, from 268 petitioners, requesting the House to allocate funds to allow for 500 car parking spaces at Springfield Central station [\[2542\]](#).

Petitions received.

TABLED PAPERS

SPEAKER'S PAPER TABLED BY THE CLERK


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

Speaker of the Queensland Parliament (Ms Simpson)—

[2543](#) Submission in support of a petition regarding the de-amalgamation of Redcliffe from the Moreton Bay Regional Council

MINISTERIAL STATEMENTS

National Disability Insurance Scheme

 **Hon. CKT NEWMAN** (Ashgrove—LNP) (Premier) (2.04 pm): My government is committed to improving the lives of people with a disability and we will continue to do all we can to ensure that Queenslanders with a disability, their families and carers get the support and assistance they deserve. My government is and has always been a strong supporter of the National Disability Insurance Scheme. The NDIS will ensure that people with a disability have greater choice and control, flexibility across states and a genuinely national and coherent system. In its final report, the Productivity Commission made it quite clear that—

... the Australian Government should be the single funder of the NDIS.

When the former Labor government left office we inherited the lowest disability spend per capita of any state in Australia. So in December 2012 we announced one of the biggest single increases in disability funding this country has ever seen. It was an additional \$868 million in funding from 2014-15. We currently spend around \$959 million per year on specialist disability services and an additional \$200 million per year on associated services. But we have now set a clear pathway for Queensland to almost double our spending on disability services in five years.

Today I welcome the Prime Minister's announcement to increase the Medicare levy by half a percentage point from 1 July 2014. I put this idea of a levy to the Prime Minister on the eve of the July 2012 COAG meeting. I am pleased that the Prime Minister has taken my policy suggestion and announced it today. I now await the detail of the proposal. At face value, if what the Prime Minister has said is accurate, it means that we can now move to a full implementation of the NDIS in Queensland in 2018-2019 and, as honourable members can no doubt see, I am delighted with that position. Prior to today's announcement we had to find an additional \$200 million on top of the funding boost I have already covered to fund the NDIS. Now it appears that, with an increase to the Medicare levy, that amount of money will be made available to Queensland. Indeed, that is what the Prime Minister said to me this morning in her phone call. But until we see that detail, let me make it clear that whatever arrangements transpire we need to do more to ensure that services are provided efficiently and effectively under this scheme. This applies not only to government provided services but also to the many private and NGO organisations.


I would also like to point out that the Commission of Audit report tabled in this House yesterday has acknowledged the need for reform. The government has accepted the Commission of Audit recommendation to continue to support and monitor the development of the non-government sector's governance capability as part of the move to market contestability in specialist disability services. The report also stated that we need to make sure that we deliver services in the best way and in a way that provides value for the extra funds we are going to spend as well as for the considerable funds we are spending already. We will do that, as we have indicated in our response to the Commission of Audit.

We have also accepted the recommendation to transition all services currently provided by Accommodation Support and Respite Services to the non-government sector through a formal and transparent process. The government-run Accommodation Support and Respite Services cost \$140 million per annum for around 1,091 clients. NGOs currently provide \$480 million worth of accommodation support and respite services to 11,104 Queenslanders with a disability. This means that the government-run service is more than three times the price than the NGO sector.

These reforms will allow the government to provide more services to more people. This will allow for a progressive movement towards client choice and control, which my government is fully supportive of. We need to give Queenslanders with a disability a greater choice and control over their specialist disability funding. We are committed to improving the lives of people with a disability and we will continue to do all we can to ensure that Queenslanders with a disability, their families and carers get the support they need.

I stress that the full implementation of the NDIS in Queensland is dependent on, yes, an increase in the Medicare levy, but also the necessary fiscal reforms that have been outlined in the Commission of Audit report. Getting better front-line services for Queenslanders means that we need to make important tough reform decisions. I look forward to seeing the detail and working with the federal government to make the full rollout of the NDIS from 1 July 2018 a reality in Queensland.


Commission of Audit

 **Hon. CKT NEWMAN** (Ashgrove—LNP) (Premier) (2.10 pm): The release of the Commission of Audit report and the government's response represent a great opportunity to make our Queensland government the best and most efficient in the nation. We are committed to better defining the role and operations of government in a modern Queensland economy. We need to be a government for the 21st century, connected and working together to deliver smarter, simpler outcomes that are more responsive to the needs of all Queenslanders, but just as importantly we need to be a government that provides outcomes that represent true value for taxpayers' money.

The Commission of Audit report recommends a number of changes to the way the Public Service is structured, organised and managed. We want to make our Public Service more flexible, responsive and efficient in the way that it supports Queenslanders. The aim is to unshackle the massive potential of the Queensland Public Service. Over the past 12 months I have found the Queensland Public Service to be full of the most professional, dedicated and hardworking Queenslanders. All of them, I am immensely confident, have a genuine desire to serve the people of this great state. The recommendations in this report are about identifying and implementing the best way to help them achieve this. It will require significant change to the way the Public Service currently runs to deliver a new level of flexibility and mobility to make sure that we can get resources to where they are needed when they are needed. Today there are Queenslanders who need a level of service they are not getting because the method of delivery has not changed for decades. This, of course, is by no means the fault of our Queensland Public Service. We know there are public servants who want to do more for their fellow Queenslanders but who have not been provided with the tools to help them do it. We will—I stress that: we will—provide them with those tools. There is a clear opportunity to upskill our public servants to help them deliver better services for Queenslanders, the ones they want and deserve, and deliver them with private sector efficiency.

The bottom line is that the Queensland government wants to be able to provide more services to Queenslanders and to improve the quality of those services. The Commission of Audit report and the government's response will ensure the future economic resilience of Queensland as a great state with great opportunity, with a government focused on delivering access to the great jobs, great lifestyle and great services that all Queenslanders deserve.

Queensland Economy

 **Hon. JW SEENEY** (Callide—LNP) (Deputy Premier and Minister for State Development, Infrastructure and Planning) (2.12 pm): Today Queenslanders have a plan for a better and brighter future in front of them and a focus on economic growth is a major part of that plan. Our government's response to the Commission of Audit is a road map for the necessary changes we must make in Queensland to restore and reinvigorate our great state and to grow our economy for the future. While we work to make government and the services it delivers efficient and effective, we must also provide the conditions for the private sector to invest, innovate, grow and create new wealth.

Queensland needs a decade of economic growth to deal with Labor's debt. Over the last year we have begun to create the right conditions for economic growth. We are creating a new state planning policy to facilitate growth not impede it. Our resources cabinet committee is dealing directly with the mining industry to grow that industry. We are reducing approval time frames for major projects and reducing red and green tape across government. Projects Queensland is leveraging greater private sector participation in infrastructure and we have formed Economic Development Queensland to facilitate development across the state.


They are the building blocks of economic growth but they are just the beginning. The next step is to develop a whole-of-government growth strategy for the next decade to significantly boost our economy. We are looking to make Queensland a more productive and resilient economy that will deliver more jobs and prosperity. Our economic growth strategy will focus on the four pillars of the economy, as we promised the people of Queensland it would. We will focus on mining, agriculture, tourism and construction. We want to reduce the cost of doing business and make it easier to start, operate and expand a business in Queensland, not only in those industries but across-the-board. We want to assist Queensland business to innovate. We want to hear from the most innovative businesses as to what they need from us.

Our regions are the backbone of Queensland's economy and we want to ensure that our regions continue to prosper and thrive. Queensland is primarily an export driven economy and we want to look at what we can do to help businesses access new and expand existing markets. We will

assess if the infrastructure to support expansion of our export base is constraining growth—particularly for mining and agriculture. We will seek opportunities to stimulate economic development through public and private infrastructure investment in roads, rail, port, water, electricity and community services.

A detailed strategy for economic growth will be developed by my department and will provide recommendations for the government in two parts: firstly, the things that the government can do immediately to improve the productive capacity of Queensland; and, secondly, the initiatives we can take to ensure economic growth and jobs for a decade of growth. An essential part of our response to Labor's financial failure must be a plan to supercharge our economy for the decade of economic growth we need to deal with Labor's debt.

Commission of Audit

 **Hon. TJ NICHOLLS** (Clayfield—LNP) (Treasurer and Minister for Trade) (2.15 pm): The independent Commission of Audit's final report and the government's response is a plan; it is a plan for today, tomorrow and the future to provide better services for all Queenslanders, including Queensland families. The independent Commission of Audit report shows that business as usual is not an option, that the government must take a modern approach to government processes and structures which have been largely unchanged for decades. Over the last decade the Labor Party and its union mates presided over a significant decline in productivity which has been more substantial than the rest of Australia. The level of productivity in Queensland in 2011-12 was below the level recorded just a decade earlier. The message is clear: we cannot continue with the same tired old processes. Queensland and Queenslanders who pay taxes cannot afford to continue to spend more and receive less.


The primary focus of the Newman government is to deliver quality services to Queenslanders at a price they can afford. We are implementing our plan to ensure that everyday services which Queenslanders and Queensland families rely on, such as public transport, health, education and law and order, are the best that they can be. In terms of public transport, the commission found Queensland Rail delivers considerably less value per dollar of government subsidy than comparable operators. Over the past decade the subsidy per passenger journey has increased by almost 100 per cent from \$8.50 to \$16.75 per journey. Under the current arrangements there is no incentive to improve services, to increase efficiency or to reduce costs. If we improve the efficiency through the investigation of contestability then more services can be provided and at a lower cost to Queenslanders. We all know what Labor had planned—15 per cent fare increases with no regard for the cost-of-living pressures on ordinary Queensland families. Already the Newman government has halved Labor's planned 15 per cent fare increases for 2013 and 2014. As the government's plan sets out, this is just the start. We are committed to improving the reliability, frequency and affordability of the transport network.

An examination of health services showed that the cost for public hospitals in Queensland was 11 per cent higher than the national efficient price and that Queensland is also the most expensive provider of health services to admitted patients of all the mainland states. Queenslanders pay more but under Labor were getting less. This government would not be doing the right thing by Queenslanders if we did not look to improve the delivery of these services so that we can give Queenslanders access to better and more health services. In this regard I acknowledge the work already undertaken by the Health minister and the outcomes achieved to date, including the establishment of the hospital and health services boards and the dramatic reduction in ambulance ramping at the state's major hospitals. Ramping reduced by 95 per cent within three months of introducing the changes.

For education the commission has shown that the proportion of Queensland students meeting or exceeding national minimum standards was generally lower than that of New South Wales, Victoria and the national average—lower. This outcome is unacceptable and the Newman government is committed to ensuring that the outcomes achieved by Queensland schools are amongst the best in the nation. The Newman government accepts the Commission of Audit's recommendations and sees significant opportunity for improving the performance of Queensland schools through strategies such as rewarding high performing teachers, quality mentoring for new teachers, rigorous performance evaluation measures, improving school discipline, strengthening school autonomy through greater financial management responsibility and quality reporting for parents—people being told how their kids are going. These strategies are adopted amongst some of the best-performing education systems in the world.

Better public transport, better health services, better education: that is the best thing we can do to serve Queenslanders and their families. This government is here to serve Queenslanders, not run a protection racket for unions or Labor mates. Under the Newman government and with our plan for better services for Queensland, Queensland will be a great state with great opportunity.

Commission of Audit

 **Hon. SA EMERSON** (Indooroopilly—LNP) (Minister for Transport and Main Roads) (2.19 pm): The Newman government is committed to delivering a public transport network that is reliable, frequent and affordable. The Commission of Audit report, tabled yesterday by the Treasurer, will continue the work already underway to deliver better front-line rail services for Queenslanders. Since the election last year, we have seen a significant improvement in on-time running and added an additional 150 services each week. However, additional work needs to be done to make Queensland Rail more efficient and keep fares as low as possible.


The focus of the commission's recommendations is on contestability. Contestability can be used as a market testing process. We need to ensure taxpayers are getting the best value for money. As the commissioners stated, it is not always the case that private management will provide better value for money and competition provided by contestability can encourage greater innovation and efficiency from public providers.

This is a great state with great opportunities. Queensland Rail now has the opportunity to demonstrate that it can transform itself into an efficient and effective provider of rail services. It is a fact that Queensland Rail suffered under the previous Labor government. Patronage has been declining since 2010 and customer satisfaction with affordability is low. At the same time, the cost to government has been increasing by about \$100 million per year.

However, with the appointment of Glen Dawe as chair, we now have a train person focused on passenger outcomes. On-time running has gone from a three-year low in the final months under Labor to an eight-year high in the three months to December. Head office costs have been reduced and there is now a focus on front-line services. However, there is more to be done and yesterday's passing of the Queensland Rail Transit Authority Bill is an important step.

Irrespective of any future decision, there needs to be greater efficiency to deliver greater value for taxpayers. I am confident that Queensland Rail can deliver, but ultimately the winners are going to be public transport users who will have more reliable, frequent and affordable rail services.

Commission of Audit

 **Hon. LJ SPRINGBORG** (Southern Downs—LNP) (Minister for Health) (2.22 pm): The report of the Commission of Audit is welcome news in the Queensland health system. Its strategies for lasting economic recovery fit precisely with the Blueprint for Better Health Care, which was launched by the Premier and I just two months ago. Arguably, the demise of Queensland Health over the period of the Bligh government was the most obvious consequence of Labor mismanagement. When Queenslanders awarded this government a mandate for change, a chief concern was the mess in Queensland Health. Our state-run system delivers 3.4 million occasions of outpatient care each year. But now more than 80,000 Queensland Health employees and their patients must carry the legacy of Labor mismanagement.

The government's response to the Commission of Audit report provides the strategy to restore our state and support high-quality health services. Challenges are to be confronted, not swept under the carpet. Labor's payroll fiasco and its \$1.2 billion cost remains. This year, unfunded payroll costs are consuming \$150 million, which would pay for more than 1,500 front-line Health positions. Now the LNP government is working methodically to plug the gap.

This LNP government answers for what it delivers to patients, not what it delivers to union bosses. Importantly, the Blueprint for Better Health Care and this report make it clear that not one of our existing hospitals will be privatised—not one. Services will be subject to contestability. Outsourcing remains the same today as it was when Labor outsourced almost \$1 billion worth of health services in its final year. In those cases and many more, private-public partnerships in health delivery will continue, business as usual.


In health services to rural and remote areas the Commission of Audit does not advocate outsourcing per se, but strategies to enable private sector involvement. Creating incentives for more local GPs in country areas is a key objective. The report identifies 'perverse incentives' created by existing funding arrangements that limit private participation. One of those is the increasing reliance

on locums. Another is the use of award rates of pay for staff working at senior levels. Those specify overtime and other penalty rates, reducing flexibility in local services. A third is the common provision of rights to private practice for Queensland Health employees. This is a reverse incentive. Practitioners receive a financial advantage to serve the state, rather than strike out on their own. Strategies to address those problems are being developed. Changes to rights of private practice are under consideration in a review by the Auditor-General, as outlined in the Blueprint for Better Health Care. Plans to update conditions for senior employees through contract arrangements have already been announced.

Our plan to extend access to telehealth through the creation of a rural telehealth service is also endorsed in the report. Six trial sites in country towns will pioneer related aspects of training, co-ordination and infrastructure.

The only element missing from our campaign to rebuild Queensland Health is our fair share of Commonwealth funding following brutal midyear retrospective funding cuts by Treasurer Wayne Swan in November. By June, our hospital and health services will have lost \$103 million. Unless funding is restored, they stand to lose another \$89.5 million in the 12 months that follow. That is yet another legacy of failed Labor administration.

Commission of Audit

 **Hon. JM DEMPSEY** (Bundaberg—LNP) (Minister for Police and Community Safety) (2.25 pm): Labor has left this state in a financial mess that this government has been forced to clean up. The Commission of Audit report has had to take a cold, hard look at what is needed to get this great state back on track. Members should make no mistake: all Queenslanders have inherited from Labor a financial problem that demands bold and innovative thinking. If we do not act, things will simply get worse and we will be handing our children and grandchildren a legacy of debt and of hardship, and that is the Labor way.


The opposition would have us do nothing. They are not interested in growing the economy or future proofing this great state. Big problems need real solutions. That is why my colleagues and I have been closely studying the recommendations of Mr Costello and his team. We all know that this is a great state with great opportunity, and now we have a positive plan to get it moving again and supercharge this great economy. Our aim is to get Queensland back on track as an economic powerhouse and a great state in which to do business. We need to change the way we do things to meet the challenges of the future.

As the House knows well, I have already commissioned a major review of my portfolio and how its many agencies interconnect. The Keelty review will be handed down later this year and I look forward to reading its recommendations. While the Commission of Audit report places emphasis on contestability, collaboration and co-location, I am keen to see how those pillars will fit in with the operational vision of Mr Keelty. While Mr Keelty has presented an interim report, there is still more work to be done and I do not want to pre-empt the review's final recommendations.

Needless to say, the question I will be asking about each recommendation is this: does this create a more efficient, more affordable and better delivered option for the people of Queensland? The people of Queensland deserve the best and that is what this government will deliver for them.

Commission of Audit


Madam SPEAKER: Attorney-General, you have one minute.

 **Hon. JP BLEIJIE** (Kawana—LNP) (Attorney-General and Minister for Justice) (2.28 pm): Thank you, Madam Speaker. I shall be quick. This government has a plan for the future. Our government's response to the Commission of Audit is all about securing Queensland's future and kick-starting this economy. One of the commission's recommendations is to increase court fees; that is not accepted. This government took to the election a policy commitment that, for the most vulnerable in our communities, we will not be putting up court fees. Let us contrast that with the Labor Party which, just before the election, put up court fees. Let us contrast that with the federal Labor Party which incidentally, in September last year, wrote to me wanting to put up federal court fees. We rejected that, because we believe in access to justice in this great state.

This Commission of Audit report and the government's response to the Commission of Audit report will kick-start the Queensland economy, and it is a great start. I thank all honourable ministers and honourable LNP members for the way they have broadcast the message that Queensland has a great future. This is a great state with great opportunities.


COMMITTEE OF THE LEGISLATIVE ASSEMBLY

Auditor-General's Report, Referral to Portfolio Committee

 **Mr STEVENS** (Mermaid Beach—LNP) (Manager of Government Business) (2.29 pm): I advise that the Committee of the Legislative Assembly has resolved, pursuant to standing order 194B, that the Auditor-General's report to parliament No. 11 for 2012-13 titled *Results of audits: education sector entities 2012*, tabled on 30 April 2013, be referred to the Education and Innovation Committee for consideration.

ETHICS COMMITTEE

Reports


 **Mr DOWLING** (Redlands—LNP) (2.30 pm): I lay upon the table of the House the following reports of the Ethics Committee: report No. 129 titled *Matter of privilege referred by the Speaker on 27 November 2012 relating to an alleged deliberate misleading of the House by a member*; and report No. 130 titled *Matter of privilege referred by the Speaker on 29 November 2012 relating to an alleged deliberate misleading of the House by a member*. I commend the reports and the committee's recommendations to the House.

Tabled paper: Ethics Committee: Report No. 129—Matter of privilege referred by the Speaker on 27 November 2012 relating to an alleged deliberate misleading of the House by a member [[2544](#)].

Tabled paper: Ethics Committee: Report No. 130—Matter of privilege referred by the Speaker on 29 November 2012 relating to an alleged deliberate misleading of the House by a member [[2545](#)].

LEGAL AFFAIRS AND COMMUNITY SAFETY COMMITTEE


Report

 **Mr BERRY** (Ipswich—LNP) (2.30 pm): I lay upon the table of the House report No. 29 of the Legal Affairs and Community Safety Committee—*Subordinate legislation tabled between 28 November 2012 and 19 March 2013*. I commend the report to the House.

Tabled paper: Legal Affairs and Community Safety Committee: Report No. 29—Subordinate legislation tabled between 28 November 2012 and 19 March 2013 [[2546](#)].

FINANCE AND ADMINISTRATION COMMITTEE

Report


 **Mr CRANDON** (Coomera—LNP) (2.31 pm): I lay upon the table of the House report No. 27 of the Finance and Administration Committee. This report covers the portfolio subordinate legislation tabled between 27 November 2012 and 12 February 2013 considered by the committee. The subordinate legislation has a disallowance date of 2 May 2013. The committee did not identify any significant issues regarding consistency with fundamental legislative principles or the lawfulness of the subordinate legislation. I commend the report to the House.

Tabled paper: Finance and Administration Committee: Report No. 27—Portfolio subordinate legislation tabled between 27 November 2012 and 12 February 2013 [[2547](#)].

QUESTIONS WITHOUT NOTICE

Madam SPEAKER: Question time will end at 3.31 pm.

Sale of Public Assets

 **Ms PALASZCZUK** (2.31 pm): My question is to the Treasurer.

Government members interjected.

Ms PALASZCZUK: Do they want to hear the question or not? I note in today's *Australian Financial Review* that the Queensland Treasurer has been rolled over power sales. I also note that the Treasurer has previously said that if they cannot sell assets the government will have to look at raising taxes and levies. Will the Treasurer today categorically rule out in this year's budget that there will be any rises in taxes and charges?

Mr NICHOLLS: Madam Speaker, can I tell you how delighted I am to finally get a question from the opposition 403 days, I think it is, since the election. But still it is not really one about the economy. It is not about how we are going about fixing the black hole that was bequeathed to us by Labor. But I am happy to talk about the Commission of Audit and the report. I said it yesterday and I say it again today—for those who did not see any of the 400,000 TV interviews I did or read the papers—that I wholeheartedly support the government's response to the Commission of Audit report. Can I say that 74 LNP MPs wholeheartedly support the government's response to the Commission of Audit report.

Honourable members interjected.

Madam SPEAKER: Order! I appreciate people are becoming fairly robust and excited but I ask for order.

Mr NICHOLLS: Madam Speaker, you will have to forgive my excitement. It is my first time with the Leader of the Opposition and I am excited by it.

There are others who also have a view about the sale of government owned businesses who might also wholeheartedly agree with what we are saying. Members will recall that a little while ago, back in March, I indicated I had been looking at the internet and I had found on that device of communication an article by the member for Mulgrave, the shadow Treasurer—'Mythbusters #2'. I have another one. I have 'Mythbusters #1'. What does it say? It is quite revealing when it talks about the sale of government businesses. What does it say? It says—

This is an opportunity to partner with the private sector so we can deliver the services Queenslanders need, like hospitals.

The Minister for Health will be there. It continues—

It is a well-known fact that the private sector buy businesses to grow them not to shrink them.

I think that the member for Mulgrave wanted to be in our party room on Monday. I think he wanted to be there. What does he say about the credit rating? He says—

The credit rating is a big deal because it determines how much interest is paid on loans. The loss of the AAA credit rating will cost the state an extra \$270 million over the forward estimates.

I want to thank the member for Mulgrave for his endorsement of the government's plan to deliver better services for Queenslanders. He should keep putting them up on the web.

(Time expired)

Sale of Public Assets

Ms PALASZCZUK: My next question is to the Treasurer.

Government members interjected.

Mr Langbroek interjected.

Ms PALASZCZUK: I rise to a point of order, Madam Speaker. I find what the Minister for Education said offensive and I ask him to withdraw.

Madam SPEAKER: Minister for Education, will you withdraw?

Mr LANGBROEK: I withdraw, Madam Speaker.

Madam SPEAKER: I call the Leader of the Opposition.

Ms PALASZCZUK: My question is to the Treasurer. What steps has the Treasurer taken to ensure that Peter Costello's lobbying company, Epstein Costello Gazard Advisory Solutions, and the lobbying company Santo Santoro Consulting will not benefit from the government's massive program of privatisation?

Mr NICHOLLS: The first answer was so good she came back for a second one. I want to thank the Leader of the Opposition for the opportunity to do it again. Let us look at what we did when we appointed the independent Commission of Audit. I notice the opposition's fixation on Mr Costello. I have gone through his record: delivered 10 surpluses; restored Australia's AAA credit rating and two upgrades there; delivered the biggest package of financial reforms in Australia since the Second World War; bullet proofed the Australian economy and our financial system against the worst ravages of the global financial crisis; put \$15 million into a future fund; and, at the same time, delivered over \$30 billion worth of tax cuts. He did that over 12 years as the Treasurer and before that as a member of the House of Representatives. Peter Costello's record of service to the people of Australia is unblemished when it comes to delivering services.

I note also the commissioners who were appointed with Mr Costello. The first is Dr Doug McTaggart. He is a professor of economics from the Bond University, a graduate with honours from the Australian National University, a graduate from the Chicago University, an Under Treasurer of Queensland and appointed to head up the Queensland Investment Corporation by the Labor government. His name is on that report. Then we have Professor Sandra Harding. She is a social economist, a former dean of the business school at the Queensland University of Technology and also the vice chancellor of James Cook University. She is delivering education services to regional and rural Queenslanders. She is someone who stands up for rural and regional Queensland, unlike the member for Mackay, who does not want a conference in his electorate but instead wants it to be held down here. She is also standing up to the Gillard government, which is ripping \$2½ billion out of tertiary education throughout Australia. That is the quality of person we appointed to carry out a wide-ranging review.

But what is the Labor Party's record on these sorts of things? Who did they appoint to assist them when they were looking at things like, I don't know, the Airport Link tunnel? What was the name that came up there? Terry Mackenroth. Wasn't he paid to be a consultant on that one? Didn't we hear that one? We even had a former minister for planning, the member for Stafford's predecessor—one Stirling Hinchliffe, who was a paid lobbyist and consultant who made a decision on a planning application by his open former client. What standards did Labor have when that was being introduced? They had none. What did we do when we appointed the Commission of Audit? We put out there all of their qualifications and all of their associations. The Labor Party were shopping around for over a week their tawdry little story. We do it the right way, the best way, for Queensland.

(Time expired)

Intergenerational Report

Mrs FRANCE: My question without notice is to the Premier. Can the Premier please inform the House how the people of Queensland would benefit from the development of an intergenerational report as recommended in the Commission of Audit?

Mr NEWMAN: I thank the member for Pumicestone for the question. I know the member understands that better planning for the future is one of the major commitments that this government gave in seeking election. It is also a big part of the recommendations of the Commission of Audit report. While recommendations such as producing an intergenerational report may not be exciting to some people, and particularly misunderstood by those opposite as well as some of the other recommendations, it is vital if we are to deliver a prosperous and vibrant future for our children and the generations to come.

Based on their failed planning record, those opposite may ask: what is an intergenerational report? They were here for 20 years. They had the example of the Howard government and Peter Costello, who developed one quite some time ago.

Mr Nicholls: In 1997.

Mr NEWMAN: Yes, in 1997. But we never saw that thread of policy idea being picked up by the then Labor government, even though it is something many commentators said at the time the state should respond to. We are going to undertake that intergenerational report. We are going to do that planning to provide an overview of the likely demographic, economic and financial trends across this state for the next 40 years.

To plan better we need to look well beyond the next month, next year and certainly beyond the next electoral cycle. Sorry, sorry, sorry—I have lost the Labor Party. Beyond the next electoral cycle is clearly beyond their normal time horizon, their 'broad' time horizon. Sadly with this mob, who do not have a position—we have a party of no position and a leader with no position whatsoever—a year in we are yet to hear a policy from them. Several days into a debate on a very important Commission of Audit report we have certainly heard no ideas by them about how they would fix this state's finances and supercharge the economy.

We are going to make sure that we undertake the intergenerational report planning because current predictions put Queensland's population at almost eight million people by 2050, up from 4½ million in 2011. However, we are already hearing that our population will age significantly in the next 40 years, with the number of over 65s almost trebling to 1.66 million. These changes of course will have a massive impact on health, education, housing and transport services. By committing to an intergenerational report, this government is turning on the light switch to future policy development, and it will mesh very nicely with the great planning work that will be undertaken this year to develop

the Queensland Plan, a 30-year vision for the state of Queensland. Again, that is the difference between them and us. We plan for the long term, for the long-term future, not for the next electoral cycle like the Labor Party.

(Time expired)

Commission of Audit

Mr PITT: My question without notice is to the Treasurer.

Government members: Hooray!

Mr PITT: He even wore his good tie today. I refer to the Treasurer's admission on ABC TV last night when asked about how much debt would be reduced under his response to the Costello report that 'we haven't done the numbers around it'. After 62 days of considering the Costello report, why has the Treasurer failed to do any modelling on what the government's decision will mean for the budget?

Mr NICHOLLS: I thank the shadow Treasurer for his, I think, first economic question we have received here today. Today truly is my lucky day. I have to say that when I woke up this morning if I had known I was going to be this lucky I would have organised something to celebrate. What should happen of course is that we should talk to people about what the recommendations of the report say and what they mean for Queenslanders.

What we do know is that under Labor the situation was untenable. Costs had increased by 40 per cent over the last five or six years. The size of the Public Service went from 140,000 to over 200,000 in the last decade. The cost of delivering a procedure in a Queensland hospital was \$800 more than the equivalent procedure in a Victorian hospital, and a national equivalent standard payment was being made and we were losing about \$400 and Victoria was gaining about \$400 on every one of those.

So what does the report say? It says if you want to continue to deliver services you need to do them better and you need to do them by testing how well you are doing them now. You need to ask other people can they deliver it in a different way and should we be doing it that way. That is what the report is talking about—a plan for better services.

When it comes to reducing the debt we have already started that process. We did it in last year's budget. We got straight into it. We rolled up our sleeves and said, 'This is unsustainable,' because what did the first report say? It said, 'If you don't stop, the debt will reach \$100 billion.' Business as usual under Labor—\$100 billion. And we remember how high that was—140 kilometres high if you stacked \$100 bills on top of each other. We have arrested the decline. We have stopped the debt getting worse. Labor had no plan to do that. They only had a plan to continue to spend and to continue to tax.

When you think about taxing, you only need to look at what the member for Mulgrave has on his website in relation to it, in his mythbusters series. In 'Mythbusters #1', one of the myths states—

All the Government had to do was increase taxes across the board ...

Here is the member for Mulgrave's response—

... In the last three Budgets, the government—

the then Labor government—

has taken significant steps across the board to fund new services.

Already we have:

- raised land tax and stamp duty ...
- increased taxes on casinos and introduced new liquor licensing fees ...
- increased coal royalties
- increased motor vehicle stamp duty and we have recently introduced a rise to car registration.

That is the Labor way—go into debt, go into deficits, have no plan to repay it and boast about your tax increases on the internet! That is not a plan; that is a surrender.

(Time expired)

Commission of Audit

Mr SORENSEN: My question without notice is to the Deputy Premier and Minister for State Development, Infrastructure and Planning. The Commission of Audit report found that Queensland's economic and productivity performance has declined markedly in the last decade—more sharply than the rest of Australia. What is the government doing to increase economic growth and improve the productivity capacity of the Queensland economy?

Mr SEENEY: I thank the member for Hervey Bay for the question. Something that has not been extensively reported from the Costello Commission of Audit is the extent to which they found that Queensland's economic and productivity performance had declined in the last decade in comparison to other states, but it is one of the key reasons why Queensland finds itself in such a terrible financial situation. But it is worth remembering that that decline in our productivity and economic performance came over a decade when the world economy was booming, when there was a world-wide resources boom.

Queensland is a resources based state. Our economy is based on the resources industry. So at a time when the world economy was booming, when the resources industry was booming, the Queensland Labor government sent the state into financial ruin. They went broke in a boom—the only state government that ever went broke in a boom. The boom is gone. The boom is gone but Labor's debt remains. That is the legacy that they have left behind. When the rivers of gold were flowing into the state Treasury from all of the income streams that came to the Queensland state government, they wasted it. They wasted the good times and they left behind a legacy which the people of Queensland will struggle with for many years to come. It will take at least a decade to overcome the legacy that the former government left.

The member for Hervey Bay can be assured that we have started on that road of addressing the need for economic growth in Queensland. We have set out on a path that is all about ensuring that the Queensland economy grows. We are focusing on the four pillars of the economy just like we told people we would do when we campaigned at the election, the four pillars of the economy being the resources industry, the agricultural industry, the tourism industry and the construction industry. We talked about how we would focus on those four pillars and free up the regulatory system to allow those pillars to provide the contribution to the state economy that we know they can.

In the last 12 months we have begun that task. The Costello Commission of Audit report will cause us to redouble our efforts, because an essential part of responding to what Mr Costello and his colleagues found is the need for economic growth in Queensland. For the next decade whoever sits on these government benches has to focus on economic growth. The focus has to be on growing the Queensland economy so that we can provide the services and the lifestyle that Queenslanders deserve and so that we can earn the money to pay back Labor's debt and repair the legacy that they left Queenslanders.

Sale of Public Assets

Ms TRAD: My question without notice is to the Premier. I refer to the Premier's comments in the media today admitting that there are \$7 billion to \$10 billion worth of assets that could be sold and I ask: will the Premier outline which government assets are included in this \$10 billion hit list? When are these assets likely to be sold by his LNP government?

Mr NEWMAN: I thank the member for South Brisbane for the question. I am a little bemused because I was very clear in my press conference today, in my statements yesterday in the House and in the response that is clearly documented here, *A plan—better services for Queenslanders*, that the government is giving consideration to the Port of Townsville, the Port of Gladstone, the electricity generation assets and Queensland Investment Corporation. These are things that will be considered, and that is what I said today. I noticed a question earlier to the Treasurer about the debt forecast. Does it not depend on what the people of Queensland actually decide if we as a government put up certain assets for sale? Unlike the Labor Party, the people of Queensland will be asked to make a judgement on whether they will support a government that has, frankly, the honesty, integrity and, more importantly, the guts to put it up because we know that they never—

Ms Trad interjected.

Mr NEWMAN: I hear the interjection of the member for South Brisbane. The member for South Brisbane is the person who did the numbers to make sure that the former Premier was not rolled at the state ALP conference when she went against Labor policy and privatised assets. She does not like to be reminded of the dirty deeds done dirt cheap, because they sold a lot of the family silver. What happened to the debt? It went up. It continued to go up and up and up. The other thing about the Labor Party coming in here and having a bit of a squawk about asset sales is just to remind them about—

An opposition member: You're the only one squawking.

Mrs Miller: Yeah, you're the new parrot.

Madam SPEAKER: Order! I call on the member for Bundamba to withdraw those comments.

Mrs Miller: I withdraw, Madam Speaker.

Mr NEWMAN: Unlike those opposite, I do not have a glass jaw and I am not precious and always calling for withdrawals, like the member for South Brisbane. What did the current Leader of the Opposition say about privatisations? 'The government has had to make tough decisions to respond to the harsh realities that are facing our state about what governments should be involved in and what governments do not need to be involved in.' What did the member for Mulgrave say? He said—

I am proud to stand here today as a member of this government. We have had to make some tough decisions in bringing down this budget, but they are decisions that chart a course for Queensland's future.

They were his comments on the Infrastructure Investment (Asset Restructuring and Disposal) Bill 2009. How do you spell hypocrisy?

Government members: A-L-P.

Mr NEWMAN: For the benefit of everybody in the chamber, for the benefit of this state, remember Queenslanders that you spell hypocrisy A-L-P. They have no credibility. They have no plan. They have no position, and they certainly do not tell Queenslanders the truth.

(Time expired)

Commission of Audit

Mr GRIMWADE: My question without notice is to the Treasurer and Minister for Trade. Can the Treasurer inform the House how contestability will benefit Queenslanders and whether there are any alternative views?

Mr NICHOLLS: I thank the member for Morayfield for the question. It certainly is the case that the report that was delivered by the independent commissioners and our response deal with the issue of contestability. We understand that a fundamental role for government is to provide the services that Queenslanders need at a price that they can afford. The Commission of Audit has identified that, without any reform of the way government services are being delivered, the cost of providing those services will become too great for government to meet without rapidly raising taxes, fees and charges. I reflect on the mythbusters sheet from the member for Mulgrave which I recently read from in which he indicated the increases in fees, taxes and charges that his government brought about. People also tend to forget the fact that they cut the Queensland Fuel Subsidy Scheme that was in place. People also tend to forget that they cut the family home stamp duty concession, the concession being reintroduced as one of the first things that this government ever did. On top of that, when it came to selling Queensland Motorways and the Gateway Bridges they increased the tolling fees by 30 per cent in one year alone.

The choice is clear: either government becomes better at delivering services or you follow the Labor path of increased taxes, increased fees and increased charges. You stifle business, you stifle the private market and you stifle growth. That is why the audit has recommended that, where there are non-government providers, the government should encourage contestable markets to find the most efficient way of delivering all of those services that Queenslanders and Queensland families need.

Importantly, contestability is not a rails run for the non-government or private sector. It provides an opportunity for the government to test the efficiency of the delivery of those services. As the commission has pointed out, the mere process of contestability—the threat of contestability—can make us work better, harder and smarter to deliver those services. Our sole objective is to deliver the best services we can. Unlike the Labor government, we are focused on real outcomes. Outcomes are more important than process. Labor is always more concerned about process than outcomes.

I have indicated the increase in the size of the Public Service over the last 10 years. I have indicated the productivity decline. I have indicated that productivity is now less than it was a decade ago. We aim to become the most efficient state for service delivery. What is the alternative view to doing those things that we have charted a course to do? What is the alternative that is put forward? The Labor Party has indicated in its statements in the media that it opposes the adoption of contestability. In opposing the adoption of contestability, the Labor Party opposes more and better services for Queensland.

(Time expired)

Gladstone Ports Corporation

Mrs CUNNINGHAM: My question without notice is to the Treasurer. In relation to any proposed changes to the status of Gladstone Ports Corporation, when will the consultation commence and will residents across the Gladstone electorate be included in the process along with business representatives located in or operating within the electorate?

Mr NICHOLLS: I thank the member for Gladstone for her question, because it is a sensible question that goes to the heart of the response that we have made. The government has not made a decision yet about how or what it will do with the Port of Gladstone, but I do note that the Deputy Premier was in Gladstone this morning as part of the Healthy Waterways program and I believe he has already started that discussion with Mayor Sellers. I am sure the member for Gladstone's relationship with Mayor Sellers will see that information come through.

The delivery of a decision in relation to these government businesses is something that we will take to the people of Queensland. We will consider the options that are available to us. Member for Gladstone, there are many options that are available. There is an option to lease the whole or part of the port. There is an option for the sale of the whole port or part of the port, but we have not made a decision about it. Any decision about it will be predicated on ensuring that Queenslanders obtain the best value.

It may be that the best value can be gained by looking at how it is operated and run to make it run more effectively and more efficiently. It may be that retention is the best thing for Queensland in terms of economic development and ensuring that Queensland's coal continues to be delivered in the most effective and efficient way possible. As I have said many times, when we talk about the consideration of government businesses, we are saying there is a deliberative, considerate process. We will be taking the people of Queensland into our confidence, but first of all we need to do some of the work that is necessary in order to understand the value proposition. I thank the member for her concern.

I contrast the question I was asked by the member for Gladstone with the lunacy that I received earlier today from the Leader of the Opposition and the member for Mulgrave. For the sake of cheap political point scoring they wasted their first three questions instead of asking something sensible and seeking further information about the government's plans in the way that the member for Gladstone did. I contrast that with the response of this government, which is to say we will take the people of Queensland into our confidence, we will have this debate and discussion with them, we will not lob it on them at the last minute when we realise that the deck is burning and the flames are up around our necks. That was what the Labor Party did. It is not what we will do.

Sale of Public Assets

Mr KING: My question without notice is to the Minister for Energy and Water Supply. I refer the minister to comments in the media last night from trade unions that the privatisation of power generators would lead to higher electricity prices, and I ask: what are the facts relating to power generation businesses, and how are Labor and the trade unions at odds with lowering the cost of power?

Mr McARDLE: I would like to thank the member for Cairns for the question—a relevant question, an important question. I will start by correcting the Labor Party and also the unions. When honourable members go to the response by the government in relation to the generators, what are the first words that they see with regard to potential sale? 'For further consideration'; that is open and honest and transparent as opposed to the shenanigans we had in 2009 and as opposed to the lies and innuendo that this House and the people of this state were dealt in 2009 with regard to the sale of those assets. Let us be clear about this. We will have a debate, we will have a discussion and we will be frank, open and honest with the people of this state. That is what they deserve. After all, these assets are owned by the people of Queensland—a fact not taken into account by the Labor Party in their 2009 rollout of the assets and the advice post the sale.

Let us go back a little bit to the federal government's energy white paper and the Prime Minister's energy policy document. In that document there is not one statement that the generation of power in private hands increases electricity prices at all. This is the federal Labor Party that put together their own energy white paper and never once do they indicate that the generators or the generation of power in private hands would increase the cost of electricity. The final report, of course, is really hazy about what the real cost drivers are. Do honourable members know why that is? The

carbon tax—there is the cost driver. The green schemes, the RET, the wind and the solar—they are cost drivers. Do honourable members know what the big one is? The solar bonus scheme in this state—all Labor. Privatising the generators has been shown in Victoria not to lead to an increase in the generation costs of power in that state.

Let us consider CS Energy and Stanwell. In the 2011-12 year their debt was \$1.3 billion and, more importantly, CS Energy has not paid one cent in dividends to this state from 2009-10. In fact, the people of this state have poured millions of dollars into those entities. They have been made viable because the people have poured in money that could have been spent on hospitals and roads. They propped them up because of the Labor mismanagement of the generators in this state. It is a furphy, it is a nonsense and it is an absolute rubbish statement.

(Time expired)

Sale of Public Assets

Mr HOPPER: My question is to the Minister for Education. All Queenslanders now know that public schools will be sold. For the sake of all Queensland families, will the minister tell the people as soon as possible which schools will be sold?

Mr LANGBROEK: I thank the honourable member for the question. I want to go back to the genesis of this debate which was a right to information request by a journalist earlier this week which said that 55 schools were recommended by my department to possibly be sold. I made it very clear then that the Premier and I, having discussed those sorts of issues, said that the 55 schools were part of the department's recommendations but there were some that we were not prepared to consider. We had to look at the various criteria that we considered to be important—and it is not value of land; it is about making sure we make proper decisions about the best schooling opportunities for our state. It is about making sure we make proper decisions for schools, and we need to prepare and plan for at least 100 schools over the next 10 years—and members have heard me speak about that.

Importantly, it is also about making proper decisions regarding the state of maintenance that we found when we came to government, which was a \$300 million maintenance backlog. It is about two issues: one is about making sure we provide new schools in areas where there is great need. We are just about to open one—and I see the member for Whitsunday nodding in agreement—next week in his electorate at Mackay northern beaches and we have opened another one at Pimpama. That is two within a year at a time when we have increased enrolments in the state system. I have referred a number of times to an era long gone when over 60 schools were built in just over a decade. Yet under the Labor Party with no planning, it was just, 'Let's try to do this on the run. Let's try to do this year to year when schools cost us \$30 million to \$50 million each.' Of course, they did dispose of land. They disposed of land and schools. We only have to look at the statistics from the previous Labor government to see exactly what they did in the past. They got rid of 89 schools, about seven a year.

Let's look at the 2011-12 disposal program, and of course we came to government in April last year. The disposal program of the previous government was \$24 million worth of schools sold off including Richlands State School in the electorate of the Leader of the Opposition, Wynnum North State School and Inala West State School. The Labor Party—

Opposition members interjected.

Madam SPEAKER: I warn members on my left. Your interjections are not being taken and I will start warning you under the standing orders. I call the minister.

Mr Hopper: Where's the National Party?

Madam SPEAKER: Order! Member for Condamine! I call the minister.

Mr LANGBROEK: In answer to the honourable member's questions, we will make sure that we will abide by the important criteria such as where can we provide the best education in the best facilities and can all of our students do all the subjects they need to in metropolitan areas without having to do distance education? That is what happens in some of our schools at the moment. We look at their enrolments across-the-board. We plan properly. We will make those announcements with proper consultation that will take at least six months. That is our commitment to the people of Queensland.

Health Services

Mr GIBSON: My question without notice is to the Minister for Health. I refer to the minister's earlier ministerial statement and the previous Labor government's decision to outsource more and more health services, and I ask: can the minister advise what the reaction was of union bosses when the previous Labor government increased the value of health outsourcing from \$800 million to almost \$1 billion in a single year?

Mr SPRINGBORG: I thank the honourable member for Gympie for his question. The honourable member for Gympie probably would have been sitting in this place over the last couple of days somewhat bemused by the reaction of those members opposite as they protest against contestability and outsourcing. I thought, 'Surely they cannot have been involved in outsourcing themselves,' particularly when we hear that level of protestation from them. Unlike the Treasurer, I have had a little bit more luck in digging up some Labor Party policies in Queensland. I actually dug up one which I am advised is still contemporary, is still underway and still operates until it is overturned in some way. It says—

Labor will encourage coordination and cooperation between public and private sectors. Labor supports cooperation with privately based services including co-location of services only where this will enhance quality, efficiency and access to services.

I say, 'Ditto. Thank you very much for your bipartisan support.'

Practically, I then had a look at what this really means. Let us look at the 2009-10 financial year. The Labor Party spent almost \$800 million on outsourcing in Queensland. But the next year it increased it by 25 per cent to \$979 million. I admit that I have actually probably slowed down proportionately. I apologise, but we will keep it going in the future.

I thought, 'What would the unions have said about this?' They are out there complaining about privatisation. One of Labor's well-known luminaries, Bill Ludwig, was so outraged that he lumbered through his door, ripped off to AWU headquarters and promptly wrote out a cheque for \$90,000. That was 21 days after Labor brought down the budget. However, his indignation then turned to thoughts of rewarding them. On 25 August that year he wrote out another cheque, for \$100,000. Then he gave them an even greater reward, because on 1 September of that same year he added to it with another \$100,000. That was all within three months. At no stage did we hear any protestation from the union movement. This was repeated by union after union after union.

All I ask is that on Sunday, when Bill Ludwig and his mates brush off their hammer and sickle and march down the street for Labour Day, they treat us with the same level of condemnation, the same level of disregard and the same lack of financial reward as they treated the Labor Party when they brought in enhanced contestability and outsourcing in Queensland.

Leasehold Land, Rents

Mr KATTER: My question without notice is to the Minister for Natural Resources and Mines. Will the minister provide a commitment to freeze leasehold land rents for western graziers, given the prevailing extremely adverse industry conditions? Will he commit to stopping extraordinarily high increases in the future?

Mr CRIPPS: I thank the member for Mount Isa for his question. I once again acknowledge the thoughtfulness of the question asked by the member for Mount Isa. It is a sensible question about a real issue facing the constituents in his electorate.

I can advise the member that the existing arrangements in relation to rural leasehold rents are currently under review. The current arrangements for rural leasehold rents are for a 20 per cent cap on increases, and that arrangement is in place until 2017. Rural leases can only increase on a year-to-year basis by a maximum of 20 per cent until the period of time when those arrangements come to an end. A review is currently underway. The government has appointed a committee to review those rents. Once the committee reviews those rental arrangements and reports back to me as minister, I will certainly be making recommendations to cabinet about those arrangements.

I recognise that the current drought conditions in some areas of Queensland, particularly in the electorate of Mount Isa, are causing significant problems for many landowners in that area. I am aware of the efforts of the Minister for Agriculture, Fisheries and Forestry in supporting the mobilisation of drought committees in those areas and in helping to make applications for assistance when they are declared for drought.

I draw the attention of the member for Mount Isa to the initiative of this government to look very carefully at opportunities for more secure forms of tenure for landowners right across the state. We fundamentally believe that secure tenure will drive investment. The Deputy Premier, by referring this matter to the state development committee, is currently undertaking a review of tenure arrangements to question why, in the 21st century, the state of Queensland needs to own so much land. The initiative seeks to give affordable and sensible opportunities for landowners to move to a more secure form of tenure. I understand that the chairman, the member for Gympie, and his committee will report to parliament this month, and we will then be in a position to see what opportunities there may be for landholders to secure better forms of tenure in this state.

The member's question about that is a good question. There are currently mechanisms in place for landowners to secure support through the Department of Agriculture, Fisheries and Forestry. I will lend the member for Mount Isa any assistance he requires, as did the Minister for National Parks after the member's previous thoughtful question, regarding the circumstances of his constituents.

(Time expired)

Commission of Audit

Mr BOOTHMAN: My question without notice is to the Treasurer and Minister for Trade. Can the Treasurer please inform the House of any response to the independent Commission of Audit's final report or the government's response, especially those which are misleading and alarmist?

Mr NICHOLLS: I thank the member for his question. I think it is important that we do set the record straight in relation to a number of comments and statements that have been made over the last 24 hours, since the government released its response and its plan to deliver better services for Queenslanders.

Members can imagine my surprise yesterday, whilst listening to Tim Cox on ABC Drive, to hear the member for Mulgrave talking about the independent Commission of Audit and our response. During that interview the member made the statement that the LNP had failed dismally at growing the economy, despite growth at over 3½ per cent. Leaving that aside for a moment, when he was asked what his alternative plan was, the member for Mulgrave absolutely shut down. There was no alternative plan put forward.

Mr Newman interjected.

Mr NICHOLLS: He should have been, perhaps. What was the alternative plan? What did we hear? I have asked a number of times what is the alternative plan that the opposition would be putting forward to the people of Queensland in response to the Commission of Audit. Does the member for Mulgrave even have an alternative plan? Today I mentioned mythbuster fact sheet No. 1. The covering sheet indicated that his alternative plan is our plan. His alternative plan, apart from our plan, is of course to increase fees, taxes and charges. We are still waiting for the TJ Ryan Foundation to deliver something. If it has a plan it is the 'TJ Ryan secret plan'. There is a secret TJ Ryan plan that they have not told people about!

Instead of outlining his alternative—his secret plan to get the economy back in the black and to fix up affairs—the member for Mulgrave proceeded to make some very outlandish claims. He stated that the LNP inherited an economy growing at 7.9 per cent—faster than China—and a budget on track for a surplus in 2014-15. For the benefit of the member for Mulgrave—

Mr Newman interjected.

Mr NICHOLLS: I believe even the member for Mulgrave is embarrassed at that one, Premier. For the benefit of the member for Mulgrave, the Queensland average annual economic growth over the last three years under Labor was 2.1 per cent. In 2011-12, their last full year, it was four per cent—a dramatic improvement on the one per cent in 2010-11 and a huge improvement—

Ms Trad: What about the natural disasters?

Mr NICHOLLS: Natural disasters, yes, indeed. The member for South Brisbane is quick off the mark, but what about the 1.4 per cent in the year before, when Queensland was enjoying the strongest terms of trade since the Second World War? He was defending Andrew Fraser's legacy on employment. When Andrew Fraser was appointed Treasurer, unemployment was 3.5 per cent. When he left it was 5.9 per cent.

(Time expired)

Southport Courthouse, Disability Access

Dr DOUGLAS: My question is—

Ms Palaszczuk interjected.

Madam SPEAKER: Order! Leader of the Opposition.

Mr Pitt interjected.

Madam SPEAKER: Manager of Opposition Business, I warn you under standing order 253A. We give courtesy to the member asking the question to be heard in silence. I call the member for Gaven.

Dr DOUGLAS: My question is for the Attorney-General and Minister for Justice. Could the minister please explain why, after nine months, the department refuses to pay a \$30,000 agreed approved variation to the approved contractor to fit suitable access doors for disabled people at the Southport courthouse?

Mr BLEIJIE: I thank the member for Gaven for his question. I suggest that if the member for Gaven has those sorts of issues I am more than happy to have a conversation with the member for Gaven. This is all about grandstanding at question time. The member for Gaven would fully appreciate and understand that, in terms of backlogs in maintenance at courthouses caused by those opposite, I would not have all of those issues to hand. But I am more than happy to look at that issue for the member for Gaven.

I have travelled to the Southport Court House and I am not particularly aware, if memory serves me correctly, of the issue the member for Gaven raises. If it is an issue, guess what? We will fix it. If it is an issue and it has been stalled under this government, we will fix it—unlike those opposite, with their maintenance backlog of millions of dollars in, for instance, education. I am sorry to say that there is also a backlog in maintenance in courthouses.

When I attended community cabinet in Proserpine I called into the local courthouse, which had a leaky roof that they had requested be fixed on numerous occasions. That was not happening. Everywhere I travel around the state people talk about the neglect from the former government in terms of courthouses and infrastructure. Public servants all over this state are working in very dodgy buildings. This government will get that sorted out. If it is a particular issue, we will fix it.

Let us look at other infrastructure issues. The Cleveland Youth Detention Centre in Townsville is a huge expansion, but guess what? It is years delayed—about two or three years behind.

Mr Nicholls: Five years behind.

Mr BLEIJIE: Five years; I take the Treasurer's interjection. It is five years behind and completely over budget. It is completely over budget, and do members know why? Those opposite cannot plan. The Labor Party does not know how to plan these things and processes. We are looking at that issue. We are trying to fix the Cleveland Youth Detention Centre to get it open for the extra bed capacity to ensure there is accommodation for young people.

While I am also on my feet I acknowledge the member for Gaven in his new party—a sort of LNP, National, National LNP, Independent—the Palmer party. I also acknowledge the Katterites behind him. I note that the wife of the leader of Katter's Australian Party is the state director and I note that the member for Gaven's wife is the state director of Clive Palmer's party. I am not sure what is going on, but I say to those honourable members in the far corner up there: if you have not done the numbers yet, you actually outweigh the official opposition in Queensland. That says something for the Labor Party opposition in Queensland—that is, the eight up there, excluding the member for Gladstone, whom I have the utmost respect for. Member for Gaven, we will look at that issue, but come to me after this and we will talk about it.

(Time expired)

Department of Tourism, Major Events, Small Business and the Commonwealth Games

Mr KRAUSE: My question without notice is to the Minister for Tourism, Major Events, Small Business and the Commonwealth Games. Can the minister please outline what role the findings of the Commission of Audit have played in the Department of Tourism, Major Events, Small Business and the Commonwealth Games?

Mrs STUCKEY: I thank the honourable member for the question. It was such a pleasure to be in his electorate recently launching an arts and culture festival focusing on events tourism and of course importantly small businesses in our great state. The honourable member understands that this

Commission of Audit that has been brought before us in its full coverage this week is all about rebuilding the Queensland economy—an economy that was decimated under Labor. This is a plan for Queensland's future, and it is about making Queensland the best state once again. For tourism as one of the four pillars in our great state, a strong rebuilt economy is vital. The clear message that has come out of this audit is that business as usual is simply not sustainable. That is why from day one my department adopted this message and our actions have spoken for themselves. Unlike Labor, this government created a department of tourism. This government recognises the importance of small businesses rather than crushing them under 92,000 pages of red tape. It is our commitment to cut red tape and let our businesses actually get on with best business practices.

It was interesting to listen to the member for Bundamba yesterday showing her true colours about what she thinks about tourism. Fancy calling a point of order on the honourable member for Logan when he was talking up the great tourism attractions in our great state. I again say that the Labor Party does not value tourism, it does not understand it and it has a gross dislike for small businesses in our great state. We are committed to restoring Queensland's rightful place as the No. 1 tourism destination. We have set ambitious goals of doubling overnight visitor expenditure by the year 2020 to \$30 billion and we have embraced contestable funding—understand the word, honourable members—which we have managed to secure in partnership with our RTOs. Why have they embraced it as well? Because they get more. They get more projects, they get more events and they get more visitation to their regions. We are also attracting new airlines to our great state, and that is bringing great dollars for our economy. It is important also to understand that 90 per cent of tourism businesses are small business, and that is why our government has refreshed our business industry portal. We are running free webinars that have proved to be so successful we are running a whole lot more.

(Time expired)

Office of the Public Trustee

Mr JUDGE: My question without notice is to the Premier. I refer the Premier to an official parliamentary petition approved by the Clerk of the Parliament to the Office of the Public Trustee, and I table a copy of the e-petition.

Tabled paper: Summary of e-petition, posted 18 April 2013, relating to the Office of Public Trustee [\[2548\]](#).

Does the Premier support the Office of the Public Trustee attempting to charge a disabled client \$3,349 a year to manage a remaining \$10,000, or a fee up to 33 per cent? Will the Premier support an independent investigation into the fees and charges levied by the Office of the Public Trustee?

Mr NEWMAN: I thank the honourable member for the question. I know that the honourable member is new to this place, but I would have thought that he would probably have had the nous to realise that this is something that could have been handled with a direct representation to me. I am more than happy to look at the performance of all agencies of government within Queensland, but I do make the point that the Public Trustee is run very much at arm's length. It is set up as a statutory body. It is run very independently from government. If the honourable member has information about things that are going wrong or that he claims are going wrong, I would be delighted to take those representations, as would the Attorney-General.

I think there are probably far more productive ways of using time in this House and so, having answered the question, I might turn again to the very important issue of the day—that is, our support for the National Disability Insurance Scheme. Today is a day when the Prime Minister has seen the sense to realise that you cannot keep promising new initiatives without finding savings or raising taxes—that you do have to actually do something to fund the things you are doing—and the Prime Minister has taken up the suggestion of the premiers from July last year to support the NDIS. On a day like this, it is so important—

Opposition members interjected.

Mr NEWMAN: And those opposite interject! Oh, dear! Four years ago, what did the then minister for disabilities say about the NDIS? This is what Annastacia Palaszczuk said four years ago—

Queensland supports a national disability insurance scheme in principle.

...

However, we do not want to give people false expectations and hopes. We need to see what the Productivity Commission ... concludes and how any national disability insurance scheme would be funded.

Here today we have a way forward and not one question, because they are the party of no position and they have a leader with no position—the leader of no position! They come in here week after week and the real big issues are swept aside. They get down into the minutiae and the itsy-bitsy of who said what and how and where; the teeny-weeny minds there in their little burrow before they come down here. Rather than stick to the big picture, they ignore the big issue of the day.

Mr JUDGE: Madam Speaker, I rise to a point of order. Is the Premier indicating that he will take the question on notice?

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

Mr NEWMAN: I return to my theme. You would have thought on a day when we had an opportunity to take forward an important scheme for those who are disabled, their carers and families that the Labor Party would at least support the Prime Minister in what she is saying, because we have heard nothing from them to indicate any such support.

(Time expired)

QBuild; Project Services

Mr CAVALLUCCI: My question without notice is to the Minister for Housing and Public Works. In response to the Commission of Audit's recommendation No. 33 regarding the future of the remaining commercial business units QBuild and Project Services, can the minister inform the House what initiatives the government has already taken?

Mr MANDER: I thank the member for his question. Members would be aware that last year we announced the merger of QBuild and Project Services with a view to turning an outdated building and maintenance provider into a modern procurement manager of building and maintenance services. I am happy to report that the outsourcing of work formerly done by the government is already delivering significant savings for Queensland taxpayers. That merger is progressing well, with 83 per cent of work now being outsourced, up from 75 per cent last year. Next year that figure is likely to be 85 per cent or 90 per cent.

Our commitment to extending the scope of work that is outsourced is great news for local contractors and tradesmen who will see increased opportunities to tender for government work. Our new approach to procurement is already producing savings of between 10 per cent and 38 per cent on our school maintenance work. So far that has resulted in savings of more than \$10 million and it is expected to save \$15 million this financial year. Bundling jobs in this way allows local contractors to build their capacity with the security of a guaranteed pipeline of work.

(Time expired)

Madam SPEAKER: The time for question time also has expired.

SPEAKER'S STATEMENT


School Group Tours

Madam SPEAKER: Before I call the next order of the day I wish to acknowledge the visiting schools today: Camp Hill State Infants and Primary School in the electorate of Chatsworth, Somerset College in the electorate of Mudgeeraba, and Southport State High School and Keebra Park State High School in the electorate of Southport.

CRIMINAL PROCEEDS CONFISCATION (UNEXPLAINED WEALTH AND SERIOUS DRUG OFFENDER CONFISCATION ORDER) AMENDMENT BILL

Resumed from 28 November 2012 (see p. 2863).

Second Reading

 **Hon. JP BLEIJIE** (Kawana—LNP) (Attorney-General and Minister for Justice) (3.32 pm): I move—

That the bill be now read a second time.

I thank the Legal Affairs and Community Safety Committee for its consideration of the Criminal Proceeds Confiscation (Unexplained Wealth and Serious Drug Offender Confiscation Order) Amendment Bill 2012. I note that the committee tabled its report of the bill on 8 April 2013, recommending that the bill be passed. The committee made no other recommendation. So I thank the committee for its report and, of course, the government wholeheartedly accepts this recommendation.

I will briefly address the statement of reservation of the honourable member for Rockhampton. Firstly, the honourable member notes that, while consultation on this bill was undertaken with key stakeholders by way of correspondence advising of the framework for the proposed amendments, stakeholders did not have the full benefit of commenting on a draft of the bill. The member for Rockhampton outlines in his statement that he sees no need for urgent passage of the bill and that, as such, stakeholders could have been afforded the opportunity to consider a draft bill.

The introduction of tough new laws to target the ill-gotten gains of criminals was a pre-election commitment of this government. That commitment was reiterated by our six-month action plan of July to December 2012. This government has made a pledge to the people of Queensland that we will get tough on crime and make Queensland a safer place to live. This pledge, taken with regard to the development and introduction of this bill, has allowed the government to meet the community's expectations that such law reform would be introduced in a timely fashion. Consultation with legal stakeholders occurred on the proposed framework of the amendments and stakeholders were afforded the opportunity to consult on the bill during the committee process.

The second issue raised by the member for Rockhampton concerns the resourcing of the Crime and Misconduct Commission to properly utilise the new provisions contained in the bill. The honourable member calls on me to explain how I will ensure the adequate resourcing of the CMC. As mentioned by the member for Rockhampton, the government recently responded to the Parliamentary Crime and Misconduct Committee's recommendation that the CMC should be allocated greater resources to the CMC's proceeds of crime function. Such recommendation was made in the context of the PCMC's three-yearly review of the CMC. I reiterate the position that the government has stated in that response—

In the current fiscal environment, any requirement for a greater allocation of resources will need to be funded from within existing agency resources; including possible reallocation of resources.

Of course, if at some point in the future when the new provisions have been implemented and utilised the CMC asserts that additional resources are required, then I would give any submission made to me on that due consideration. For completeness, I note, however, that the expert advisory panel constituted by the Hon. Ian Callinan AC and Professor Nicholas Aroney in its publicly released recommendations suggested that, save for urgent applications in pending matters, the powers of the Director of Public Prosecutions under the Criminal Proceeds Confiscation Act for the criminal proceeds confiscation regime—which the director does not wish to retain—ought, subject to particular conditions, vest in the CMC. Furthermore, however, the expert panel was also of the view that the CMC should use some of its current budget allocations more effectively. I will certainly be monitoring this closely in the future and I am currently considering all recommendations made not only by the expert panel but also by the PCMC.

The members opposite should take note particularly of the Callinan report but, more importantly, particularly of the independent Parliamentary Crime and Misconduct Committee report with respect to resources of the CMC. The PCMC report may enlighten them on some of those issues. Members also may like to be aware that there has been recent media reports in relation to CMC resources and allocations and CMC spending upwards of \$50,000 to survey its staff. So I think there is opportunity in the CMC to certainly look at reallocating some of its resources, possibly from the things that it is doing that it ought not be doing or should not be doing. I think the PCMC and the Callinan report and the latest media reports that we have been reading certainly advise of that.

The third issue raised by the member for Rockhampton concerns the CMC's reporting on the use of new unexplained wealth provisions. The honourable member suggests that the bill should specifically require the CMC to report on the use of the new provisions annually in its annual report. The CMC is a statutory body within the Financial Accountability Act 2009 and as such must prepare an annual report that complies with the annual report requirements for Queensland government agencies. Further, section 260 of the Crime and Misconduct Act enables me as the minister responsible for the act to require the CMC to provide certain information. In that regard I am satisfied that an amendment to the bill is not required.


The fourth issue raised by the member for Rockhampton concerns whether the bill provides adequate oversight of the new provisions. Under the new provisions the CMC is the entity empowered to make applications to the Supreme Court. The CMC must report annually on the performance of its functions. The Parliamentary Crime and Misconduct Committee—the PCMC—monitors and reviews the performance of the CMC's functions. In its publicly released recommendations, the Hon. Ian Callinan AC and Professor Nicholas Aroney called for more

openness in how the PCMC performs its oversight role. Although the government is considering the recommendations of the expert advisory panel, I am not of the view that an alternative oversight structure is required for the CMC's use of the new schemes introduced by this bill.

The final issue raised by the member for Rockhampton concerns the hardship order provisions in the bill. The hardship order provisions allow innocent dependants of persons against whom certain unexplained wealth or serious drug offender confiscation orders are made to make application to the Supreme Court for a hardship order with respect to special property. The honourable member queries why similar hardship order provisions are not proposed for chapter 3 of the act. Chapter 3 of the Criminal Proceeds Confiscation Act 2002 enables proceedings to be started against a person to recover property and benefits derived from or used in the commission of a confiscation offence after the person has been charged with or convicted of the offence. Such property is referred to as tainted property.

Given that the property in question in chapter 3 is property directly derived from the offence or property used in the commission of the offence, it is not appropriate to apply hardship order provisions to that chapter. The unexplained wealth scheme and the serious drug offender confiscation order scheme proposed in the bill are concerned with a much broader class of property, that being under the effective control of an offender, and as such it is fair and just to allow innocent dependants to apply to exclude certain assets on the basis of hardship. However, I do note that under chapter 3, in determining whether to make a forfeiture order with regard to tainted property, the court may have regard to any hardship that may reasonably be expected to be caused to anyone by the order.

In closing, I again thank the Legal Affairs and Community Safety Committee for its consideration of the bill and acknowledge the contribution of those who have made submissions on this bill to the committee. The bill targets not only the ill-gotten gains of criminals but also their legally obtained assets. If enacted, these new schemes will significantly increase the personal risk to persons who become involved in serious criminal activity. While such criminals may be willing to risk imprisonment, they must now contemplate the risk of being stripped of all of their assets. This was a pre-election government commitment. It is about going after the Mr Bigs of the crime world, going to the heart of the assets, going to the heart of the problems. On that note I commend the bill to the House.

 **Mr BYRNE** (Rockhampton—ALP) (3.40 pm): I rise to make a contribution on the Criminal Proceeds Confiscation (Unexplained Wealth and Serious Drug Offender Confiscation Order) Amendment Bill 2012. At the outset I will advise that the opposition will not be opposing this bill, but I will foreshadow that we intend to move a number of amendments during consideration in detail. Once again I begin my contribution to this debate raising the issue of consultation. Again the Attorney-General has brought legislation before the parliament where important stakeholders have not been given the opportunity to make informed and comprehensive submissions on the draft bill. Consultation on this bill was apparently undertaken with key stakeholders by way of correspondence advising of the framework for amendments contained in the bill. Stakeholders did not receive a copy of the draft bill. The Queensland Law Society, in its submission on the bill, stated—

The society is pleased to note that it was given the opportunity to provide input into the framework of the proposed amendments. However, we were not provided with the draft legislation prior to it being introduced into the House. We are grateful to the Government for the opportunity to have contributed our views, but consider that early consultation on draft legislation is the key to developing good law.

The opposition agrees with this sentiment. In the report the committee has stated that in its initial briefing to the committee the department advised that time frames did not permit external consultation on the bill. The committee further stated—

In this Bill especially, where there are a large number of issues relating to consistency with fundamental legislative principles, early consultation on a draft bill would have been preferable. Consultation on a 'framework' only cannot provide opportunity for comprehensive and critical analysis of the manner in which the 'framework' is to be implemented and therefore wide consultation on a draft bill would have been desirable.

I understand the government made a pre-election commitment to introduce unexplained wealth orders and drug trafficking declarations, but it has not been established that there was any need for urgent passage of these laws sufficient to warrant the approach taken. In fact, this bill was introduced in November last year and it is now May. I am sure that there would have been no problem in delaying the introduction to allow for proper consultation with all stakeholders on the draft bill so that their feedback could have been taken into account before finalising the bill.

In fact, these bills are hasty and ill-conceived. The federal Parliamentary Joint Committee on Law Enforcement held an inquiry into Commonwealth unexplained wealth legislation and arrangements. Its report was tabled in federal parliament on 19 March 2012. According to the

committee, unexplained wealth laws can be used to target serious and/or organised crime bosses who arrange their affairs so that they can enjoy the proceeds of their crime without committing the actual crimes themselves. However, the committee was of the view that the laws had not worked as intended. The committee made 18 recommendations to 'significantly enhance the effectiveness of those laws'. In particular, the committee recommended major reform of the way unexplained wealth is dealt with in Australia as part of the harmonisation of Commonwealth, state and territory laws. In addition, the committee recommended a series of technical amendments to help ensure that the unexplained wealth proceedings are efficient and fair and to correct deficiencies that were identified during the course of that inquiry.

In October 2012, prior to the meeting of the Standing Council on Law and Justice, Attorney-General Jarrod Bleijie said he would not support the federal government's plan for national unexplained wealth legislation. He reiterated this position in March 2013 before the next meeting of the SCLJ when he said—

But as I have said previously, the Newman Government will not support any move by the Commonwealth to remove the states' unexplained wealth powers for its own financial benefit.

The former Attorney-General tried this at the Standing Council of Law Justice in October and I made my position on this very clear—we will not be bullied by the Gillard Government.

On 4 April 2014 federal Attorney-General Mark Dreyfus confirmed the federal government's intention of taking unexplained wealth laws to COAG in an attempt to introduce harmonised laws. As he said then—

First I would point out that the Prime Minister has made it explicitly clear that the Federal Government will take a plan to introduce national anti-gang laws, national unexplained wealth laws and reforms to tackle the illegal firearms market to a meeting of the COAG this month.

These reforms have been elevated to COAG because state and territory attorneys-general did not support a Commonwealth criminal organisation control regime discussed at the Standing Council on Law and Justice meeting last April.

This is the Attorney-General either deliberately misleading the people of Queensland or showing that he does not understand the Commonwealth proposal. I am prepared to give him the benefit of the doubt and say that he is just clueless and ignorant of the facts and should, as he advised the Leader of the Opposition to do in the media statement on 13 August 2012, get the facts right before he makes public statements about this issue. He is again talking on matters he knows nothing about, as he accused the Leader of the Opposition doing in the same media statement. As the Attorney-General well knows, there is no suggestion—no suggestion—that the Commonwealth would take states' money in any national criminal proceeds confiscation scheme. On 18 April 2013, on the eve of the COAG meeting, the Attorney-General issued a media statement again refusing Queensland's cooperation in a national unexplained wealth scheme. Just days before two teenagers escaped from the Attorney-General's own personally endorsed boot camp at Kuranda he was saying—

How can Queenslanders have confidence in the federal government's ability to deal with this issue? They can't stop illegal boats, how can we expect them to stop outlaw bikies already here?"

I am sorry, Attorney, but how can Queenslanders have confidence in the state government's ability to stop outlaw bikie gangs when you cannot even run a tiny boot camp for teenagers? The same lines were repeated by the Queensland Premier in interviews before the COAG meeting the very next day. He said—

If you can't stop the boats, if you can't tell us when the next ship is going to appear off Geraldton, then you are not capable or competent to deal with the issue of outlaw gangs.

Didn't he look a bit of a goose two days later in the media when reporting the escape of the two sole participants in the failed Kuranda boot camp? Whoever wrote those lines for the Attorney did not do him or the Premier any favours. Yet again Queensland was made to look ridiculous. After the state Attorney-General's misinformation, the federal Attorney-General was forced to correct the record. He said—

The ridiculous claim by the Queensland Attorney-General today that national unexplained wealth laws are a Commonwealth 'cash grab' is a deliberate misrepresentation of the national plan to be discussed at the Council of Australian Governments (COAG) tomorrow.

National unexplained wealth laws are part of the crime package that Prime Minister Gillard will take to COAG, along with national anti-gang laws and reforms to the illegal firearms market.

We know that criminals don't respect state borders and a national approach means there are no safe havens. Rather than lining the pockets of criminals, the assets and money seized under these laws would be put towards crime prevention.

The Commonwealth Government has made it abundantly clear the national laws would preserve state laws and each state would be able to retain proceeds of crime seized under their own laws.

The Queensland Government has been full briefed on this proposal, which ensures that no state would be worse off as a result of national unexplained wealth laws. The national framework is designed to financially benefit states and territories.

For example, criminal assets seized by Queensland law enforcement agencies acting alone would go entirely to Queensland.

For joint Commonwealth-State operations, the proposal provides for a Standing Committee of Police Commissioners to be established to decide how to fairly share the proceeds between participating jurisdictions.

Just last week the Prime Minister announced a \$40 million National Crime Prevention Fund to be funded from confiscated proceeds of crime.

Mr Bleijie should stop distorting the facts and get behind the Commonwealth's proposal at tomorrow's COAG meeting.

I do not think I could put it more succinctly than that. In its Communique dated 19 April 2003, COAG stated—

COAG agreed that the Standing Council on Law and Justice would further examine options to fight nationally gang violence and organised crime, in consultation with the Standing Council on Police and Emergency Management and recommend options for consideration at its next meeting.

COAG also agreed that Senior Officials would consider options for improving intelligence, data and information sharing between jurisdictions for the purpose of strengthening law enforcement action, for agreement out-of-session.

One would then expect the Queensland government to go away and, in good faith, enter into discussions with other jurisdictions on the best way to fight gang violence and organised crime. Those are not problems that stop at state or territory borders. Uniform laws will ensure that there is no safe haven for organised crime gangs. All laws would be the same across the country. But, instead of good-faith negotiations, we have seen the stalling and road blocks put up by this government. Agreements should have been reached at last December's meeting and we could be well on our way to nationally consistent laws.

Let us take a look at the LNP's record in relation to organised crime in Queensland. When in opposition, the LNP did not want Queensland to have any laws at all that would stop organised criminals setting up shop in Queensland. They were too concerned about civil liberties for the bikies. Before the House debated the Criminal Organisation Bill 2009, the member for Southern Downs met with members of the United Motorcycle Council Queensland, which was representing the state's outlaw motorcycle clubs before deciding to oppose the anti-association laws. The honourable member came away from that meeting declaring—

The police here have said 'We won't abuse the laws', now that's not exactly a ringing endorsement. If you give anybody too much power there will always be someone in the organisation who will abuse it.

Then came the extraordinary debate of the bill. The member for Southern Downs, who was the shadow Attorney-General at the time, said—

This bill tears apart the foundation of the rule of law, which has guided us and protected the basic rights and liberties of citizens since King John was forced to cede the absolute power of the crown some 800 years ago.

The Attorney-General, the member for Kawana, also opposed the bill, saying—

The government cannot assure the people of Queensland that there are sufficient safeguards in place to protect the fundamental personal liberties of individuals that could be breached by this bill.

Mr Bleijie: That is because I am a civil libertarian.

Mr BYRNE: These are the Attorney's words. He went on to say, '... this bill removes the fundamental rights and freedoms of the people of Queensland'. The Treasurer, the member for Clayfield, launched into an informative history lesson on the Magna Carta and then decried the legislation. He said—

What do we have now with the Criminal Organisation Bill 2009? We have legislation that strikes directly at the heart of the fundamental principle of freedom of association ...

The member for Redlands gave some sage legal advice. He said—

The LNP and the community will not support this legislation. It could quite honestly be unconstitutional. I am sure the provisions will be tested quite rigorously after this bill is forced through on the numbers.

The member for Cleveland was so concerned that he said—

These laws, if not amended, will serve to undermine the heart of this state's basic liberal democratic principles—that of freedom of association, the presumption of innocence, the right to due process and the doctrine of natural justice.

There were 16 divisions on the bill. The then opposition opposed the bill on both the second and third readings. By 2011, when the news broke that the police were drawing up the first application under these laws, the member for Kawana had become the shadow Attorney-General. He again denounced the laws and reiterated the then opposition's opposition to such laws. On 24 April 2012, exactly one month after the LNP took office in Queensland, we opened the newspapers to read a headline that stated, 'Labor bikie laws in LNP sights'. The article stated, 'The Queensland government looks set to roll back Labor's tough anti-bikie laws ...' Then, contrary to the concerns raised by the members for Southern Downs, Mundingburra and Gregory and contrary to the legal advice provided during debate on the bill by the member for Redlands, in March this year the High Court upheld the constitutional validity of the laws, as the Labor government had assured members it would.

Then there was a flurry to change history, the like of which has never been witnessed in Queensland before. The Attorney-General must have been in quite a tizz that day. Suddenly he was calling the Criminal Organisation Act 2009 the Newman government's criminal organisation laws. Yes, that is right; members did hear that correctly! The laws that the then opposition opposed so vehemently on both second and third readings, and on which they called 16 divisions, are now their laws.

However, it was the Premier's reaction that really took the cake. The Premier, Campbell Newman, hailed the High Court decision upholding Queensland's association laws clearing the way for the possible banning of the Gold Coast chapter of the Finks. Speaking in Dalby, Mr Newman said that he was absolutely delighted with the decision, which would elicit a sigh of relief from all decent men and women across Queensland. He said—

This means we can protect them against the criminal outlaw motorcycle gangs. I don't believe for a moment they should be in any way romanticised. They're involved in drugs and prostitution and all sorts of organised criminal activities that impact on the safety and security of Queenslanders. I'm really pleased we've had this decision from the courts.

Mr Newman said that the decision would allow his government to get on with the job of sorting out some of the problems with criminal gang activity that had flourished in South-East Queensland.

This morning in the House we heard much about hypocrisy and I will again refer to it. Talk about hypocrisy! The LNP needs to look in the mirror and see the two faces it is wearing. This is shameless conduct by the government, but it is not surprising. Unexplained wealth investigations can be extremely complex. They may go back over many years and involve a complex analysis of evidence, not only by the police but also by expert witnesses such as lawyers and forensic accountants. This can mean a real strain on the resources of the body charged with the implementation of the laws—in this case the CMC.

The CMC's 2011-12 annual report states that the targets for the number of restraining orders were not met and the performance was affected by the need to divert resources elsewhere. As was stated in the public hearings, the demand for confiscation action under our current civil confiscation scheme currently exceeds the resources that are allocated to it. In the committee's hearings, the CMC stated it would require additional funding in order to properly utilise the new provisions. In its answer to a question taken on notice at the hearing, the CMC stated—

The CMC experiences difficulty in attracting and retaining suitably skilled staff, at the salary levels on offer. The Proceeds of Crime Team currently has 115 active matters and the demand for confiscation action continues to exceed the resources allocated to the function.

At both the public hearing and in correspondence submitted to the committee, the CMC anticipated that the new provisions as detailed in the bill will exacerbate the current resource situation. In its estimation, by way of comparison, under the new provisions the demand on the CMC may be approximately double that required of their Western Australian counterparts but with approximately the same number of FTE staff. At the public hearing I elicited some interesting information in relation to the consideration given to resource implications for the CMC in the development of this bill. I was told by their representatives—

... there have been no discussions about the resourcing commitment. I guess those discussions can take place in a number of ways. They can occur in the course of the bill's development, and it was made clear that funding implications were not going to be considered as part of the development of the bill.

If the CMC is not adequately resourced to use these provisions, the proposed legislation may be akin to providing high-powered weaponry without any ammunition. So for all the hyperbole of the government about using unexplained wealth laws to combat organised crime, serious and dangerous offenders may continue to evade accountability, not because of a lack of adequate laws but through a lack of funding to effectively use them.

The Parliamentary Crime and Misconduct Committee, in its recent three-yearly review of the CMC, noted the important work of the CMC's Proceeds of Crime Unit and the need for the government to allocate greater resources to the area. Yet the government did not support the PCMC's recommendation to allocate greater funding to the CMC for this function. The government's response stated—

In the current fiscal environment, any requirement for a greater allocation of resources will need to be funded from within existing agency resources; including possible reallocation of resources.

The opposition would have to question the potential ability of the CMC to operate effectively in this area without appropriate and adequate funding. The Attorney-General has given a commitment to ensure the CMC is adequately resourced once the law is in place. This commitment to resourcing was reported in an article in the *Australian* on 6 March 2013. It stated—

Queensland Attorney-General Jarrod Bleijie says he is working through funding issues with the CMC.

"Once the new laws are in place, we'll make sure the CMC is sufficiently resourced," he said.

Mr Bleijie said the current proceeds of crime laws in Queensland haven't been working over the last 20 years and needed to be toughened.

"It does impede the civil rights of individuals but if you're not doing the crime, you won't do the time.

That is certainly another change of heart on the part of the Attorney-General since being in government instead of opposition. Apparently impeding the civil rights of members of organised criminal gangs is now okay.

So I will ask the Attorney-General to explain to the Legislative Assembly how we will fulfil the public commitment he has made to provide adequate resources to the CMC, and how 'adequate' will be determined. What is the definition of 'adequate'? I would appreciate if the Attorney could provide that information during his speech in reply.

I asked some questions of both the departmental officers and the CMC officers about who would be responsible for reporting on the use of the powers contained in this bill and what would be the process. The responses provided at the hearing indicated the CMC would be responsible for reporting on the use of the unexplained wealth provisions through its annual report. There is no requirement, however, contained in the bill for the CMC to report on the use of the unexplained wealth provisions in its annual report or otherwise. While the CMC is required to lodge an annual report every year, there is no prescription as to what must be contained in that report.

As the powers contained in this legislation are far-reaching and out of the ordinary, it is important that the CMC be accountable to the parliament and, more widely, the people of Queensland for the manner in which it uses the extraordinary powers being given to it. As the department pointed out in the public hearing, accurate reporting of the use of unexplained wealth provisions is essential for effective monitoring and oversight of the laws.

It would not be inappropriate, therefore, for specific provision to be made in the bill requiring the CMC to report on the use of unexplained wealth provisions within its annual report. I will be moving an amendment during consideration in debate to this effect. Accurate and comprehensive reporting would be instrumental in facilitating research and cross-jurisdictional comparisons of the operation and use of unexplained wealth provisions.

One of the other elements that appears to be missing from the legislation is the provision of some mechanism for statutory oversight of the laws and the way in which they are used. These powers are extraordinary in nature and, as I have said, are far-reaching. In fact, this bill contains provisions similar to those so vehemently opposed by the then opposition in the debate on the Criminal Organisation Bill 2009, except that that legislation contains safeguards against abuse and misuse that are absent from this bill. That act contains the following sections—

127 Minister to ensure reviews are carried out

The Minister must ensure reviews of this Act are carried out under this division.

128 Who carries out reviews

Each review under this division must be conducted by a retired Supreme Court judge appointed by the Minister.

The South Australian unexplained wealth laws contain similar provisions requiring an annual review to be conducted and carried out by a retired judicial officer to determine whether the powers under the act were exercised appropriately in the preceding 12 months.


After the hullabaloo made by the then opposition members in 2009, I cannot understand why similar oversight provisions have not been included in this bill. For that reason, I will be moving amendments during consideration in detail in similar terms to those provisions contained in the Criminal Organisation Act 2009. Could it possibly be that members who spoke about the rights and liberties of individuals when they were in opposition were actually crying crocodile tears for political purposes?

As the explanatory notes point out, the bill provides for the ability of innocent dependants against whom certain unexplained wealth or serious drug offender confiscation orders are made to make an application to the Supreme Court for a hardship order with respect to special property. These provisions are contained in chapter 2 'Confiscation without conviction' and in new chapter 2A 'Serious drug offender confiscation order scheme' of the Criminal Proceeds Confiscation Act. There is no similar provision in relation to chapter 3 which relates to confiscation after conviction. I would like to ask the Attorney-General whether he has given this matter any consideration and what the policy reason is for this omission. If he could address this in his speech in reply, I would be most grateful. It could perhaps be considered in the review of the act.

The introduction of unexplained wealth laws is considered a priority among Australian law enforcement agencies and is mentioned in the Standing Council on Law and Justice's resolutions to combat organised crime. Any such laws will necessarily breach fundamental legislative principles to some degree. The need for protection of the community from serious offenders must therefore be weighed against the abrogation of the rights of those citizens.

It is therefore important to ensure that the laws we introduce in Queensland maintain the confidence of the community by providing sufficient safeguards to ensure the extraordinary powers proposed by those laws are exercised in a proper manner, as the Labor government did with the Criminal Organisation Act 2009. I note the resolution of the COAG meeting held on 19 April 2013. It is unfortunate that this matter has been delayed by the recalcitrance of the Queensland Attorney-General at the Standing Council on Law and Justice.

The opposition will not oppose this bill, as I said earlier, because the Attorney-General has dragged his feet long enough in tackling organised crime in this state. However, I urge the Attorney-General to start to take a mature approach to cooperative federalism, one of the defining characteristics of which might be cooperation, one might think. I also ask that he kindly address the concerns that I have expressed throughout my speech during his speech in reply.

 **Mr BERRY** (Ipswich—LNP) (4.08 pm): Thank you, Mr Deputy Speaker, for the opportunity of allowing me to speak in relation to this bill. I have taken particular note of the member for Rockhampton and I will address some of the issues which he has dealt with. I would make one observation though and that is an initial observation in terms of delay. I was a little surprised that when legislation came out in Western Australia in 2000—being one of the first states to introduce this legislation—it took Queensland until 2002 to operate the same legislation when in fact the evidence even then was fairly clear. But I digress.

If in fact crime today is as it was in 2002 then perhaps the Criminal Proceeds Confiscation Act 2002 may still be relevant today, but the reality of it is that it is not. Both anecdotally and statistically not only is crime increasing but it is increasing disproportionately to the increases in previous decades. There have been many reports on how this is happening and one really does not need to travel far to find the data. It is clear that criminals are now becoming more organised, and I am not talking only of motorcycle gangs. Combine that with the fact that profits are now becoming substantial and there is a need for legislature to address the issue of unexplained wealth. It is what our constituents require of us. Previous forms of deterrents have not been as effective. When somebody acquires wealth which they cannot explain it goes to the root of crime—that is, taking away the benefits of the crime.

I will address the issue as to why criminals are now becoming more organised. Certainly there are social reasons as to why motorcycle gangs are grouped together, and it is perhaps easier for them once they have grouped together to have a common aim to increase their profits. They are able to dabble in things like stealing cars and so forth. Unexplained wealth really is not a dichotomy; it is a huge area, particularly I note across states like Western Australia and Queensland which are both economies rich in minerals but very regionalised. So the wealth is here and in Western Australia and we have a diverse range of assets which are vulnerable. So it is yet to be explained, not that I rely heavily on history, why when Western Australia introduced these laws in 2000 Queensland lagged behind until 2002.

Assets that are available clearly are things like motor vehicles. Certainly motor vehicles are plentiful and they have a transferability. They have a liquidity. It comes down to things like rebirthing of motor vehicles, stripping motor vehicles for car parts, shipping cars overseas for rebirthing overseas. Certainly legislature has been key to home in on activities like rebirthing and there has been at the front end major moves to ensure that does not occur, but unfortunately it still does happen. Even if we cannot rebirth a car in Queensland it can be done interstate and it can be done overseas. There is a certain amount of fluidity in that transferability.

In Queensland—and this is a statistic that I believe holds some water—21 per cent of all vehicles stolen is related to the profit motive rather than simply opportunistic stealing. That is a huge part of the market. If I could just translate that, that 21 per cent is going into the hands of criminals and, because of our regionalisation and the stretched resources of the police, they cannot necessarily be apprehended in the first instance. So how do we provide that deterrence? Unexplained wealth is clearly a direct confrontation with that sort of crime. It has been LNP policy as far back in opposition when the now Minister for Health led a charge in respect of a private member's bill. But today the evidence is clear that Queenslanders expect this parliament, expect us, to do something about it and to make it tough. There has to be a clear deterrence as to what we do.

I mentioned before that the evidence is fairly clear that motorcycle gangs are involved in the stealing of motor vehicles and in drugs. The reason for that is that there is this profitability associated with that activity. Not only that, but when you see motorcycle gangs having a freedom to involve themselves in organised crime without a lot of deterrence by way of convictions, it allows others into the market. They see the profits and, as a result, you do get family based criminals and other tightly knit groups which see opportunity. Then it is an ever-increasing market for these criminals.

I cite just one example at this point in time. In 2011 the Queensland police broke a major vehicle theft ring which involved a rebirthing syndicate operating in both Queensland and New South Wales and it had been operating for several years. That is just an example as to how the ordinary deterrence methods are not always appropriate, but it needs to be a combination of several factors. As the member for Rockhampton indicated, there needs to be a joint approach. There is no question that all the states and the Commonwealth need to be involved in this process. It is not a matter of the Commonwealth taking over the role and saying, 'This is how we will do it.' Unfortunately, because of my memory of whenever the Commonwealth seems to be involved with money, such as the withdrawal of health funds from Queensland of \$103 million, I became very sceptical when they said they would share unexplained wealth proceeds equitably. I do not know quite how they would do that but I have great scepticism of that actually happening.

Because of the reasons I gave earlier, there has been a steady increase in car theft in both Queensland and Western Australia. To give some data to verify this point—and I provide it by way of example—in Queensland this increase has been by 30 per cent. In 2010 we had 42 thefts per 100,000 cars. In 2012 we had 56 thefts per 100,000 cars. The economies and regionality leads to that increase, as well as other activities. For instance, heavy vehicles which are stationed on mining sites both in Western Australia and in Queensland are heavy targets for organised crime. To take scrapers and low loaders from sites is not terribly difficult but they are very hard to trace, not only in selling the equipment interstate and overseas but also in supplying markets.

One growing area is the theft of copper. Of course the theft of copper has a high-profit element as well as the vulnerability of the assets. We have substations and we have electricity lines all over Queensland. In those isolated locations it becomes so easy to target.

Mr Costigan: Soft touch.

Mr BERRY: I take the interjection from the member for Whitsunday. They are a soft touch. It is the result of this vulnerability and the fact that copper is both liquid and transferable that we need to do something about it. For instance, there was a case I was reading about of the raiding and theft of three tonnes of copper from 11 substations with an innuendo that it was going to be used for the drug industry, for purchasing drugs. In the USA, a country which is not dissimilar to ours in the way we live, insurance claims based upon copper theft rose from under 14,000 claims in 2006-2008 to over 25,000 claims in 2009-2011. So the indications are very clear. The deterrence that this parliament must show must be very clear. Quite frankly, there are no apologies for you having been served with an application and having to front up and explain where you got that wealth, and I will come to that later on.

In 2008 the police authorities in Victoria apprehended a criminal syndicate caught in the act of exporting \$2.7 million in stolen copper which was destined for the black market in Asia. It is just so easy and our respective economies are so vulnerable to these sorts of activities. The message has to

be very clear. It is certainly best that all the states have a unified effect. Western Australia led the way and has been successful. The Northern Territory has followed and has been successful. I believe what we have here today is legislation that balances the rights of both the individual and the community. Other states will now be catching up with us because, as the evidence rolls in, it is clearly the case that previous legislation was not as effective. When the Western Australia legislation was rolled out, I noticed a quote—which seemed quite clear as to the intention of the legislation—which said that the legislation was squarely aimed at those people who apparently live beyond their legitimate means of support. It is our party's position that there ought to be a high deterrence, and the evidence I have given so far makes that very clear. It is unequivocal.

I might touch upon the member for Rockhampton's comments which indicated a history. It may well serve an interesting point to go through the history of who said what and when but, quite frankly, it is irrelevant for today's purposes. What we need today is a clear message to the constituents of Queensland that we are unified—leaving aside the Commonwealth and the states—as a parliament in making sure that there is a strong deterrence.

Mr Byrne interjected.

Mr BERRY: I acknowledge the indication by the member for Rockhampton indicating that it will not be opposed.

The bill before us—with one caveat—is a journey, not a destination. I suspect there will be further measures that will involve deterrence in areas of profitability and criminality as they arise but, as I said previously, this is a measured response between the individual and the community. However, there reaches a point where the community is entitled to have these matters placed at the forefront and that we get very tough with organised crime.

I want to touch upon a few matters in regard to the bill, the first being onus of proof. The committee received submissions from the Law Society and other submitters. I respectfully submit that the onus of proof is not the werewolf that perhaps it has been suggested to be. The reality of life is that, if you bring an application in what, for the sake of argument, we will call the civil based scheme where someone has unexplained wealth, that application needs to be supported by an affidavit. An affidavit ordinarily is given on oath. That affidavit must have facts, circumstances and assertions supporting the application. The onus is upon the Crown, but the onus shifts and that becomes the evidential onus. In other words, you put the prima facie case up to a Supreme Court judge. I will digress for one moment. We have this determined by the highest court in our land, and that is the Supreme Court. I note that in the Northern Territory it uses magistrates. So I believe there is a separation here. By having the Supreme Court judge handle it, it will be with the utmost care and consideration.

To go back to the point I was making, you make an application. If there is a hardship application, to which the Attorney referred, then you make your hardship application. If the court has the application combined with an injunction, then that will be included as well. In fact, there is no reason why all these matters would not ordinarily be considered together and the cost would be reduced substantially. Why do authorities make these applications? Because they have a basis for it. In the civil based system there is an affidavit made which addresses what they have found in terms of unexplained wealth. There is perhaps one exception, to which I will come back, in terms of people who might be affected by it. In the criminal based system there is a certificate which the judge lodges, meaning there must be a nexus with the assets.


There is another matter I will raise because it is relevant to the public interest. If, for instance, somebody attained unexplained wealth 20 years ago, a judge has an unfettered discretion called the public interest. A justice of the Supreme Court must weigh up and balance all the factors that need to be considered. If it is 20 years old and the paper trail is so thin that it becomes unreliable, then the 20 years is a factor which must be taken into consideration. If it is six years ago, then that changes. One would expect with most transactions today, whether it be a bank account, real property or jewels hidden in a family briefcase, there would be some sort of trail. As I understand it, DFAT has a criterion that any cash over \$10,000 has to be explained away. So society today is changing. The public interest is a discretion and it is unfettered. In other words, this legislation has not done anything to fetter that discretion. It is completely open. It is for the justice to consider the merit and all the factors combined.

To touch briefly on the comments of the member for Rockhampton, he said that the bill is hasty and ill-conceived. I reject that notion. I reject it on the basis that we had a public hearing to which the Law Society and the Queensland Council for Civil Liberties came and gave their views, and they were

considered and considered appropriately. The bill is a consistent approach to all other legislation of this sort in Queensland. It is not out of the ordinary. It is a little tougher, but it is not out of the ordinary. It is in fact the position that it is the states leading the charge in terms of unexplained wealth. I think it is up to the Commonwealth to catch up.

When a person attains unexplained wealth, it is the applicant who has the charge and they would expectedly receive the unexplained wealth. If it is not explained away, then that state receives it so it is up to the state. So I cannot quite get the mix as to how the Commonwealth, which brings an application, assuming it had a unified approach from all the states, would distribute the proceeds. For instance, it could be a Queensland applicant but all the proceeds came from another state, or it could be assets spread over many states. I just do not quite see how that could be managed and managed successfully. Again, I reiterate that the member for Rockhampton did indicate that the state will not be worse off, and I have reservations in relation to that.

I would like to thank the Attorney-General. My own views are that this is a balance between civil rights and the community, and that balance of course alters from time to time based on the evidence of crime and how it is permeating through our state. I would also like to thank my committee members for their contribution both at the public hearing and in the process. The contribution was succinct and forthcoming. I would also like to thank the secretariat for their diligent work because they have had a heavy workload. Lastly, without submitters we do not get that balance at various ends of the debate. I commend the bill to the House. I believe it is the best thing that we can do to fight crime.

 **Miss BARTON** (Broadwater—LNP) (4.29 pm): It gives me great pleasure to rise this afternoon to speak to the Criminal Proceeds Confiscation (Unexplained Wealth and Serious Drug Offender Confiscation Order) Amendment Bill 2012. I begin by acknowledging my colleagues on the Legal Affairs and Community Safety Committee, particularly my verbose chair, the member for Ipswich. I would also like to acknowledge the great work that the committee secretariat has done in helping us prepare this report. This bill is particularly complex in nature and they were especially helpful during our deliberations and consideration of this bill.

Mr Rickuss: It's very important on the Gold Coast.

Miss BARTON: It is incredibly important for the Gold Coast. I would like to thank those who have taken time to make submissions to the committee on the bill. I would like to particularly acknowledge and thank those who have taken time out of their very busy schedule to appear at the public hearings on the bill. They were senior representatives from the Department of Justice and Attorney-General including the Director-General, Mr John Sosso, senior officials from the Crime and Misconduct Commission as well as representatives from the Queensland Law Society and Queensland Council for Civil Liberties.

I note that there was consultation on this bill with the Department of the Premier and Cabinet, Queensland Treasury and Trade as well as the Queensland Police Service. In addition to these government departments and agencies, a number of stakeholders were advised through correspondence from the Attorney of the framework of the draft bill and they included the Chief Justice of Queensland, the President of the Court of Appeal, the Chief Justice of the District Court, the Chief Magistrate, the QLS, the Bar Association, the Office of the Director of Public Prosecutions, the CMC, the Queensland Council for Civil Liberties, the Office of Public Trustee, the Australian Bankers Association and Legal Aid. I also note that time constraints did not allow for external consultation on the bill.

This bill will introduce a scheme for the recovery of unexplained wealth. It will provide for the innocent dependants of persons against whom proceeds assessment orders are made so that they might have the ability to apply to the Supreme Court for relief from hardship. It will introduce serious drug offender confiscation orders. It will amend the CMC Act and the PPRA to facilitate the investigation of evidence related matters concerning the Criminal Proceeds Confiscation Act and it will amend the CPCA to increase the general effectiveness of the criminal confiscation regime in Queensland.

In its report to this House, the Legal Affairs and Community Safety Committee had only one recommendation and that is that this bill should be passed. I also note that the opposition has included and tabled a formal statement of reservation, which I will address later in my contribution to the debate.

This bill implements our government's pre-election commitment to introduce unexplained wealth orders and drug trafficking declarations. We reiterated our commitment to this in our July to December 2012 six-month action plan. It honours our commitment to Queensland that we will keep

our community safe and that we will strengthen crime laws. The amendments in this bill contain the procedure for the issuing of a serious drug offence certificate, and these procedures ensure that the scheme will be targeted at only the most serious of drug offenders.

I have said in the House before that I believe that drugs are the scourge of our society and that anything we can do to get tough on drug traffickers and drug offenders is a good thing in my book. It sends a message that our community and that society at large does not and will not tolerate it.

I turn now to some of the elements of the bill. There were some concerns that were initially raised with me with regard to natural justice and procedural fairness. I personally feel that the Supreme Court retaining its public interest discretion is paramount. Section 93ZZB provides that the Supreme Court may refuse to make an order if it does not feel that it is in the public interest to do so; and, further, section 93ZZF provides the Supreme Court with the discretion to exclude property from the operation of a serious drug offender order. It allows, in my opinion, learned members of our judiciary to make value judgements that are based on the facts in front of them. I believe that is a critical element of the legislation.

During the public hearing I had the opportunity to ask questions of the senior officials from the Department of Justice and Attorney-General as well as representatives of the Crime and Misconduct Commission. The department indicated that it had consulted extensively on the draft bill and that other jurisdictions' schemes including those of Western Australia, the Northern Territory and the Commonwealth as well as their experiences were taken into account during the drafting of this bill. They also indicated that they believed that the Queensland Crime and Misconduct Commission was sufficiently qualified in the area of financial investigations to be able to carry out their obligations under these amendments. I note that during the CMC's appearance they informed the committee that as at late February 2013 they had restrained property to the value of \$160,370,000 and had returned \$42,900,000 in proceeds of crime to consolidated revenue.

When the Law Society and the Council for Civil Liberties appeared, they both expressed their view that the laws were particularly draconian and that they went too far. My view is that when you are fighting a war—and, indeed, it is a war that we are fighting—you need to fight tough and you sometimes need extensive laws. I do not accept the premise that these laws are draconian in nature. A major concern of theirs was with regard to the reverse onus of proof. By the very nature of there being unexplained wealth laws it is not surprising that the onus of proof is reversed so that offenders might have the chance to explain where the wealth has come from. As our chair elicited during the hearing, there must be a suspicion at the outset before the onus of proof can be reversed. Thus I do not accept the argument and have no such concerns.

The Queensland Law Society and the Queensland Council for Civil Liberties also expressed concern that unexplained wealth orders lack the requirement for proposed confiscated assets to be linked to the commission of a specific offence. Where a specific link to the commission of an offence is required it may well defeat the purpose of unexplained wealth confiscation laws. I also note that this legislation provides balance to the reversal of the onus of proof and that includes a reasonable suspicion between an accused and serious crime activity as well as the provision of the public interest discretion to the judiciary hearing these matters. It is, indeed, difficult to find a balance between the protection of our community and individual rights and liberties. In this circumstance I believe that we have found an appropriate balance.

With regard to the QLS's contention that the test of reasonable suspicion sets the bar too low and to their suggestion that it should be amended to read 'reasonable belief' I would suggest that if we were to weaken legislation it might encourage criminal organisations into Queensland rather than states or territories which have stronger legislative controls. This view is supported by law enforcement professionals who presented to the Australian Parliamentary Joint Committee on Law Enforcement. The department also advise that the requirement for a connection to a criminal organisation would exclude unexplained wealth of those engaged in serious crime related activity if they were not involved in a criminal organisation.

I now turn to the member for Rockhampton's statement of reservation and proposed amendments, which have already been circulated. One of the first concerns that was raised by the honourable member is the need for urgent passage and the approach taken with regard to consultation. The member himself noted that this was indeed a pre-election commitment. With all due respect, unlike the hypocritical ALP, the Newman government is unwavering in honouring its commitment to the people of Queensland. That is why we have acted to introduce and—I hope—pass this legislation this year. Further, it is my view that not all stakeholders need receive a copy of the

proposed bill during the drafting stage, and I note that the Queensland Law Society has had ample opportunity to make not only written submissions but also oral submissions to the Legal Affairs and Community Safety Committee on this bill as well as others.

The member for Rockhampton also suggested that, similar to South Australia, a retired judicial officer should be appointed to oversee this legislation and conduct a review. In the amendments that he has circulated, the member has advised that he will seek to insert into the act an obligation to appoint a retired Supreme Court judge to carry out an annual review to determine whether the powers under the act have been exercised appropriately. Mr Byrne's explanatory notes indicate that there will be no costs associated with this addition and the implementation of this in the bill. I will not dignify the amendment with a comment other than to say that this is a ridiculous notion and how incredibly rude of the opposition to suggest that you could appoint a retired Supreme Court judge to an oversight role and not offer any form of remuneration. However, that said, I do not believe that the appointment of someone in an oversight role is needed because I believe that the current provisions are sufficient.

For the benefit of the House and the many fresh faces that sit on these green benches post the March 2012 Queensland election, this is not the first time that the Liberal National Party has illustrated its commitment to unexplained wealth confiscation laws in Queensland. In 2010 the then Deputy Leader of the Opposition, the honourable member for Southern Downs, introduced the Criminal Proceeds Confiscation (Serious and Organised Crime Unexplained Wealth) Amendment Bill. In his second reading speech to the 2010 amendment bill, the honourable member for Southern Downs said that the aim of the bill was to 'destroy the financial incentive to commit and engage in organised crime'. As he concluded he effectively said that we were fighting a war and that we had to fight tough.

The bill failed at its second reading without the support of the then Bligh government. Then Deputy Premier and Attorney-General and former member for Lytton, Mr Paul Lucas, said that he thought the actions of the opposition were amateur. Au contraire, member for Rockhampton. What is amateur is the Labor Party's understanding of the community's expectations. What is amateur is the Labor Party's understanding of the best ways to halt organised crime and break its back. What is amateur is the opposition's response in 2011.

It seems clear to me that one of the best ways to stop organised crime in this state and across this country is to remove the financial incentive. Indeed, the Australian Crime Commission told the Australian Parliamentary Joint Committee into Serious and Organised Crime in 2009—

Organised crime is for the most part about profit ... wherever the criminal activity takes place and whatever crimes are involved in it, if we can take away the profit benefit, then we are having more impact than we would through any number of ... minor charges. If we drive at what is the profit motive here, I think that we will be more successful in unpicking and deterring ...'

The Standing Committee of Attorneys-General mentioned in its resolutions to combat organised crime that the introduction of unexplained wealth laws is considered a priority amongst Australian law enforcement agencies. A recent Commonwealth inquiry into unexplained wealth legislation by the Parliamentary Joint Committee on Law Enforcement identified that criminal enterprises and organisations will simply relocate to jurisdictions where unexplained wealth laws are lacking. I understand that Victoria and Tasmania are currently the only jurisdictions in Australia which lack such laws. I would also like to point out for the benefit of the House that there are many international jurisdictions including Ireland, the United Kingdom and Italy which have similar legislation aimed at the confiscation of tainted property.


In February 2012, in the report of the Australian Parliamentary Joint Committee on Law Enforcement inquiry into Commonwealth unexplained wealth legislation and arrangements, Commander Ian McCartney of the Australian Federal Police is quoted as stating that the concept of unexplained wealth laws was a very important tool in the toolbox in targeting organised crime. He said—

We have said right from the start that we never viewed unexplained wealth as the panacea for targeting organised crime. But we view the concept as a very important tool in the toolbox. Where in dealing with serious and organised criminals we have the situation where we have sufficient evidence to prosecute and sufficient evidence to utilise the existing proceeds of crime legislation in relation to restraint and forfeiture, our focus is on utilising that. But where we have a situation where there is a significant, serious and organised crime target who has disassociated himself from the criminal activity, that is where the vulnerability is. If we know he is involved in criminal activity and we know the assets he has obtained from criminal activity, without the opportunity for robust unexplained wealth legislation, that is a real vulnerability for us.

This is sound legislation. We must pass it. We must fight the war against organised crime and against serious drug offenders. I commend the Attorney-General for introducing this legislation. Again I pay tribute to the honourable member for Southern Downs for having had the courage, as a private member, to introduce similar legislation in 2010. Opposition members should hang their heads in shame for not supporting this legislation in 2011 at its second reading stage.

I have said it before, but the only way that we can fight serious and organised crime is to stop the flow of money. These criminals do not care about having the best and most modern of guns or the latest drugs on the market, but what they do care about is the money. The quickest and easiest way is to hit them in the hip pocket by removing the financial incentive. This legislation does just that. We need to support this legislation because it is the right thing to do.

Our community is telling us that they want us to get tough on crime. They want us to get tough on serious crime, they want us to get tough on organised crime and they want us to get tough on drug offenders. I am incredibly proud to be a member of a government that is standing up and listening to our communities and proud to be a member of a government that is honouring the pledges and commitments that we have made to our communities. I commend the bill to the House.

 **Mr CHOAT** (Ipswich West—LNP) (4.44 pm): I rise to contribute to the debate on the Criminal Proceeds Confiscation (Unexplained Wealth and Serious Drug Offender Confiscation Order) Amendment Bill 2012. As a member of this government I am pleased to contribute as this bill will hit hard at the motivation for so much of the illegal activity we see in our communities and delivers on the LNP's promise to get tough on crime.

As I have already said in this place on a number of occasions, I feel a strong sense of personal responsibility to see tougher laws and amendments enacted as I am a parent. I know that every parent's worst fear is that their children will fall victim to the underworld of drug and organised crime which has sadly crept into almost every community across modern society. A major focus of this legislation is aimed squarely at the illegal drugs industry, and this is where I feel there is the greatest need.

The bill delivers on the LNP's commitments on crime by amending the Criminal Proceeds Confiscation Act 2002 and the Penalties and Sentences Act 1992 to introduce a drug-trafficking declaration scheme through a serious drug offender confiscation order scheme and by including unexplained wealth laws that provide for the state to act where there is reasonable suspicion that an individual has been involved in criminal activity and they cannot prove the legitimacy of their wealth.

So the primary role of this bill is to address the issue of the proceeds of crime and the ill-gotten finances of criminal organisations and individuals, effectively cutting back the ability for them to flourish and even regenerate once subject to these laws. There will importantly be provision, as my colleague the member for Broadwater mentioned, for the protection of the innocent dependants of criminals and their associates through the ability to apply for relief from hardship via the Supreme Court. The bill amends aspects of the Crime and Misconduct Act 2001 and the Police Powers and Responsibilities Act 2000 to facilitate the proper investigation of relevant matters and evidence. It will indeed increase the general effectiveness of the criminal confiscation regime in this state.

I want to be frank here: the single greatest motivation for crime is the wealth it generates, and this bill will address that in a very real and practical way. Drug related crime, as I mentioned earlier, is a real concern to the vast majority of people in our community, in particular parents. I have seen so many examples of lives destroyed by drugs. I can actually speak from personal experience as during the early 1990s I knew two people—Mick and Chelsea—who died as a result of the use and overdose of heroin. I knew both of these individuals before they started on drugs, and my first awareness of any problem was the physical change in them. Drugs became the centre of their existence and they quickly withdrew from those who showed even the most basic concern for their wellbeing. As is the case for many people, they started using cannabis, referred to by some people as soft drugs, then went on to amphetamines and eventually heroin, which led to their demise.

I remember learning of the death of Chelsea, who had been a good friend previously. She had just got in with the wrong crowd. She was introduced to drugs by a pusher, and it went down from there. I learned that she had resorted to crime to help pay for the drugs and she did pay the ultimate price, but some scumbag lived off her misery, probably in flamboyant style. What a waste, what a tragedy and what a disgrace.

Who is to blame for situations that end like that? I know that people touched by the ugly side of drug addiction look for answers. I know that there are parents out there, sadly, who blame themselves. The reality is that there are parasites in our society—there is no other good word to describe them—who weave their way into the lives of some young people, particularly where these kids are vulnerable or may be inclined to experiment with drugs or misuse volatile substances. In many ways, to me this resembles the child grooming undertaken by child sex predators.

It may not be the heads of drug rings who do this work but their pushers who get people hooked for either a financial reward or drugs for themselves. The crime bosses are usually a step removed from the dirty or even the brutal aspects of their crimes, simply collecting the dividends. It


seems to me to be trivial to describe it as 'dividends', because in some ways you could refer to it as blood money. Certainly, to them it is just money and they do not care. They do not consider the misery that has come from their activities. These are the Mr Bigs who essentially trade in the misery that I have just spoken about. People are amazed when they hear on the news the results of police operations in terms of the drugs, money and other property uncovered. It totals in the hundreds of millions. We hear of the so-called street value of drugs, and it beggars belief that obviously so many thousands of Australians are actually investing in this insidious culture and lining the pockets of the Mr Bigs. There are certainly other sources of criminal wealth—illegal firearms, banned products and even trading in illegal trafficking of native fauna, and I could go on. Other members, particularly the member for Ipswich, went into some detail of a number of other areas where wealth is gained from illegal activity. But there is no doubt that these others pale into insignificance next to the ill-gotten wealth of drug criminals, and therefore my contribution is focused squarely on that. This bill will ensure that authorities can effectively shut down the operations of criminals through confiscating the source of their continued operation.

I turn now to the public hearing into this bill held on 6 March by the Legal Affairs and Community Safety Committee, of which I am a member, and I know previous speakers, particularly the member for Broadwater, went into great detail. During those hearings I was shocked and disappointed to hear representatives of the Queensland Law Society and the Queensland Council for Civil Liberties try to defend the rights of the sorts of criminals I have been speaking of. They attempted to portray them as people unfairly treated and tried to peddle a notion that we are about ripping away the hard-earned dollars of upstanding citizens, or that is what it felt like to me. People in my community want us to go tough. They particularly want us to go tough on the sorts of scumbags who are involved with illegal drug trafficking and child sex exploitation. At the public hearing on that day the most alarming statement to me was the Council for Civil Liberties representative who made the remark—

And of course our view is that they should be decriminalised.

He was referring to illegal drugs. His inference and that of the Law Society at the hearing was that this legislation is draconian in nature. If it is going to punish and shut down organised crime and drug criminals and they want to label it draconian or barbaric or anything else, they can go right ahead. They are certainly out of touch with the public interest in this area and most definitely out of touch with the people of my electorate of Ipswich West. These civil libertarians should visit Tarampa Lodge in my electorate where the wonderful team led by Tony Sherlock look after lost souls whose lives and capacities have been ruined irrevocably by drug abuse and, essentially, organised crime. Let them then explain why we should just turn a blind eye and let these scumbags reap their millions on the back of the lives they destroy. There is no room in our society for any sort of tolerance for drug criminals or their wares and there can be no excuse made for the inferences made at that hearing. I was very disappointed with what I heard.

The ill-gotten wealth of criminals should be confiscated and forfeited to the people of Queensland. These crooks contribute to higher rates of property crime and violence in our community and should lose all and any benefit as a result of their activities. I have absolute confidence that our law enforcement and legal professionals will ensure that where confiscation is applied it is done so under appropriate circumstances and in accordance with the law. I believe that we should really focus on the issue here, and that is cleaning up our streets. If we attack the crimes and if we attack the problems at their source we will deal with them effectively, and this bill will go a long way to dealing with that—cut it off where it is being fed. I commend the Attorney-General and Minister for Justice and his department for the work they have done in bringing this bill to the House. I certainly applaud the courage that many people have shown in trying to fight organised crime, particularly drug crime, in our communities over the years. The legislation will make a difference in the war on crime. I was very pleased to hear the member for Broadwater refer to it as a war, because it is a war, because in a war there are two sides: there is a side that is right and a side that is not. As far as I am concerned, our community is on the right side and this LNP government certainly represents that right side. I commend the Attorney-General for his stance and certainly commend the bill to the House.

 **Mr DILLAWAY** (Bulimba—LNP) (4.55 pm): I rise today to contribute to the debate on the Criminal Proceeds Confiscation (Unexplained Wealth and Serious Drug Offender Confiscation Order) Amendment Bill 2012. I congratulate the Attorney-General on the introduction of this bill that honours, once again, our pre-election commitment to introduce unexplained wealth orders and drug-trafficking declarations. It has yet again ticked off another one of our 149 targets in our six-month action plan. I acknowledge my colleagues on the Legal Affairs and Community Safety Committee and the research

directors who were a part of the process in examining and reporting on this bill. When there is little risk of financial loss and large profits to be made by criminal activity such as drug trafficking or involvement on the black market, I can hear the laughter of criminals and offenders at the words 'crime doesn't pay'. Unfortunately, to the grave disappointment of many hardworking Queenslanders, there are individuals who are benefiting from a life of crime. This is why the Newman government has been committed to delivering tougher legislation so that it cannot be debated that crime does in fact not pay. Queensland is not—I repeat not—a safe haven for individuals who have acquired their wealth by dishonest means. Queensland is open for business, but business that is honest, reliable and accountable.

This bill amends the Criminal Proceeds Confiscation Act 2002 to introduce a scheme for recovering unexplained wealth and the Penalties and Sentences Act 1992 to introduce serious drug offender confiscation orders. It provides that the state can apply to the Supreme Court for an unexplained wealth order if it has reasonable suspicion that the person has engaged in one or more serious crime related activities; or has acquired, without giving sufficient consideration, serious crime derived property from any serious crime related activity of someone else, whether this was known to them or not; or if some or all of the person's current or previous wealth was acquired unlawfully. This will require the person to pay an amount to the state assessed by the court to be the value of their unexplained wealth. The onus of proof is reversed and the person who is subject will have to prove that their wealth and expenditure was lawfully acquired.

The bill also provides that the state can apply to the Supreme Court of Queensland for the forfeiture of all property under the effective control of a person who is convicted of a prescribed serious drug offence or offences. This can include property that was gifted by the offender in the six years prior to the offender being charged with the relevant offence. The Crime and Misconduct Commission will be the responsible agency for administering the scheme as proposed by the bill. The bill provides that confiscated assets from criminals will become the property of the state, and these assets will be used to provide compensation for the burden criminal activity places on our economy, our resources and the people of Queensland. It is also provided for in this bill that an unexplained wealth order is a debt payable by the person to the state. However, the bill also provides the Supreme Court with the discretion to refuse to make the order if it is satisfied it is not in the public interest to do so—also known as the public interest test. The bill further provides that the court may reduce the amount that would otherwise be payable under an unexplained wealth order if it is satisfied it is in the public interest to do so.


In March 2012 the Commonwealth Parliamentary Joint Committee on Law Enforcement delivered a report on its inquiry into Commonwealth unexplained wealth legislation and arrangements. Contained in that report are extracts from evidence given to the committee suggesting that criminals will move their operations into jurisdictions where they believe there is legislative weakness. Most other Australian jurisdictions already have provisions in their confiscation legislation for unexplained wealth orders. That is why it is important for Queensland legislation to be up to scratch with the legislation of other jurisdictions to reinforce that we are not a hiding place for illicit wealth. Queensland is not an easy target. We will be tough on crime and illegal activities as opposed to the Labor Party's past record. Serious criminal activity is often motivated by the desire to make a lot of money with minimal effort and to avoid taxation. This bill balances this desire to fulfil greed by increasing the risk of involvement in such activity and destroying any possible perception that Queensland is a refuge for such unlawful ventures.

The *Health of Queenslanders 2012* report by the Chief Health Officer of Queensland estimated that in 2004-05 Queensland society was burdened by \$1.6 billion through illicit drug use, with an estimated \$39 million consequently spent on health care. Unfortunately, the underground drug market is taking its toll on Queensland society. There is a well-known and understood link between illicit drug use and involvement in other criminal activity. That is why the Newman government is introducing tougher laws to stamp out those who are not getting the message. We have already taken steps in our six-month action plans to amend laws to address synthetic drugs, to draft new laws to ensure that drug traffickers serve at least 80 per cent of their sentence before being eligible for parole and now we are removing the safety net for organised criminals and placing the onus on them. We are making it extremely hard for organised criminals to get comfortable in Queensland. We do not want those criminals on our streets. We need to protect our citizens, young and old, and this bill goes to the heart of the problem to achieve that outcome.

During the public hearing the CMC expressed its support for the bill and stated its belief that it would further enhance its ability to remove the financial gain and increase the financial loss associated with the conduct of illegal activity in Queensland and that it will assist to make Queensland

hostile to the presence of serious and organised crime. That is precisely the outcome that the Newman government believes will be achieved by the implementation of these amendments. We do not want to be the only state in Australia without comprehensive unexplained wealth orders. Serious organised criminals identify legislative weakness and flock to it like moths to a flame. This activity will not be tolerated in Queensland and unexplained wealth will be accounted for.

In conclusion, I strongly support the amendments contained in this bill, including the introduction of the unexplained wealth order and serious drug offender confiscation order schemes. These changes not only deliver on our government's pre-election commitments to introduce this legislation but also greatly discourage individuals from making the wrong decision to become involved in organised crime in our state and foolishly think that they can profit from it. Once again, I congratulate the Attorney-General and I commend the bill to the House.


 **Mrs CUNNINGHAM** (Gladstone—Ind) (5.02 pm): I rise to speak to the Criminal Proceeds Confiscation (Unexplained Wealth and Serious Drug Offender Confiscation Order) Amendment Bill 2012. I do not think there is a person in this chamber and very few in the community who support the pushers of the drugs that ruin young people's lives—and older people's, but more particularly young people's lives. I do not know that there is any support in the community for that destructive side of the use of illicit drugs. Like some in this chamber, I believe that what are regarded as soft drugs—marijuana in particular—are portal drugs and lead to the use of harder drugs. There are those who do not hold that view, but I certainly do. Therefore, attention must be given to the peddling of all of those drugs that have the effect of ruining people's lives.

This bill is far reaching and it would not be inaccurate in the colloquial sense of the word to call it draconian. Indeed, if a person is wrongly identified in the process and accused of having the proceeds of crime, then that process that they would be drawn into would be incredibly traumatic. It would be an horrific experience. I think that is all the more reason the administration of this legislation has to be done carefully and with great thought and consideration. But on the other side of the coin those people who have benefited from the proceeds of crime, who have benefited from the destruction of other people's lives, do not deserve to enjoy that benefit. I am sure that, in the genuine terms of the legislation, the vast majority of people in my electorate would want me to support the legislation as it has been tabled.

I welcome the fact that there is an opportunity for the innocent parties of a family whose family member or members have been involved in illicit activities to apply for hardship orders. I think that is incredibly important. Some of those people who are involved in illicit activities are not only incredibly secretive but also deceptive to the greatest degree and it is quite possible that members of a family quite close to the person alleged to be involved in criminal activity may not know. There are many family members who do know, but there are those who do not. On that basis, it is incredibly important to give an opportunity to the innocent parties to be able to have recognition in terms of their future. I also understand that there are exemptions in the bill in relation to the confiscation of property in terms of protected property. It was stated by previous speakers that that protection is in part to give incentive to rehabilitate the offender. I am sure that provision will be looked at very carefully.

The other issue that I wish to raise is the direct involvement of the CMC in the administration of this legislation. In terms of the confiscation of criminal assets the CMC has a proven track record. Indeed, it is gaining quite significant runs on the board, for want of a better word, in terms of administering this part of the existing legislation. However, it is an acknowledged fact that, with increasing responsibilities, there will be a need for additional resources. I would appreciate the Attorney-General responding to that need in his summing-up and to clarify how the CMC will be required or be enabled to fund that additional activity. It is a resource-consuming activity in terms of the number of people, their skill sets and the time involved in administering this type of legislation and in gathering the information. Although the test for the application of the legislation is on the balance of probabilities and not the criminal test of beyond reasonable doubt, it will mean that the CMC's actions and activities will increase and that it will need additional resources. I look forward to the minister's response in relation to how that will be occurring.

As I said, my electorate would support the ideal that people who prosper from criminal activity should have that prosperity curtailed. On that basis I support the legislation, but look forward to the minister's comments in relation to additional resourcing for the CMC.

 **Mr MINNIKIN** (Chatsworth—LNP) (5.08 pm): I wish to rise in this House today to speak in support of the Criminal Proceeds Confiscation (Unexplained Wealth and Serious Drug Offender Confiscation Order) Amendment Bill. I wish to take this opportunity to thank the Attorney-General and

Minister for Justice, the Hon. Jarrod Bleijie, for bringing another piece of quality legislation to the House. A commitment to dealing with unexplained wealth was included in our six-month plan of July-December 2012. As Edmund Burke said—

The only thing necessary for the triumph of evil is for good men—

and women—

to do nothing.

So it is no surprise that, in this regard, we are getting on with the job and we are getting things done. I would also like to take this opportunity to express my appreciation to the Legal Affairs and Community Safety Committee for undertaking the consideration of this amendment bill.

As the state member for Chatsworth, I am extremely proud to represent the people as part of the Newman government, which is committed to delivering its election commitments. Queensland is indeed a great state with great opportunity for people who wish to prosper the legitimate way. Queensland should not be an attractive state for individuals who wish to have a hiding spot for their wealth that has been created from criminal activity. The Newman government is ensuring that Queensland is not a great state with great opportunity for hardened criminals and their dirty money.

In March of 2012 the Commonwealth Parliamentary Joint Committee on Law Enforcement delivered a report which included evidence from relevant law enforcers. This report suggested that the weaker the appropriate legislation is the more attractive it becomes for a criminal to engage in their illegal activity. Why should we make it easy for the lowest in our society to financially gain from the sale of illegal substances? The sale of these illegal substances is not just a transaction between the dealer, and in more cases than not the addict to a drug, it is far more than that. It affects family, friends and other members of society. People who financially gain from the sale of drugs quite frankly do not give a damn about the \$39 million impact that illicit drug use had on the Queensland healthcare system in 2012. They are more interested in making a quick buck with no regard to their obligation as a member of society to contribute by way of paying their equitable share of tax. In more cases than not serious criminal activity is motivated by a desire to create wealth quickly without involving the taxman too much at all. This amendment bill will effectively ensure that individuals are deterred from potential involvement in serious criminal activity. This amendment bill will enact legislation that will deliver on the Newman government's pre-election commitment to implement unexplained wealth orders and drug-trafficking declarations. This amendment bill shows that the government is serious about cracking down on serious drug offenders in our society and the associated serious criminal activity that they bring.


There are many objectives of the Criminal Proceeds Confiscation (Unexplained Wealth and Serious Drug Offender Confiscation Order) Amendment Bill. Firstly, the bill will be amended to implement a scheme to recover unexplained wealth. This amendment bill will also serve to provide innocent dependants of criminals a pathway to apply to the Supreme Court for relief from hardship. The Criminal Proceeds Confiscation Act 2002 will also be amended to introduce serious drug offender confiscation orders. Amendments will be made to both the Criminal Proceeds Confiscation Act and the Penalties and Sentences Act 1982 to introduce harsher confiscation measures when it comes to serious drug offences. The Crime and Misconduct Act 2001 will be amended alongside the Police Powers and Responsibilities Act 2000 to assist with evidence relating to matters that come under the Criminal Proceeds Confiscation Act. Finally, these amendments will increase the effectiveness of the criminal confiscation regime in the state of Queensland.

The Newman government is committed to getting tough on crime of any type and that is why my constituents in the Chatsworth electorate can be assured that unlike the ALP we mean what we say and we actually follow through with positive action. For the benefit of the opposition, I will remind them again of our six-month action plan, July to December of 2012, which has every single action item ticked off. This is the clear distinction between the Newman government and 20 years of ALP government that left behind a legacy of debt and numerous broken policies and promises. These amendments will bring Queensland into line with many other Australian jurisdictions, such as Western Australia, Northern Territory, New South Wales as well as the Commonwealth of Australia, that already have effective legislation in place to deal with unexplained wealth orders.

It is important to note that this amendment bill provides an extension of the state's capacity to obtain an individual's property without their consent. An application can only be made if the individual resides or has property in this state. This amendment bill ensures that the Supreme Court can take action if there appears to be a serious case relating to an individual's unexplained wealth. Often unexplained wealth is the consequence of drug trafficking, an activity that can amass a large income

in a relatively small amount of time. This amendment bill provides that serious drug confiscation orders remove the financial gains that result from serious criminal activity that is generally associated with drugs. This amendment bill will have a retrospective effect on an individual's activity, therefore a person may be charged for a crime that occurred before this amendment came into effect.

The Criminal Proceeds Confiscation (Unexplained Wealth and Serious Drug Offender Confiscation Order) Amendment Bill most importantly caters for the innocent people who are affected by serious criminal activity. Often an individual may engage in illegal activity without the knowledge of their spouse, child or other dependants. This amendment bill will ensure that dependants can make a special hardship case to the Supreme Court when it comes to assets or wealth that may be forfeited as the funds were a result of criminal activity. Dependant individuals who are innocent bystanders and are severely impacted by a Supreme Court order to seize assets or funds can now apply for relief to ensure that they will not be grossly affected. It has been my utmost privilege to speak in support of the Criminal Proceeds Confiscation (Unexplained Wealth and Serious Drug Offender Confiscation Order) Amendment Bill 2012. I thoroughly commend this bill to the House.

 **Mr WATTS** (Toowoomba North—LNP) (5.15 pm): I rise to add my contribution to the debate on the Criminal Proceeds Confiscation (Unexplained Wealth and Serious Drug Offender Confiscation Order) Amendment Bill 2012. Firstly, might I thank the Attorney-General for bringing this bill forward. What exactly does this bill do? Principally, it will mean that people who have gained wealth in an unexplained manner will have that wealth taken off them by the state. In practical terms it will amend the Criminal Proceeds Confiscation Act 2002 to introduce a scheme for recovering unexplained wealth. It will amend the Criminal Proceeds Confiscation Act 2002 to provide innocent dependants or persons against whom proceeds assessments are made with the ability to apply to the Supreme Court for relief from hardship. It will amend the Criminal Proceeds Confiscation Act 2002 and the Penalties and Sentences Act 1992 to introduce serious drug offender confiscation orders. Further, it will amend the Crime and Misconduct Act 2001 and the Police Powers and Responsibilities Act 2000 to facilitate the investigation of evidence related to matters concerning the Criminal Proceeds Confiscation Act 2002 and it will amend the Criminal Proceeds Confiscation Act 2002 to increase the general effectiveness of the criminal confiscation regime in Queensland. It is part of our election commitment and it certainly proves that the Liberal National Party and the Newman government are interested in getting tough on crime.

What exactly are we talking about here? We are talking about serious crime. Why do people engage in serious crime? It is very simple. They engage in serious crime because it is profitable. People are involved in this insidious industry that preys on our youth throughout Queensland for profit—nothing more, just profit. Like any business one has to analyse the business model that these people are willing to use. First of all, what are the barriers to entry for a drug dealer? Ultimately, there are no barriers to entry apart from being able to access the drugs and then distribute them freely. The barriers to entry that people use in this industry are violence and intimidation. Organised motorcycle gangs and other drug dealing institutions form so that they can intimidate other people from coming onto their patch. As someone who has been involved in the hospitality industry for many years, I can assure members that pubs, nightclubs and lots of places where our youth go to have a good time and enjoy themselves become the playground of these violent and dangerous people who are involved in trafficking and dealing in drugs. What is the methodology they use when they form their business? Ultimately, it is a pyramid scheme business. The people at the very low level, often poor, find themselves in a situation where they are looking for some money and someone suggests to them, 'Why don't you just go and try to sell a few of these on my behalf.' They meet a dealer, often a small-time dealer who will give them a few pills, a few grams, a few bags, whatever it might be, and they will go off and sell that after they have paid a dealer's price for it. They will then go and make their profit from it. The person who sold it to them did exactly the same thing with someone further up the chain and, eventually, wealth is accumulated at the top of the pyramid. The principle behind this bill attacks the top of the pyramid. People will only engage in this business if wealth is involved. In my opinion, if they cannot accumulate wealth they will not engage in the business. That goes for everybody throughout the drug distribution chain.

Let us look at the sort of wealth that is accumulated and what people will do to hide it. They might buy nice cars or take overseas holidays. They might be doing lots of things that many of us would like to do. However, hardworking people in Queensland who are trying to bring up their families in a safe environment have to pay tax, they have to meet various regulations and, if they are running their own business, they have to make sure that the business is conducted according to the law of the land. The people who this bill is aimed at do not do any of those things. They are not interested in the law of the land. They are not interested in following procedures. They are not interested in legitimate

business. They are looking for a quick buck at the expense of innocent people who find themselves addicted and captured by the distributors of drugs and, as I said, the money moves up the supply chain.

I would ask members to stop and think about exactly what we are talking about. We are talking about a very free and open market that exists with very few barriers to entry. It requires a very low level of investment and it gives a very high rate of return. That is awfully tempting for many people. Unfortunately, because it is tempting for many people, it has pervaded throughout the Western World. If you want to stop it, first you can create criminal offences and jail people. However, when you attack the business model at its very heart, when you take away the reason for going into that industry, all of a sudden people will consider whether the risk of getting put in jail is worth the reward that exists; whether the risk of having everything they own and everything they have lived for taken away from them is something that they want to pursue.

For me, this bill strikes at the heart of the business model and that needs to be considered as we debate this legislation. Obviously, I support the passing of the legislation. As we debate the legislation, I ask people to think about the motivations that exist in the community. Many people in this chamber have a moral and ethical compass and most good Queenslanders have a moral and ethical compass, which becomes the biggest barrier to entry into this industry. Unfortunately, there are those who do not have a good moral or ethical compass and they will enter this industry for one reason and one reason only, that is, profit. This bill attacks that. I commend the Attorney-General for attacking that business model.

As I said, I have worked in hospitality. I have worked every job there is in a bar, from security through to owner. For over 25 years, I have dealt with people who want to come onto legitimate premises where you are trying to conduct your business. You are paying all your registration and compliance fees. You are trying to run a legitimate business. They just want to come in and make a quick profit at the expense of individuals wanting to enjoy themselves in a safe environment. On a small scale, in Toowoomba there are several people who are widely known as drug dealers. I know people who have never had a full-time job in their lives, but they have managed to accumulate six or seven houses. When you ask them about that, they just laugh and say that they are a carpenter. If you ask them how many jobs they have ever done, you find they have done none. However, you will find them on a Wednesday, Thursday, Friday and Saturday, wandering the streets with lots of friends who have short conversations with them and then they come back later in the evening.


I have worked hard to try to stop those people as they have gone about their business. I know many other good hospitality business owners in Toowoomba have had to deal with this issue. I have been working on the door when a motorcycle gang has turned up and informed me that I would be their first victim if I did not let them in. I do not have time for such people coming on to my premises. After I found out that the person who was threatening to do harm to me and my family had spent 25 years in jail prior to making that threat to me and had been out for only a month, I had to give some serious consideration to the position he had put me in and the things that he was suggesting would happen if I did not let him onto the premises. Certainly, I did not let him onto my premises. I would encourage anybody to understand that the only reason that they wanted access to the premises that I was operating was to set up an illegal business to make an illegal profit through dealing with the youth of Toowoomba. I for one was not going to let them do that. This bill would strike at anybody who purports to set up such a business.

I support the bill. It contains good protections to ensure that the legislation is not abused. We are dealing with people who have become more and more sophisticated in how they conduct their business, because the profits have become extraordinary. There was a time when someone who wanted to deal heavily in drugs had to import. Now, through technology, lots of drugs can be manufactured relatively simply from items that are easily found. We have already debated legislation that deals with some of those precursors. Again, I commend the Attorney-General for making it more and more difficult for those people to conduct their business, because the only way they will stop doing it is if there is no profit in it. Anything else we do will not stop them. They are not afraid of criminal prosecution, but certainly they will not engage in the business if they cannot see any way to make a profit. Therefore, I strongly commend this bill to everybody in the House.

I wish to talk about how we should use wealth confiscated from people who have engaged in this industry. I have seen the downside of drugs on a community. On a very personal level, some friends, work colleagues and members have fallen prey to some of the people who we are talking about. There are organisations that can help and Teen Challenge is one, but there are many others. In Toowoomba, with the help of the health department, a group of people have established a facility called Sunrise Way. Unfortunately, that facility has never operated. The community put millions of

dollars into it and people have given their time freely to develop it. It is a community rehabilitation and health facility. Unfortunately, there is no recurrent funding available for it, so Sunrise Way has been unable to operate and provide a service that is definitely needed in Queensland. If this bill provides an opportunity for confiscating the wealth that has been accumulated by these greedy people whilst they are preying on others, destroying lives, families and our communities, I can only encourage the Attorney-General to invest some of it back into some of the people who have paid such a high price through their addiction. I encourage the support of rehabilitation facilities with some of the money that is confiscated.

I will not go into the legal details of the bill. I thank the members and secretariat of the Legal Affairs and Community Safety Committee, who have worked hard on this matter. I know that the civil libertarians are concerned about some elements of this bill. I would ask them to contact me. I could take them for a walk on a Saturday night on a regular basis. I could introduce them to some of the people who are paying a really high and heavy price for the crime that is going on in this area. I would like the opportunity to explain to them that the only way to stop this is by attacking the business model. By putting up a very serious barrier to entry on this business model, the criminals will make no money out of it. If they do make money, we will come after that money and take it off them, no matter how long ago they made that profit. That is the kind of barrier to entry that will make people seriously think about this. I commend the bill to the House and I thank the Attorney-General for it.

 **Mr STEVENS** (Mermaid Beach—LNP) (5.29 pm): I rise today to speak to the Criminal Proceeds Confiscation (Unexplained Wealth and Serious Drug Offender Confiscation Order) Amendment Bill 2013. The objective of the bill is to amend the Criminal Proceeds Confiscation Act 2002 to introduce a scheme for the recovery of unexplained wealth and also to provide relief for dependants from hardship of persons against whom proceeds assessment orders are made. This will allow for innocent dependants of whom the order is made to apply for relief from hardship in particular circumstances.

As we have heard from members tonight, the issue of unexplained wealth from the proceeds of crime is a very important issue, as seemingly legitimate looking businesses can be fronts for illegitimate businesses—such as the illicit drug trade, illegal brothels et cetera—with funds obtained from any sort of criminal activity and criminal behaviour. Confiscation orders will enable the community and the justice system to seek compensation for the illicit drug trade that costs the community massively, both financially and in human costs, across the areas of health, the community and the legal system. This is a way to recoup some of the enormous expense that this abhorrent and illegal activity forces onto our community.

Just recently the Australian Federal Police acknowledged they have identified six crime bosses who have amassed \$100 million each in unexplained wealth from the illicit drug trade—that is \$600 million—along with 72 persons who have acquired \$10 million each in unexplained wealth. That makes \$1.3 billion. If we could recoup that, that would be enough for us to pay off the former Labor government's Health payroll disaster.

The *Courier-Mail* reported on 21 March 2013 that the Australian Taxation Office clawed back \$1.4 million of unpaid taxes from the Rebels bikie gang, which, I am told, is the largest bikie gang in Australia. Even though this is a separate issue, one would ask the logical question whether this sort of income was proceeds of crime, as the income would have been considerable to pay that amount of tax. These gangs are very active and there are some totally unsavoury elements among some of their participants. These new amendments will work in conjunction with this focus on illegal bikie gang activity and any criminal activity that benefits from the proceeds of crime.

My beloved region of the Gold Coast unfortunately seems to be a place where bikie gangs have infiltrated, with their clubhouses and headquarters making their homes in the region. While many do have legitimate businesses, the ones who are involved in illegal businesses are going to get caught. The proceeds from their criminal activities will be seized under these new laws. In a lot of these businesses dirty money is being cleaned through these front-door legal activities.

A recent story that has been in the media is of bikie gangs infiltrating the Victorian police force. Bikie gang members have been cultivating, compromising and corrupting police officers. They have been offering police officers access to strip clubs and drug related activities. They will do anything and stop at nothing to continue their illegal activity. The speed and accessibility of this sort of corruption which is causing a lot of damage is immense and usually drug related. These networks infiltrate legitimate areas of business to corrupt for their own gain. They hide behind legitimate businesses, such as gymnasiums, where there is a lot of drug and steroid use. I think peptides are the latest ones they are all promoting.

Mr Bleijie: Not at my gym.

Mr STEVENS: Your gym has not been working, Attorney-General, I can assure you. Tattoo parlours are very much a focus for this bikie gang behaviour. There is no doubt in my mind that these tattoo parlours that have popped up all along the Gold Coast—and I am sure in the electorates of other members; there are plenty of heads nodding—are the way that bikie clubs clean their money. Once this bill becomes law the Attorney-General will be able to pursue those ill-gotten gains.


I have a suggestion in relation to tattoos that the health minister might look at. Under the Health Act there should be a register of people getting tattoos so that we can identify those people getting tattoos rather than have John Smith, Bill Brown and all the other fake names of people who are paying \$5,000 or \$10,000 for tattoos. This is a way for these bikie clubs to clean their money.

I remind everyone that the most notorious killer and bandit in America, 'Scarface' Al Capone was never jailed for murder. He was jailed for taxation and wealth issues. That was how they put him away in Alcatraz. I saw where he camped in Alcatraz. That was the only way they stopped this terrible man continuing his illegal activity in America.

The Attorney-General has taken the bit between his teeth in relation to cleaning up crime—the get-tough-on-crime policy which was part of the Newman government's platform at the election. This is another step in that. I congratulate the Attorney-General on taking it very seriously and proceeding with enormous speed to bring this legislation to the House. This is what our members want to see. This is what our communities that the members represent want to see. Keep up the good work, Attorney-General. We look forward to supporting more legislation as you continue to sit in this House.

The amendments in the bill will allow for the Supreme Court to make an unexplained wealth order if the person has engaged in serious crime related activities, acquired property through serious crime with some or all of a person's previously accumulated wealth which was acquired unlawfully. I am sure the 'I cannot remember where I got the money from' defence, which we have even seen in the CMC lately, will be eradicated through the prosecution of people after the legislation becomes law. The specific accused person has to prove that this is not the case for financial proceeds not to be seized. There needs to be a determination that these were not acquired through unlawful means. It must be remembered that this legislation is very specific in its utilisation. The confiscation orders will be administered by the CMC and the Director of Public Prosecutions will act as the solicitor.

In relation to the government's commitment to attacking crime throughout Queensland and to making Queensland a very unsafe place for outlaws to do their dirty business, this is another major step forward. It will lift a lot of the bad elements of the bikie clubs from my Gold Coast area, I am sure. They will go and do business in other states. South Australia is the only Labor state. They might all move to South Australia where they successfully overturned the criminal organisations legislation in the High Court. Here in Queensland it was upheld by the High Court. The Attorney-General will have the capacity to continue outlawing the outlaws' illegal activities. I absolutely commend this bill to the House.

 **Mr LATTER** (Waterford—LNP) (5.38 pm): I rise today to speak in support of this substantial and imperative amendment bill proposed by the Attorney-General and Minister for Justice. I applaud the efforts made by the legislative team and those involved with the formation of this bill. It is without hesitation that I state that the current legislation in place in Queensland is not sufficient to cease the illegal trafficking and appropriation of drugs and that the measures put in place are no longer in accordance with those of other Australian states and territories.

We need to get tough on crime to ensure that criminals and those suspected of criminal activity do not find a safe haven in the Queensland legal system. In a report earlier this year by the Commonwealth Parliamentary Joint Committee on Law Enforcement, it was noted that criminals will move their operations to jurisdictions where it is believed there is a degree of weakness in the legislation. We cannot allow Queensland to be the metaphorical weak link in the chain. We cannot allow criminals to exploit our state. We are a stronger Queensland than ever before and we need to continue this in our legal system.

Today I stand before this chamber to speak in support of this bill as I believe it moves Queensland in the right direction and sticks with our pre-election promise of creating a stronger, safer Queensland for this and following generations. It goes without saying that deterrence is a far more economical strategy than imprisonment, which puts a huge strain on the justice system, and this bill seeks to ensure criminal activity, with particular attention to illegal drug trafficking, is made undesirable and costly to potential criminals.

As outlined in the amended objects of the Criminal Proceeds Confiscation Act 2002, this bill aims to, among other goals, deprive persons of illegally acquired property and the benefits of unlawful behaviour, to deter future unlawful behaviour and to prevent the reinvestment of financial gain in more unlawful activity. These new objectives are in line with our pre-election promise of getting tough on crime and achieving a safe crime-free community.


Contained in this bill is the ability for the state to apply for an unexplained wealth order if they can satisfy the Supreme Court that there is a reasonable suspicion that the wealth has been the product of unlawful behaviour. The onus then falls upon the person in question to provide details to the court that this wealth has been acquired legally. It is within the best interests of the state to ensure that criminal behaviour does not become an ideal career for the youth of this state. This bill does not by any means encourage police corruption or the violation of a person's rights. This bill is a bill to strengthen our state and our legal system.

Wealth that is accrued in a lawful manner will not by any standard be affected by this bill. For the large proportion of Queenslanders this bill is unthreatening and poses no harm to their personal business or acquisition of wealth. However, for those who are engaging in unlawful behaviour and are gaining property illegally, this bill makes it very clear that this kind of behaviour will no longer be tolerated and the consequences for this behaviour will be the removal of property and wealth gained through unlawful and illegal dealings. This is a strong stance for a strong Queensland—a promise we made going into the election.

While taking this stance, however, the government understands that in the unfortunate cycle of intergenerational crime there are dependants who are trapped within the vicious cycle and may be left without a home to live in due to unexplained wealth orders and serious drug offender confiscation orders. For this reason the bill includes amendments to the Criminal Proceeds Confiscation Act that allow for innocent dependants to apply for hardship orders. These hardship orders can be applied for on application to the Supreme Court given that the applicant will suffer hardship. The hardship orders will only be granted if the Supreme Court is satisfied that the dependant had no knowledge of the serious crime committed. As a government we need to ensure that young innocents are protected and nurtured and, through ensuring that these young innocents are not thrown onto the streets and are able to continue to grow, we are supporting a stronger Queensland through the bill. We have the opportunity to stop the cycle, to remove the benefits and protect the dependants who, without their knowledge, were living through the proceeds of criminal activity.

We live in a time of international hardships where there lies a risk of increased crime as a means of gaining wealth all around the world and in this great country of ours. This amendment bill stands to put a stop to this unacceptable behaviour and I encourage the House to support another commendable bill by this government which aims to deter further criminal activity in this state. Waterford constituents have expressed to me that they see a need for a change in the way we prosecute serious criminal offenders, and it is my belief that this is the way to achieve it.

A constant reiteration that criminal behaviour is neither acceptable nor feasible in the modern era needs to be achieved. I commend the Attorney-General for this exceptional bill that achieves just that. On that basis, I commend the bill to the House.

 **Mr PUCCI** (Logan—LNP) (5.43 pm): I rise today to make a brief contribution to the debate in support of the Criminal Proceeds Confiscation (Unexplained Wealth and Serious Drug Offender Confiscation Order) Amendment Bill 2012. Our government is unashamedly proactive in being tough on crime. Since our election in March 2012, our government has introduced and/or amended numerous bills in the House to make Queensland a safer state. From child protection to dangerous driving and assaults on police, our government has, without equivocation or mental reservation, sent a strong message to would-be offenders that we will not tolerate their heinous activity.

Criminals are nothing more than predators who have a severe lack of respect for their fellow citizens and are an unfortunate scar on our society. The Criminal Proceeds Confiscation (Unexplained Wealth and Serious Drug Offender Confiscation Order) Amendment Bill will target those whose high-flying lifestyle is built on the proceeds of narcotic trafficking. This bill also delivers on the LNP government's pre-election commitment to introduce unexplained wealth orders and dug-trafficking declarations. By building on legislation such as the Criminal Law Amendment Bill and the Police Powers and Responsibilities (Motor Vehicle Impoundment) and Other Legislation Amendment Bill, our government will continue to implement legislation that will take offenders off the streets and continue to make our great state a safe place to live.

The common denominator that unites criminals is their desire to make a quick buck. In the criminal subculture that exists in our society, the belief that crime pays is rife. This stigma, this pathetic attitude, perpetuates criminals to continue to eat away at our society. Most prolific are

offenders who profiteer from the proceeds of illegal narcotics. This bill will target those serious criminals and potential serious criminals who are motivated by nothing more than their own personal greed. By targeting criminals who live the high life, this amendment bill will serve as a serious blow to the ways and means these offenders use to continue their horrific trade.

By confiscating their unexplained wealth, these funds and/or assets will be used to compensate the financial burden the offender's crime imposes on the community, health and justice systems. This initiative will make headway towards the staggering cost to Queenslanders of illicit drug use. In 2004-05 taxpayers had to pay \$1.6 billion due to illicit drug use, with a total of \$39 million of that cost spent on health care as stipulated in the Chief Health Officer of Queensland's report published in 2012.


The link between the use of narcotics and other criminal activity is heavily substantiated. Many offenders, however, manage to conceal their illegal activity from those around them such as family members and close friends. It is in these cases that such seizure of assets could be detrimental to the most minimal of functions by innocent second or third parties. Under the current legislation, dependants of persons of whom proceeds assessments are made do not have the ability to apply to the Supreme Court for an order seeking relief from hardship. This amendment allows for these dependants to have the ability to make an application for a hardship order as the dependants of persons subject to unexplained wealth and confiscation orders.

This amendment will also address the confiscation of assets from financial institutions. This amendment bill will update clauses under the Criminal Proceeds Confiscation Act 2002 that will now enable investigators to obtain relevant information, if necessary, to allow them to identify and protect property from dissipation in a timely manner. This amendment bill will also bring Queensland into line with similar legislation in other jurisdictions and allow cross-jurisdiction partnerships when conducting investigations of offenders who have accounts in financial institutions. This bill will take away any safe haven in which offenders would seek to hide their ill-gotten gains. Crime does not pay. That is the signal we are sending offenders and we sending it loud and clear.

These laws are not draconian. They are not a tool by which the legal system can seize property at will. On the contrary, in order to make a serious drug offender confiscation order, the Supreme Court must be satisfied that the offender has been issued with a serious drug offence certificate for a single trafficking offence or three other types of serious drug offences committed within a seven-year period. The Supreme Court must also be satisfied that the state has brought its application within six months of issuing of the certificate for the qualifying offence. The prosecution of a serious drug offender confiscation order will see that all property of the offender, and all the property that was gifted by the offender in the six years before the offender was charged with the qualifying offence, is forfeited to the state.

Mr Deputy Speaker, I have to tell you that everywhere I go in the electorate of Logan they are for this type of bill. They are telling me that we need to get these people off the streets and we need to make them pay for the crime that they are doing. They do not like to see people living the high life by stealing, selling drugs and committing crimes. The people of Logan are well for this bill.


I would like to commend the honourable Attorney-General on energetically tackling the mammoth task of creating a safer Queensland. I am sure that, if it were not for his efforts and those of the honourable Minister for Police and Community Safety, our great state would still have several legal loopholes and shortfalls when dealing with criminals. Once again, I commend the efforts of the Legal Affairs and Community Safety Committee, which has certainly been getting a workout since the proactive and energetic LNP government took the reins to get the state back on track. I commend the bill to the House.

 **Mr STEWART** (Sunnybank—LNP) (5.50 pm): I rise today to contribute to the debate on the Criminal Proceeds Confiscation (Unexplained Wealth and Serious Drug Offender Confiscation Order) Amendment Bill 2012. This government and our Attorney-General should be commended on their refusal to refer unexplained wealth powers to the Commonwealth. Queensland needs to get tough on organised crime and needs tough laws in order to do so.

This bill will allow Queensland to introduce a scheme to recover unexplained wealth and to improve the overall effectiveness of the criminal confiscation regime in Queensland. The passing of this bill will ultimately contribute to the long-term goal of making this state a safer place for all Queenslanders. The bill delivers on the government's pre-election commitment, recently reiterated in the government's six-month action plan, July-December, to introduce unexplained wealth orders and drug-trafficking declarations. It will allow the state to apply to the Supreme Court for an order requiring a person to pay to the state an amount assessed by the court to be the value of the person's unexplained wealth.

As a safety net, the bill provides the Supreme Court with the discretion to refuse to make the order if it is satisfied it is not in the public interest to do so. Most other Australian jurisdictions already have unexplained wealth orders in place. If Queensland does not follow suit, it stands to reason that criminals will move their enterprises to Queensland to take advantage of this legislative weakness. This bill will deter serious criminals, especially those handling significant sums of money, by increasing the risk of involvement in such activities. It will also target those dealing in illicit drugs through drug offender confiscation orders. The effect of this order is that it forfeits all property of the person and all property that was gifted by the person in the six years before the person was charged with the relevant offence to the state. However, these measures have community benefits that go well beyond the specific issue of reducing criminal activity. Illegal drug trafficking takes a huge toll on the community. It increases the burden on our finite health services and clogs our criminal justice system. If this bill were to be passed, money would be reinvested in the community and the justice system. Nevertheless, this bill also recognises that the dependents of persons against whom proceeds assessment orders are made may suffer undue hardship. Provision is therefore made for the dependents to apply for relief to the Supreme Court and thereby achieves a balance between deterring serious offenders and protecting those who are themselves the victims of crime. Unexplained wealth powers should remain vested in the state and not in the Commonwealth.

I congratulate the Attorney-General for introducing this bill and for sending a strong and clear message that Queensland will not permit organised crime gangs to use our state as a safe haven to store the proceeds of crime. It allows the government to say to all Queenslanders that crime does not pay. I commend the bill to the House.

 **Ms BATES** (Mudgeeraba—LNP) (5.53 pm): I rise to speak in support of the Criminal Proceeds Confiscation (Unexplained Wealth and Serious Drug Offender Confiscation Order) Amendment Bill. Before the election, the government committed to introduce legislation that is tough on crime and criminals. This bill is one more piece of the tough-on-crime strategy that the Newman government continues to deliver, now with regularity. It seems there is a new initiative introduced in this place almost every sitting week to address crime, and I applaud the continued efforts of the Attorney-General in this regard.

We will continue to put pressure on organised crime in this state. For too long the criminals have had it too easy, and the courts and the police need us to provide them with the tools that they need to combat the criminals. It is not just about apprehension and prosecution; it is about ensuring those who are punished for their crimes do not find they are still better off than they would have been otherwise.

This bill delivers by amending the Criminal Proceeds Confiscation Act 2002 and the Penalties and Sentences Act 1992 to introduce a drug-trafficking declaration scheme in the form of a serious drug offender confiscation order scheme and by amending the CPCA to include unexplained wealth laws. If the state can prove on the balance of probabilities that there is a reasonable suspicion an individual has been involved in serious criminal activity, then the onus would fall on that individual to prove the legitimacy of their assets. Simply, if you cannot show that your assets were earned legitimately, do not expect to keep them.

This bill is not just about being tough on outlaw motorcycle gangs or tough on drug traffickers. It is about ensuring that those responsible for the spread of illicit drugs throughout our communities are appropriately punished so that the appeal of a residual benefit following conviction does not encourage these behaviours and reduces the availability of illicit drugs in our suburbs and towns by discouraging the source. Unlike the ALP, we are going to hit drug manufacturers and distributors where it hurts—their hip pocket.


The drug trade is motivated by the extraordinary wealth that players in this trade can accumulate. With the threat it can all be taken away in an instant, in conjunction with your freedom, we act to reduce the trade's appeal. This bill also acts to ensure that criminals cannot try any funny business to protect their assets gained through illegal activity. In the first instance the Supreme Court can make restraining orders over property so that the property cannot be disposed of by the offender when a possible forfeiture of property is still an option. This bill will ensure against trickery by criminals—those gifting their ill-gotten gains to friends or family members in order to keep these assets out of the hands of authorities. Any property gifted by an individual under a serious drug offender confiscation order in the six years previous to their being charged is forfeited to the state, as is of course any other property still held by the person convicted.

There should never be a case where a criminal, having 'gotten away with it' for an extended period of time, finds that following time served they continue to enjoy the benefits of their criminal activity. If a potential criminal is summing up the risks and benefits of illegal activity and the

conclusion is that the risks are worth the benefits, as there will still be benefits even with a conviction, we have failed as legislators and failed Queensland's predominantly law-abiding citizens. There are safeguards in place to ensure innocent dependents of a person are not placed under undue hardship and safeguards protecting the public interest.

The communities that I represent in Mudgeeraba I know will applaud any initiative that is tougher on crime and criminals. They have embraced the changes we have already made since the LNP came to government, and I know they will embrace these. They are sensible and they go to address a serious problem. Law and order issues have always been one of those that truly resonate with the Mudgeeraba electorate. Many of the families have lived there for generations. They have seen Mudgeeraba become less of a rural and somewhat remote community to one that shares the issues of suburbia that occur elsewhere on the Gold Coast. One of these issues is the production and distribution of illegal drugs.

I have mentioned this in this place before, but when doorknocking the electorate as a candidate before my election in 2009, with the assistance of residents with whom I shared a chat, we discovered an illegal methamphetamine drug lab on a suburban street. It was operating out of a normal suburban house in a normal suburban street, not unlike any of the others within my electorate. Thankfully, the local police acted quickly and the lab was shut down, but it is indicative of how widespread a problem this is. Offenders should not, and cannot, continue to enjoy the benefits of their community-destroying actions. I commend the bill to the House.

 **Dr DOUGLAS** (Gaven—Ind) (5.58 pm): It is a well-known truism that if an offender thinks there is a likelihood they will lose any of their wealth gained illegally then they will look at other alternatives including not offending. Proportionately it is not as great as one thinks, because once these people are in the game, as they describe it, they tend not to get out of it.


The legislation presented today seeks to confiscate illegal and legal assets of those offenders with a chronic history of drug offences or a serious trafficking offence. This will require a Supreme Court order and there will have to be a reasonable suspicion of serious crime or criminal activity. This legislation critically links to the earlier Criminal Proceeds Confiscation Act to include 'unexplained wealth'. It also, I presume, seeks to complement the criminal associations legislation, which was a very contentious bill when introduced by the former Labor government and which has recently been upheld in a very interesting High Court case. These are certainly early days but this ruling could mean that this legislation—that is, the associations bill—might work and, by default, the criminal proceeds legislation as well.

Generally, this type of legislation will usually follow COAG or national template legislation will follow so as to allow harmony with all the other states' courts throughout the nation. It is rather interesting that the Campbell Newman government has taken the lead on the issue and in some ways they are to be congratulated on doing so. But in the ordinary course of events there can be no criticism of any state legislature taking the lead on any issue where it has defined a problem and believes it has a path to resolution via legislation. That is what governments do: they legislate. The problem here is that it is not always easy to proceed in the manner that the government has proposed. I say this because the nature of major crime is that it sees no borders and it is increasingly transcontinental and intercontinental. Therefore, it could be said that any laws proposed need to be identical transnationally, that is, throughout the nation. That is not to belittle what has been proposed, but it does concern me that we could see potential failures for reasons not relating to failure of intent but failure to include critical legal drafting that defeats those involved in major crime, specifically drug offences in this case. Organised criminals, including drug traffickers, are highly organised, intelligent, well funded and very determined. Not only are they determined not to get caught; they are determined to hold on to their ill-gotten gains. If caught, they will resort to all legal means to deter both the government and other agencies from prosecuting them and, secondly, trying to access those funds, and they will do so repeatedly. Criminals are somewhat risk averse, despite what people might believe. I know a little bit about this because I was involved in the CMC for a long time. They will not commit the crime if the result is not worth the effort. They are actually statisticians, for those who may not realise, and they engage in mathematic algorithms to achieve their goals. They see it as a mathematical case.

The experience in South Australia where the original legislation was unsuccessful allowed the former Labor government in Queensland to make changes to the legislation that was passed here. It was enough to ensure that it survived the recent High Court case. It was only the changes that allowed it to get through. This reassures me that such approaches are sound. The amendments to be introduced by Labor tonight are sound. They deserve support and I believe the AG should consider

them as fair and sensible for they actually embrace the kinds of changes that may well defeat a subsequent High Court challenge. In fact, what you tend to get defeated on is not the strength of the legislation, but the weakest link. They tend to look at the lowest common denominator. As I say, the shadow minister has outlined a very good case, but I would highlight that when you are running cases legally, particularly in the High Court, people tend to think it is all highfalutin. However, it is actually the lowest common denominator weakness that is the weakest link. The government needs to strengthen that and it needs to introduce a fairness test in some way. That is not to say that some of the things that were outlined with regard to fairness were, in fact, incorrect. I thought the member for Waterford actually did that quite well.

To capture the proceeds of illegal activity is a good strategy both as a prevention and a penalty. It actually embraces the major two areas of which there are three. There is also the recompense to victims of crime and if you count the issue of addressing the community need there are four. They will provide sensible and potentially useful approaches to ensuring that organised crime has to revise its activities. It may diminish them. One can only hope.

 **Mr DAVIES** (Capalaba—LNP) (6.02 pm): I rise today to make a short and rather pointed contribution to the Criminal Proceeds Confiscation (Unexplained Wealth and Serious Drug Offender Confiscation Order) Amendment Bill. To quote the great singer and song writer Neil Young, 'I have seen the needle and the damage done.' As someone who has lost many a friend to the scourge of drugs and has personally experienced the damage caused by drug addiction when it touches a family, I stand before this House as someone who is opposed to the illicit drug trade not from some sort of theoretical idea or philosophical ideology but as someone who has had to say goodbye to many a friend and provide comfort and a shoulder to cry on to those who are left behind. Make no mistake, whether it is so-called casual or recreational experimental use or those enslaved to addiction, drug use is an insidious cancer that eats away at the fabric of our society and, when given the opportunity, causes extreme harm. So it is with great pleasure that I rise to speak about the criminal proceeds confiscation amendment bill tonight.

Despite the best efforts of those on the front line in the defence of our state and our war against drugs, those criminals—the Mr Bigs—who seek to profit from the wrecked lives of those who purchase and use their product have continued to flourish. Be it the meth-cooking bikies selling their poison to the young people at schoolies, the Porsche-driving coke dealer selling false highs at the inner city nightclub or the Asian crime gangs importing heroin to enslave the strung-out junkie, those with nefarious intent will always be on the lookout for a quick buck at someone else's expense.


While the Newman government is committed to building business in this great state, this bill proudly puts a huge 'closed for business' sign up at the Queensland border to those who would seek to enrich themselves through crime at the expense of our children. This bill has positive ramifications for many areas of Queensland. Firstly, the cost associated with fighting crime and, in particular, the illegal trafficking of narcotics in Queensland is absolutely huge. By creating further disincentives for the would-be criminal and making it harder for criminals to hide their financial gains from the illegal trade of crime, we potentially reduce the prize—the reward—for their efforts. Similarly, the health risks and problems that arise from both the casual and more severe use of drugs in Queensland pose a large burden on the public health system. The 2012 health of Queenslanders report from the Chief Health Officer of Queensland estimates that illicit drug use costs Queensland society over \$1.6 billion. The human and financial cost to our state is too high and it is time to do something and do it now.

This bill is designed to increase the personal risk associated with criminal activity. This is to discourage those members of our community who seek the short-sighted goal of achieving financial gain through the involvement of criminal activity, particularly through the sale of illegal narcotics. This will be achieved through a variety of legislative mechanisms that will fundamentally change the culture of crime, narcotics trafficking and wealth accumulation and will make it harder for those engaged in illegal enterprise to hide their activities and ultimately to profit from them. Additionally, this bill will serve to bring Queensland into line with other jurisdictions across the country, ensuring that criminals do not find a safe haven or a safe state in which to hide.

This is an essential part of the Queensland government's commitment to ensure Queensland does not become that safe haven for those who wish to hide their ill-gotten gains. This is in response to chapter 4 of the report from the Commonwealth Parliamentary Joint Committee on Law Enforcement on its inquiry into Commonwealth unexplained wealth legislation and arrangements. When working in tandem, the unexplained wealth segment and the confiscation segment of this bill will serve to remove the desire of criminals to pursue criminal activity and their ability to hide the proceeds of such practice.

The bill implements the Liberal National Party's pre-election commitment to introduce unexplained wealth orders and drug-trafficking declarations. This is another LNP policy that was promised to the people of Queensland prior to the election in 2012 and continues this government's legacy of fulfilling its full policy agenda and continuing to make Queensland a great state with great opportunity for those who work hard, pay their taxes and operate in a fair way.

I would like to take this opportunity to thank the Attorney-General personally. Even if the actions that he is taking today hinder 10 to 15 per cent of this criminal activity, young people will benefit. It is our children who will be saved from this insidious trade. I for one am totally rapt in what the Attorney-General is doing. I commend the bill to the House.

 **Dr DAVIS** (Stafford—LNP) (6.08 pm): I rise in support of the Criminal Proceeds Confiscation (Unexplained Wealth and Serious Drug Offender Confiscation Order) Amendment Bill 2012. The use and misuse of licit and illicit drugs is widely recognised in Australia as a major health problem and as one that has wider social and economic costs. According to the 2010 report by the Australian Institute of Health and Welfare, illicit drug use is a major risk factor for ill health and death. This is due to its association with HIV-AIDS, hepatitis C, low birth weight, malnutrition, infective endocarditis leading to damage to heart valves and embolic events including strokes, poisoning, mental illness, suicide, self-inflicted injury and overdose.

In Australia, it has been estimated that two per cent of the burden of disease in 2003 was attributable to the use of illicit drugs. The Ministerial Council on Drug Strategy stated in 2011 that 'drug use is a serious and complex problem which contributes to thousands of deaths, significant illness, disease and injury, social and family disruption, workplace concerns, violence, crime and community safety issues'.

Illicit drugs include illegal drugs such as cannabis and cocaine, pharmaceutical drugs such as painkillers and tranquillisers when used for non-medical purposes, and other substances used inappropriately such as inhalants. In a 2010 survey, around 7.3 million Australians—that is two in every five—admitted to having used an illicit drug, and almost three million had used an illicit drug in the 12 months before the survey. Statistically significant increases in recent illicit drug use were seen in that survey amongst females and amongst people aged 30 to 39 and 50 to 59.


Illicit drug users, whether use was in the previous 12 months or just the previous month, were more likely to be diagnosed or treated for mental illness and report high or very high levels of psychological distress, compared with those who had not used an illicit drug in the previous 12 months. Subpopulation groups with high proportions of recent use of illicit drugs included: those who were unemployed, 24.9 per cent; those who had never been married, 24.4 per cent; those who identified as being Aboriginal or Torres Strait Islander, 25 per cent; and those who were homosexual or bisexual, 35.7 per cent.

I will now turn to the equally important issue of the social cost of drugs to the Australian community. In 2005, the Commonwealth Department of Health and Ageing commissioned research to estimate the social costs of tobacco, alcohol and drug abuse to the Australian community. This study found that the total social cost of tobacco, alcohol and illicit drug abuse in this country in 2004-05 was a staggering \$55.2 billion, with tobacco accounting for \$31.5 billion, alcohol \$15.3 billion and illicit drugs \$8.2 billion. The adverse health consequences of the interactions between alcohol and illicit drugs accounted for a further \$1.1 billion. The tangible costs of this were in the areas of crime, health, lost production in the workplace, lost production in the home, road crashes and fires.

When it comes to drug related crime, the relationships amongst drugs, drug use, drug markets and crime are complex. Three basic models have been proposed to explain the relationship between drug use and crime: firstly, substance use leads to crime; secondly, crime leads to substance use; and thirdly, the relationship is either coincidental or explained by a set of common causes. Each model may apply to different subgroups of the population of substance use in criminals or to different incidents of alcohol and drug related crime. However, each may be useful in understanding particular situations but, whichever way you look at the relationships, it is all bad news.

Not surprisingly, the Australian community strongly supports increased penalties for the sale or supply of illicit drugs. In 2007, between 82 and 85 per cent of the population sampled expressed this view with respect to ecstasy, cocaine, amphetamines and heroin. Although support for increased penalties for the sale or supply of cannabis is lower than for the other illicit drugs mentioned, the proportion supporting increased penalties for this drug category rose from 58 per cent in 2004 to 63 per cent in 2007. Furthermore, when asked how to spend money to reduce harm from illicit drugs, the public emphasis was on law enforcement.

This bill yet again demonstrates how this government is in touch with and is acting in accordance with the public's expectations. It also represents the fulfilment of the Queensland government's pre-election pledge to introduce tough new unexplained wealth and drug trafficker legislation to target the ill-gotten gains of criminals. It provides a clear deterrent to those who profit from the deadly cocktail of drugs and crime. It sends a strong message that this government has zero tolerance of those who generate illegal unexplained wealth and do not pay their share of taxes, especially when such activities also damage the health and wellbeing of Queenslanders. I commend the Attorney-General and his team on this important bill and I commend it to the House.

 **Mr WELLINGTON** (Nicklin—Ind) (6.15 pm): I rise to participate in the debate on the Criminal Proceeds Confiscation (Unexplained Wealth and Serious Drug Offender Confiscation Order) Amendment Bill 2012. I say at the outset that I will be supporting the bill. I am interested in hearing the debate on the opposition's proposed amendments when we consider the bill in detail.

Whilst I am a member of the Legal Affairs and Community Safety Committee, unfortunately I was not able to be actively involved in the finalisation of the committee report because I was also involved with the PCMC, which was conducting hearings and investigations into a range of matters at that very time. I just place on the record that, whilst I am a member of the Legal Affairs and Community Safety Committee, I was not actively involved in the finalisation of the report.

I note that the Attorney-General and a number of government members have spoken about how the Newman government is serious about cracking down on organised crime and responding to the issue of unexplained wealth and have said that this bill is real evidence that the government is honouring its election commitment to get tough on crime. I do not agree with that position. Clearly, passing amending laws is important but that is only one element of responding to communities' desire to get tough on crime. Amending the law by passing a bill in parliament is certainly a very important element, but the second element is equally as important—that is, proper resourcing of the law enforcement agency.

Mr Malone: They have to have the law to start with.

Mr WELLINGTON: Yes, you have to have the law—that is the first part—but that is not the be-all and end-all. It is the first step, but the second and most important step is to give the law enforcement agency the proper resources and support so they know the government is with them 120 per cent. In terms of making sure the government properly resources the peak—

Mr Malone interjected.

Mr WELLINGTON: If the member for Mirani wants to contribute, I invite him to stand up and speak after I have finished my speech. I am not taking his interjections.

The second component, which I think is as important as simply passing an amendment in this place, is proper resourcing. I reflect on comments the Attorney-General has made in public, in the parliament and during estimates hearings. I reflect on the CMC's annual report and the PCMC's annual report. I reflect on the hearings the committee has held. I reflect on the evidence that the CMC has given and the submissions the CMC has made. It appears to me very clear that there is no real, demonstrated evidence of this minister's commitment to properly resource—

Mr Bleijie interjected.

Mr DEPUTY SPEAKER (Mr Ruthenberg): Order! The member is not taking interjections.

Mr WELLINGTON: There is no evidence of this minister's willingness and commitment to sit down and speak with the CMC—the peak law enforcement agency in Queensland—and build a partnership. Earlier this afternoon in his speech the minister spoke about the powerful and the independent Callinan-Aroney report. After my review of that report, my position is very clear: the real evidence that is in existence in Queensland does not support the basis of some of the assumptions that that so-called independent report has claimed. I think the Callinan-Aroney report is very questionable and it is simply another tool that the Attorney-General and the government have used to get square with the CMC. If members really look at the contents of that report, analyse it and compare it with the CMC's own evidence and own material, they may agree with what I am saying, because some members may not be aware that I am also a member of the PCMC which has held a whole range of hearings and public hearings. If this government is fair dinkum in trying to respond to the concern in Queensland about organised crime, yes, we need to pass this law. However, what we really need is a minister that the CMC can work with. We need a minister who is prepared to sit down and talk with the peak law enforcement agency and work in a genuine partnership with it, not come in here and grandstand and throw bricks at the CMC.

Earlier in his contribution the minister also talked about being tough on crime and the boot camp model in Queensland. I would love to see perhaps in 12 months time a cost-benefit analysis of this wonderful boot camp program in Queensland and we should compare it with some of the successful rehabilitation programs that already existed in this state before this Attorney-General took over that position. We should compare them and do a genuine cost-benefit analysis of the results.


Mr WATTS: I rise to a point of order. Mr Deputy Speaker, I ask you to rule on relevance. I am not sure that a cost analysis on a boot camp is relevant to this bill.

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

Mr WELLINGTON: I was responding to the very issue that the Attorney-General raised in his contribution to this debate when he spoke about boot camps. Let us get some real evidence here about the government's little project about being tough on crime and let us see how much that is costing. Let us compare that with some of the other programs that this government was in such a rush to get rid of which were delivering wonderful outcomes and great results for Queenslanders. As I said at the outset, I support this bill because it is what Queenslanders want. But I reiterate that there are two parts, and the second part is ensuring that there are proper resources. Page 3 of the committee's report at 1.5 headed 'Should the bill be passed?' states—

The Bill fulfils the Government's commitment to keeping the community safe ...

If we really want to fulfil the commitment to keep the community safe, we need to properly resource the CMC so we do not just have laws. There is evidence before this parliament of the backlog of matters that have been referred to the specialist unit of the CMC that it cannot even get to because it cannot employ the properly qualified technical experts that it needs. As I say, there is evidence before this parliament of the significant backlog of matters that have already been referred. If we want to be fair dinkum about properly resourcing the CMC, let us ensure it has the finances and the resources to employ those people—to headhunt those people from around Australia or overseas—so it has the best brains and we can get value for money for this legislation. This legislation has the potential to stop organised crime coming to Queensland, but we need to deal with all of those cases that are currently on the to-do list—that are already there—before we start giving it more. Let us get them actioned now with proper resourcing and more staff, and that is a matter that only this minister, the Treasurer and the Premier can respond to.

 **Mr MOLHOEK** (Southport—LNP) (6.24 pm): I rise in support of the Criminal Proceeds Confiscation (Unexplained Wealth and Serious Drug Offender Confiscation Order) Amendment Bill 2012—a bill that reinforces our government's unwavering commitment to being tough on crime. I am not sure that I can add the same sort of theatre to the chamber this evening as we saw from the member for Nicklin, but I will certainly do the best I can.

Mr Bleijie: He was channelling Clive Palmer.

Mr MOLHOEK: I take that interjection from the Attorney-General. Two weeks ago I rose in this House to support a bill to introduce some of Australia's toughest anti-hooning laws and crack down on those terrorising our roads—laws that were subsequently passed by this parliament. Last year this government also introduced legislation increasing penalties for child sex offenders and more recently new laws to target offenders who groom children online for sexual activities. Today I am proud to stand and rise in support of a bill that introduces tough new legislation targeting criminals in this state who seek to profit from illegal activity and serious drug offences. The Newman government made a promise to the people of Queensland before the election. That promise was that we would get tough on crime, and this legislation is further evidence of our commitment to deliver on this promise. This bill delivers on the LNP's pre-election commitment to introduce unexplained wealth orders and toughen drug-trafficking laws.

At a local level on the Gold Coast and in my electorate of Southport, it is important we send this strong message to drug traffickers and other offenders who are motivated by the quick and easy tax-free financial benefits of criminal activity. These challenges are faced by law makers and police all around Australia. One does not have to look far from home to see how some of these illegal activities are played out to the significant disadvantage of our young people and families, as some of these operators function around nightclubs and some of the other less savoury venues on the Gold Coast. This legislation allows us to get tougher on gangs and groups who seek to operate in criminal networks, so it is important we continue to make it harder for these groups to carry out their illegal activities. Biekie gangs on the Gold Coast have been known to foster sophisticated networks for drug trafficking and other illegal activities. This legislation introduces a framework to allow the police, on reasonable suspicion that individuals have been involved in serious criminal activities, to demand proof of their legitimacy of all assets. This bill targets those offenders who profit from criminal activity,

significantly increasing the potential risk of becoming involved in such activity or further activity. The Attorney-General has noted that would-be criminals have to consider that their involvement may end up costing not only their illegally obtained assets but importantly also their legally obtained assets. Is that a risk that they would be willing to take?

This government's commitment to getting tough on crime is clear. Indeed one of my own priorities for the electorate of Southport is law and order, and I am proud to be part of a government that is delivering on these priorities. In Southport I have reignited the old Southport Consultative Committee—abandoned by the previous Labor member—and am now working closely with the Southport Chamber of Commerce, the Southport police and other community groups to foster ongoing engagement with the community on a whole range of law and order issues. I am really pleased that out of our first meeting we have had some incredibly positive feedback from the many different groups represented, with almost 40 different groups turning out to the first meeting at Southport Police Station. There are also a number of very active Neighbourhood Watch groups in Southport, all of which continue to successfully liaise with the police on issues affecting local residents. At the last Neighbourhood Watch meeting I attended in Parkwood, the local police were pleased to report that there had been a significant drop in crime over the last 12 to 18 months as a result of that group's activities and its cooperation and working with the local police. Law and order issues are a priority for my constituents, and this bill affirms the LNP's commitment to getting tough on crime. There can be no excuse and nor should there be any leniency towards allowing people to function in this way. We will not tolerate criminals reaping the rewards of their illegal activities. We will not tolerate drug traffickers increasing the burden placed on our health and justice system by the illegal drug trade. We are getting tough on crime and fulfilling our pre-election commitments. I am pleased to stand in the House this evening to commend this bill to the House.

Debate, on motion of Mr Molhoek, adjourned.

Sitting suspended from 6.30 pm to 7.30 pm.

LAND PROTECTION LEGISLATION (FLYING-FOX CONTROL) AMENDMENT BILL 2012

Resumed from 21 June 2012 (see p. 928).

Second Reading



Mr KNUTH (Dalrymple—KAP) (7.30 pm): I move—

That the bill be now read a second time.

The Land Protection Legislation (Flying-fox Control) Amendment Bill 2012 empowers landowners, including local and state government, to take the necessary and responsible action to address the serious health risks presented by increasing concentrations of flying fox populations in residential areas. The bill also removes section 88C of the Nature Conservation Act 1992, which applies penalties for the taking or the handling of flying foxes and the disturbance of flying fox roosts. The provisions of this bill seek to remove the protection for flying foxes and flying fox roosts from the Nature Conservation Act 1992 and introduce new measures under the Land Protection (Pest and Stock Route Management) Act 2002 for the management of flying foxes similar to that of dingo control. The bill also proposes new provisions for the management of flying foxes under the Land Protection (Pest and Stock Route Management) Act 2002—an act for the management of stock routes and declared pests and weeds.

Flying fox populations are known to carry viruses deadly to humans: the Australian bat lyssavirus, which is closely related to the common rabies lyssavirus; salmonella; leptospirosis; SARS; and Hendra virus. The Australian bat strain of lyssavirus has caused two human fatalities since it was discovered in Australia in 1996. More concerning is the growing number of Hendra virus outbreaks among horse populations and the increased exposure to humans as a result. This virus has caused over 70 horse fatalities and four human fatalities since 1994. That is a 75 per cent fatality rate in horses and a 60 per cent fatality rate in humans. The recent discovery that the virus can be transmitted to dogs further escalates the risk to humans. The emerging conditions of rising flying fox populations, especially black flying foxes, in urban areas of Queensland and subsequent increased exposure of domestic animals to flying foxes and the associated risk to human life necessitates a review of legislation limiting dispersion and removal methods of flying fox populations from residential areas.

Extensive consultation and research has been conducted on the impact of flying foxes in urban areas as well as the impact of large colonies on crop production in agricultural areas. Residents forced to tolerate the presence of tens of thousands of flying foxes and the associated risk of disease are clear in their demands to have flying foxes removed from their communities by whatever means necessary. If a colony consists of grey-headed or spectacled flying foxes, any new flying fox management strategies may require approval from the Commonwealth under the Environment Protection and Biodiversity Conservation Act 1999.

A submission from the Charters Towers Action Group states—

Dear Members

I refer to the Land Protection (Flying-fox Control) Amendment Bill 2012 and wish to present a submission for your consideration.

The Charters Towers Action group, residents and ratepayers of Charters Towers support our elected member of Parliament, Shane Knuth, Member for Dalrymple.

Charters Towers residents support the land protection legislation (Flying-fox control) amendment Bill 2012.

The Charters Towers community's efforts to have the flying fox colony removed from our public park, Lissner Park, have been ignored by previous state governments and DERM (Dept Environment and Resource Management).

Lissner Park is situated almost in our city centre.

Because of the noise and smell of the roosting bat colony, residents close to Lissner Park, businesses and elderly are forced to lock their doors and windows because of the stench, the noise and smell of bat excreta.

Residents are also forced to put up with the smell of dead flying fox carcasses on our public parks, backyards and streets of our town.

Residents of Charters Towers consider this a health problem. Bats carry Hendra Virus. Domestic dogs and cats could eat these dead bats.

As stated previously by DERM, Hendra Virus can be transmitted to dogs by flying foxes.

Biosecurity Queensland publically stated in a newspaper article that 2 dogs have been infected with the deadly Hendra virus.

Local government workers employed by Charters Towers Regional Council, working in Lissner Park under the bat colony are in fear of catching a bat-borne disease in the soil and dust as the Park is being mowed and maintained by council workers.

Friday 10 August 2012: Queensland Chief Health Officer Dr ...Young issued a public health warning against workers working under bat colonies.

Bat saliva could enter through the eyes or mouth.

Australian Bat Lyssavirus (ABL) could be transmitted through a bat bite, eyes, nose or mouth and that more than 100 cases of potential exposure to ABL were reported in Queensland each year.

Charters Towers residents were at risk of catching ABL ... Hendra ... Sars ... by walking through bat faeces and urine in our public park.

Residents cannot enjoy the benefits of the park because the entities provided by the council are always covered in bat faeces and potentially urine and birthing products.

In August 2020 a petition calling for the removal of flying foxes from Lissner Park and signed by 2061 residents was submitted to the state government and DERM. Again, this petition was not acted on by the state government.

An honourable member interjected.

Mr KNUTH: The member has to hear this. The petition was not acted on by the state government. This submission is not by Shane Knuth; it is by the residents of Charters Towers. The submission states further—

Our town has a public swimming pool which is adjacent to the Park. Thousands of bats deposit faeces in the pool as they fly off across the pool to their nightly feeding ritual.

Residents consider this a health hazard and cannot enjoy the benefit of the pool provided by our local council.

Faeces also covers residents' houses, cars and washing hanging on outside clothes lines.

Our tourist industry is also suffering because of the bats on Lissner Park. Tourists who visit Lissner Park cannot enjoy our 100-years-old shade trees which are heritage listed and have picnic tables and chairs under the shady trees because of the bat colony overhead.

On 27 November 2012 approximately 800 protestors, including Charters Towers Regional Council Mayor, Ben Callcott; Shane Knuth ... Bob Katter, Federal Member for Kennedy and the Charters Towers Action Group marched through the city centre to Lissner Park.

The protest rally against the bats in our public parks was vocal in their demand to shift the bats so the community can regain use of their Park.

Residents of Charters Towers invite environment minister, Hon Andrew Powell and premier Campbell Newman to visit Charters Towers and hold a public forum to discuss the bat problem regarding their removal from our beautiful park.

Allan Henderson

Charters Towers Action Group

I do not want to talk just about Charters Towers; I want to talk about Yungaburra, where the people have suffered from flying foxes—up to 8,000 to 10,000 and sometimes 25,000—as well as Cairns, Townsville, Moranbah, Mount Isa. The list goes on.

Mr Rickuss interjected.


Mr DEPUTY SPEAKER (Dr Robinson): Order! The member for Lockyer will cease interjecting. The member has not been taking interjections.

Mr KNUTH: This bill is all about giving the community the tools to be able to take action to deal with threats of disease and economic damage to both urban and rural people. It is also about improving the quality of life of people. This bill is about taking action.

Over the years there has been a perception that government departments are doing something about flying foxes. There are quotes in the paper about the great role they are playing in managing flying foxes. You can judge whether a government is doing a good job. If the bats are gone it has done a good job, but if the flying foxes are still there and people are putting up with the plagues, the filth, the stench, the ticks, the parasites and everything that goes with it, then it has not.

I commend the minister for giving autonomy to the councils. That is something I have pushed for. Likewise I commend the Premier for his statement that he was looking to remove bats by whatever means necessary. I am hoping that the councils will do that.

(Time expired)

 **Hon. AC POWELL** (Glass House—LNP) (Minister for Environment and Heritage Protection) (7.40 pm): I rise tonight to oppose the Land Protection Legislation (Flying-fox Control) Amendment Bill 2012. This evening we will hear a lot of hysteria, fantasy and scaremongering from both sides of the political spectrum. There is only one party in this chamber tonight that is actually delivering more than a headline when it comes to this issue of flying foxes. There is only one party in this parliament this evening that is addressing this complex matter and delivering solutions for individuals, for communities and for local government councils across the state and that party is the LNP.

The Newman government makes no apology for putting the wellbeing and health of Queenslanders ahead of flying foxes. For far too long the Labor government was more concerned about bat protection and green preferences. We in the LNP are about sensible evolution of public policy, not radical revolution based on an obsession with short-term political fixes. Unlike the bill tonight, our approach achieves sensible balance by making it easier for councils to respond to community concerns about flying fox roosts by removing, as I announced today, the need for them to apply for a permit from the Department of Environment and Heritage Protection. Despite the allegation that councils will take a random approach—and I will come back to that in a moment—councils will abide by a code of practice or a set of rules that we will negotiate in conjunction with them and other interested groups across the state.

Persistent noise, smell and damage to property from flying foxes are very real concerns in many parts of the state for many communities but especially where roosts form in urban areas. Unlike the member for Dalrymple, who has relentlessly played politics with this complex issue, we have been getting on with the job and finding a better way to manage this complex issue. No other level of government knows local people better than the local council. Under this approach that we have proposed today, through the work that we have been doing over the past 12 months, councils will be given an as-of-right authority empowering them to control problem roosts in urban areas without waiting for a permit. This government made an important election commitment to revise the permit system for managing flying fox roosts to deliver a more streamlined and rapid assessment process for local government. Today we have done just that. It makes it altogether easier for councils to respond to and act on behalf of their communities when plagued by problem roosts. It means that in designated urban areas councils can immediately proceed with roost modification or dispersal without having to fill out needless application forms. Essentially they will have the power to act and to control where flying foxes visit and set up camp. In non-urban areas where there is less interaction between people and bats, councils will still have to apply to the Department of Environment and Heritage Protection for a damage mitigation permit if they want to move them on. This is a balanced approach to flying fox roost management which will effectively encourage flying foxes into areas away from people.

As I said, an agreed code of practice will be introduced to guide councils' management options and ensure that any dispersals occur humanely. In contrast, the member for Dalrymple's bill favours complete deregulation and would empower a landowner to destroy, disturb or drive away flying foxes

from roosts across Queensland without any regulation of those activities. The bill includes provisions that require the government to direct a person to kill flying foxes in the same way that it can with regard to a feral pest. Whilst I appreciate the wellbeing issues that the member for Dalrymple has raised, that many individuals throughout the state have raised with me personally, that I have witnessed firsthand when I have visited many people subjected to the constant noise and smell of flying fox roosts adjacent to their homes, the solution is not the free-for-all proposed by the member for Dalrymple.

As was made very clear at the committee hearings for this bill, flying fox management is complex, even if you just focus on trying to minimise impacts to people from these creatures. It is more complex if you acknowledge their role in the health of our national parks and rainforests which are such a tourist drawcard. Therefore, solutions need careful thought. While the health and wellbeing of people will be the central concern, we will also consider the sustainability of flying foxes. Our approach will allow councils to be more agile and respond to new roosts before they become a problem. I would also note that the majority of stakeholders who took part in the committee process did not support the proposed bill. Not only is the bill unpopular, it is potentially inconsistent with the Commonwealth Environment Protection and Biodiversity Conservation Act 1999. Should it be passed, section 109 of the Constitution of Australia may come into effect whereby the Commonwealth law prevails over state law.

This bill should not be supported. Not only does it lack support from all levels of government and is in conflict with federal law, the bill is an ill-conceived, over-simplified, knucklehead response to what is a complex issue that faces many Queensland communities. My department has been acting from day one. We have worked with councils and communities across the state to respond to their permit requests for removal of flying fox roosts and we will continue to do that as we roll out the announcement that we have made today. As I said, there has been a lot of hysteria today and there will be a lot of hysteria in this debate. Before I conclude I must draw to the attention of the House some outrageous comments made by the shadow minister for the environment—comments that are utter fabrication, designed to whip people into a complete and utter frenzy. Clearly the member for South Brisbane lives in a parallel universe as not once anywhere have we declared an open killing season on bats or even hinted at the lethal dispersal of roosts. Consistent with an election commitment, we have reintroduced lethal damage mitigation for farmers who can demonstrate economic loss from flying foxes and have demonstrated that they have attempted to use non-lethal means of mitigation. For the sake of the member for South Brisbane, I table the media release for today and encourage her to notice how many times the word ‘non-lethal’ is mentioned.

Tabled paper: Queensland government ministerial media release, dated 1 May 2013, titled ‘Streamlined approvals put community health first’ [2549].


One would think that the shadow environment minister would be able to get across wildlife issues like this, but given that the ranks of Labor are spread so thin these days perhaps the environment is not one of her priorities. If she was across the issue she would understand the importance of today’s announcement which, by the way, has been endorsed by the LGAQ. In her press release the member for South Brisbane has referred to the fact that councils will now be making random decisions—yet another slap in the face for Queensland’s local governments by the members of the Labor Party who really do not have any faith in or care for what occurs in our local councils. In response to today’s announcement, the LGAQ stated—

Local Government Association of Queensland President, Margaret de Wit, said the LGAQ was keen to work with the government to ensure the proposed Code of Practice governing the new management arrangements reflected the interests of councils and their local communities.

‘It is good that the government has recognised local government has a major role to play in responsible flying fox management and should be trusted to get on with the job of properly serving their communities without having to worry about things like damage mitigation permits,’ Cr de Wit said.

Ms Bates interjected.

Mr POWELL: Exactly; I take the interjection from the member for Mudgeeraba. The Labor Party was more concerned about Greens preferences than reflecting the needs of local councils, the needs of communities and the needs of individuals who reside in urban flying fox roost areas. To summarise, in comparison with the flying fox management methods suggested by the proposed bill, the government’s method is moderate and well balanced, with many of the same red-tape reduction benefits of the proposed bill but without the significant risks associated with complete deregulation. It is for those reasons that the private member’s bill should not be supported and I recommend honourable members in this House reject the bill this evening.

 **Mr COX** (Thuringowa—LNP) (7.50 pm): From the outset, I state that I believe that this bill was never intended to put up any real solution to a problem that has menaced many a community and farming and urban based Queenslanders for far too long. It was intended to get great headlines. It was intended to score political points, but sadly it was never designed to help the people the member for Dalrymple represents. It was a poor attempt at a stunt. For eight years the member of the Katter party who has presented this bill has been ineffective in working with his local council and the state government to rid his town of the flying foxes that have caused such grievance to the locals of a very proud and strong city. The residents of Charters Towers were sold a lemon on this bill. This bill completely ignores the Nature Conservation Act and, more specifically, the wildlife provisions of the Nature Conservation Act, which is the primary jurisdiction in relation to flying foxes.

Even more importantly, this bill does not recognise the fact that even if it were adopted today flying foxes would still be considered a threatened species under federal law. The law would be inefficient and deliver nothing by way of relief for the people of Queensland. One of the circumstances where permits can be issued and are currently being issued under the legislation is where wildlife are causing damage to property or constitute a threat to human health and wellbeing. In this case, the legislation provides for a permit called a damage mitigation permit, a DMP, to be issued. Such permits are issued in circumstances in relation to both roosts that may be causing issues, particularly in urban areas, and crop protection. I would add here that there are a range of things that can be done by people to reduce the impacts of flying foxes without needing authority under the Nature Conservation Act. However, where a permit is required, there are various matters in the legislation that are required to be satisfied before a permit can be issued.

At this point, for the benefit of the House I would like to clarify that those considerations extend beyond the areas in which the Department of Environment and Heritage Protection is expert. An example of that would be human health, which is clearly the province of Queensland Health. Therefore, when we are assessing applications for permits under that legislation we rely on and utilise relevant expert opinion, including opinion from government agencies such as DAFF and Queensland Health. Dr Hume Field is the Principal Scientist with the Queensland Centre for Emerging Infectious Diseases. At a hearing of the Agriculture, Resources and Environment Committee, Dr Field said—

The primary focus of that group is to investigate emerging diseases that threaten or potentially threaten livestock and human health, so Hendra virus specifically has fallen within our remit from that point of view. Our group has been involved over the years in looking at the drivers for infection in flying foxes and the factors that associate with spillover and transmission to horses, and that all goes towards risk management strategies for horse owners and the livestock industry. So I can talk about aspects of infection dynamics, transmission et cetera in relation specifically to Hendra virus, Australian bat lyssavirus and, to a lesser extent, some other diseases.

I ask the House to remember those words.

I turn to the history behind the bill. Further proof of the member for Dalrymple's lack of consultation and willingness to work with local government comes in the form of many of the submissions to our committee on this bill, particularly that of the Local Government Association of Queensland. The LGAQ raised many issues with compliance under this bill. In its submission, the LGAQ made the following recommendations—

1. That the proposed amendment not be passed and that no further proposal to include flying foxes or other native animals in the *Land Protection (Pest and Stock Route Management) Act 2002* be considered by the Newman Government;
2. That the State, in consultation with the LGAQ and Queensland local governments undertake a review of the current permitting system under the Nature Conservation Act, with the view to creating a more time and resource efficient permitting process—

And I think that was announced today—

3. That the review also incorporates the concept of developing regional approaches and long term management plans.

That clearly shows the LGAQ does not support this bill, but it has indicated its initial support for the measures announced by this government earlier today. Local councils would be given the authority to manage problem flying fox roosts in urban areas without having to apply to the government for a damage mitigation permit.

In a media release, the mayor of Charters Towers highlights that councils need to take over in cases where residents are asking for help in ridding this menace from their cities and towns in the short term—the here and now—especially when they have waited so long for assistance, as they have in Charters Towers. The media release states—

As most residents of Charters Towers are aware the number of flying foxes in our community has increased dramatically over that past four—five days. It is estimated that the number is now reported as being in the vicinity of three hundred thousand (300,000).

At the General Meeting of the Charters Towers Regional Council held on 19 December 2012 the Council unanimously supported a Mayoral Minute following discussion regarding the increase in numbers of the flying fox colony in Charters Towers.

...

'We are continuing with the Bat Habitat project but something needs to be done now to effectively manage the flying fox numbers until the habitat can be constructed and the colony successfully relocated', Mayor Beveridge said.

...

'The community is looking to its community leaders to provide a solution to this increasing problem', he said.

I believe this bill, which comes from the local state member, the member for Dalrymple, does not provide a solution.

At the time the 300,000 flying foxes invaded, I was in that city as a member of the Agriculture, Resources and Environment Committee. We listened to the council's plans to help the residents with the long- and short-term fix of getting rid of these flying foxes from their park and city. I note that that meeting was not attended by the local state member, the member for Dalrymple.

Honourable members interjected.

Mr DEPUTY SPEAKER (Dr Robinson): Order! There is too much interjecting from both those on my left and those on my right.

Mr COX: After the meeting, I put a request to the minister to consider how we could help the community, which I thought needed some representation from me to the government, not just as a member of the Agriculture, Resources and Environment Committee but also as a member for parliament who stands up on such matters not only for my electorate of Thuringowa but also for any North Queenslander who I believe is not getting a fair hearing.

Mr Hopper interjected.

Mr Rickuss interjected.

Mr DEPUTY SPEAKER: Order! Member for Thuringowa, please take your seat for a moment. Stop the clock. The member for Condamine and the member for Lockyer, you both are on the speaking list. I suggest that you hold your comments until your opportunity to speak, rather than interrupting the debate all the time.

Mr COX: Thank you, Mr Deputy Speaker. Mr Powell made the following statements late last year—

Mr Rickuss interjected.

Mr DEPUTY SPEAKER: Order! Member for Lockyer, I ask you to withdraw your comments.

Mr Rickuss: I withdraw my comments.

Mr DEPUTY SPEAKER: You can stand and withdraw your comments.

Mr RICKUSS: I withdraw my comments, but I was just saying that I will be speaking from this seat here.

Mr DEPUTY SPEAKER: Just a withdrawal is all I need, member for Lockyer.

Mr RICKUSS: I withdraw.

Mr COX: Late last year, Minister Powell made the following statements regarding Mr Knuth's initial comments about flying foxes, which were made directly to the media—

This government is working with local councils to disperse flying fox roosts from within communities such as Charters Towers. Charters Towers Regional Council has been granted two recent Damage Mitigation Permits to manage flying foxes in Lissner Park. The first allowed Council to trim vegetation and the second is to disperse flying foxes if they congregated in the vicinity of the pool or children's playground. The Newman government's policy has been successful in Mount Isa, Toowoomba and Daringa.

...

While Mr Knuth tries to make headlines, I am working with local councils to deliver real outcomes.

The member for Dalrymple knows that the current bill as it is written provides all the tools he needs to help his residents, especially now there is a government managing this state that puts people before flying foxes. Those opposite wanted to get in on the discussion in their usual fashion, with their usual green colours showing. They put forward in this House a disallowance motion that did exactly that, putting flying foxes before people in the so-called defence of the environment when they know full well the current bill provides a good balance in its content.

The main focus with flying foxes and human interaction seems to be in relation to residential areas and large roosts of flying foxes that have caused financial burdens on the public and local governments. A larger concern can be the huge emotional stress put on local residents. While this may not be as measureable, it is real. Today we have outlined our plan to address those issues in urban areas.

The bill the member for Dalrymple has presented to our committee was poorly constructed, lacked consultation and even had no consideration of federal law and state law in this country. It has been seen for what it is—a stunt—and yet again a sad attempt by a local member who, after three terms in government, does not show any ability to negotiate or get results for his constituents but instead finds ways to shift the blame to others. Some councils are rightly looking at long-term solutions to this flying fox problem, but they need to look for solutions to take effect now.

In finishing, I table recent media clippings from a local newspaper on the Atherton Tablelands.

Tabled paper: Newspaper article, undated, titled 'Bat colony to be moved on' [2550].

Tabled paper: Newspaper article, dated 30 April 2013, titled 'Void of honour' and letter to the editor regarding the member for Dalrymple, Mr Shane Knuth MP, and bat colonies [2551].

A community, with the help of the local government and the LNP candidate for Dalrymple at the last election, Liz Schmidt, managed to apply for a damage management permit. They were led by local resident Alf Hogan.

Mr Knuth interjected.

Mr DEPUTY SPEAKER (Dr Robinson): Order! The member for Dalrymple, you have made your speech. The member for Thuringowa has the call.

Mr COX: He does not like what he is hearing. Mr Hogan said the decision was a huge relief and went on to state—

We now believe action to move the colony can be achieved ...

An action plan will now be prepared and implemented in consultation with the Tablelands Regional Council.

That colony can be moved. There was another article that quoted Jeremy Short, who said—

The locals should have genuine smiley faces as a remedy is in cite to their diabolic situation.


Mr Hopper interjected.

Mr DEPUTY SPEAKER: Order! Member for Condamine, you will cease interjecting.

Mr COX: He goes on to say—

The faces change but the game is the same.

That fact is true in the Dalrymple electorate. It has been the same member for the last three terms, but the difference is that the game has changed. The LNP is now running this state. I finish by saying that I do not support this bill. I rest my case!

 **Mr RICKUSS** (Lockyer—LNP) (8.01 pm): It gives me great pleasure to rise and speak in the debate on the Land Protection Legislation (Flying-fox Control) Amendment Bill 2012. I acknowledge the speech that has just been given by the member for Thuringowa—the de facto LNP member for Dalrymple. He is doing a great job looking after Dalrymple as well. He is working extremely hard looking after two electorates at once. Thank you very much for doing that, member for Thuringowa. He is doing a great job up there managing the issues.

The one-trick pony, the member for Dalrymple, could not cope with being in government so he defected.

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

Mr DEPUTY SPEAKER: What is your point of order?

Mr HOPPER: This has no relevance to the bill whatsoever.

Mr DEPUTY SPEAKER: I missed any comment that may not have been relevant. I simply say to the member for Lockyer to stay relevant to the bill. The member for Lockyer has the call.

Mr RICKUSS: The Land Protection Legislation (Flying-fox Control) Amendment Bill is an important piece of legislation in that it shows how poorly these people who cannot cope with being in government perform. They really do perform poorly. To be in government and act on the issue involving flying foxes was too difficult for the member for Dalrymple. He could not make the final step. His mate from the Darling Downs had to bail for the same reason. It was too much pressure for him because he might have to manage legislation, implement legislation and do something for the local community.

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

Mr DEPUTY SPEAKER: What is your point of order, member for Condamine?

Mr HOPPER: Mr Deputy Speaker, you may not have heard what he said. I find those comments absolutely offensive. I do more work for my electorate than he has ever done. I find those comments offensive and ask for them to be withdrawn.

Mr DEPUTY SPEAKER: The member for Condamine will resume his seat. The member for Lockyer is invited to withdraw.

Mr RICKUSS: If the member for Darling Downs finds the fact that he cannot actually be a member of the government—

Mr DEPUTY SPEAKER: Just an unconditional withdrawal, please, member for Lockyer.

Mr RICKUSS: I definitely unconditionally withdraw. The member for Darling Downs apparently finds it very difficult—

Mr HOPPER: I am not the member for Darling Downs. I am the member for Condamine.

Mr RICKUSS: The member for Condamine, sorry.

Mr DEPUTY SPEAKER: I just spell out to the member for Lockyer that he needs to refer to members by their correct titles. The member for Lockyer has the call.

Honourable members interjected.

Mr DEPUTY SPEAKER: Order! Members who are interjecting across the chamber will cease interjecting. The member for Lockyer has the call.

Mr RICKUSS: Thank you for your protection, Mr Deputy Speaker. The member for Condamine is having trouble coping with the Land Protection Legislation (Flying-fox Control) Amendment Bill. I can tell that by the way he was interjecting and trying to upset the flow of the people speaking—particularly the member for Thuringowa who is actually being very proactive. He has visited Charters Towers and spoken to the council. He tried to get things happening. I congratulate the Minister for Environment, Minister Powell, on streamlining the approval process and putting the community first. This is the sort of situation where being in government can achieve results.

I have two large flying fox colonies. One is near an old people's home. We have managed to get a permit to do some pruning behind the old people's home so the flying foxes do not come as close. The other colony is near a child-care centre. The same thing is happening there. It is about working with the community, working with the councils and working with the department to get things done.

I have had some of my early stone fruit producers apply for mitigation permits. Some of them were knocked back. They understand why they were knocked back.

Mr Hopper: Did you get one on stone fruit?

Mr DEPUTY SPEAKER: Order! The member for Condamine, I warn you under standing order 253A. I have already warned you and you continue to interject. The member for Lockyer has the call.

Mr RICKUSS: I think there was one in my area. I know one was knocked back. There is criteria that has to be met. It is not just open slather when it comes to this issue. These are native animals. I will wager that most members would get almost as much traffic about saving the flying foxes as they do about the destruction of flying fox colonies and moving them on. They are interesting creatures. I have spent quite a bit of time watching them in their roosts. They are noisy and smelly at times. Most of the time they stay in the creeks and gullies.

The Anglican Church Grammar School at East Brisbane has a large colony of flying foxes. Because they are where they are, they stay there.

Ms Bates: I think we should move all the colonies to South Brisbane.

Mr RICKUSS: To South Brisbane.

Mr Walker: They're good Anglican bats.

Mr RICKUSS: They are good Anglican bats. I will take the interjection from the minister. He feels that the Anglican Church Grammar School has good Anglican bats so they behave themselves. They are more pristine bats than those up in Charters Towers.

The fact remains that this is about managing a native animal. They are not vermin as has been discussed. This is about managing a native animal. Let us do it properly. We cannot overrule federal legislation. This is the hypocrisy of bringing this up. The one-trick pony, the member for Dalrymple, is just trying to prolong the agony of people in his electorate so that he has something to yell and scream about. This is about getting real solutions for real people.

Mr Cox interjected.

Mr RICKUSS: It has been eight years. He was getting a lot of good guidance for the first seven of those eight years, but unfortunately he has fallen by the wayside recently. If he could take the pressure of being in government, he would have been able to really do something. But no, he went off with the mad hatters. That is part of the problem. This is a bit of mad hatter legislation. The head mad hatter, the one who is leading the charge, really should know that federal legislation overrules state legislation.

Ms Bates: You have to be in federal parliament to know that.

Mr RICKUSS: True, he is never in federal parliament. That is a good point. I will take the interjection from the member for Mudgeeraba. He is very rarely in federal parliament.

It is about managing the process. That is what the minister is doing; he is managing the process. In most areas the flying foxes leave at certain times of the year. That is when we can manage the issue by pruning back the roosts and encouraging the environment around the roosts so they stay where we want them to stay. That is what it is all about. It is about keeping the bats under control. It is not about decimating the bats. It is not about destroying the bats. We realise that they are a pest. The problem is of course what is going to happen when you try to manage these roosts and take a shot at them but they are half dead or half blown away flying around the neighbourhood. That is going to create a bigger problem.

Mr Johnson: They'll have trouble flying.

Mr RICKUSS: I have seen you shoot, Vaughan. I reckon some of them will fly away all right. Let's face it: that is part of the problem. It is a simplistic, ridiculous solution and that is really what it is about.

Let's look at the recommendations the AREC made on the Land Protection Legislation (Flying-fox Control) Amendment Bill 2012. We have asked the minister to look at whether flying foxes still need to be protected under the Nature Conservation Act 1992 in view of the findings of 2012 population surveys. I could be a bit cynical about some of the people who are counting the bats. I think the numbers could probably be doubled. I think there are a lot more out there than are being counted.

The committee recommends that the Minister for Environment and Heritage Protection commission research into flying foxes to better understand the reasons flying foxes are moving into urban areas—this is a common-sense recommendation—and the key factors that determine the selection of roost sites by flying fox colonies. This is about finding a long-term solution. Let's understand why they are moving into these areas. Let's understand why they are moving into certain roosts.

Mr Cox: Today the minister gave a short-term solution, too. He said you do not need DMPs anymore.


Mr RICKUSS: That is right. Part of that has happened. Let's look at in the long term. Flying foxes are going to be here long after the member for Dalrymple.

Mr Hart: That's for sure, absolutely for sure.

Mr RICKUSS: I take that interjection from the back of the chamber. The flying foxes will be here for a long time. Part of that recommendation was also to look at guidelines for councils and residents on species of trees and plants that provide food sources for flying foxes and suggesting that councils and residents not plant those species. That is really what it is about. Let's manage the issue. I know that for some reason flying foxes love Chinese elms, which are a noxious weed. For some reason, in our area anyway, they seem to roost in the Chinese elms. They are the sorts of things we have to make sure we manage. Let's manage the issue. Let's not use stupidity and hyperbole about how we are going to do this. All the one-trick pony from Dalrymple is trying to do is get a press release—

Mr Cox: He's playing politics, that's all.

Mr RICKUSS: The de facto member for Dalrymple, the member for Thuringowa, has been doing a great job up there negotiating with the council, talking with the council and working out issues, working out how we can solve this problem. It is his representation to the minister that has started to get some of these things ticking over for the council. I am sure the community of Charters Towers really appreciate it. Instead of trying to be a headline, he is actually working behind the scenes trying to get things done. So congratulations to the member for Thuringowa.

 **Mr HOPPER** (Condamine—KAP) (8.12 pm): I rise in support of the member for Dalrymple's bill tonight. I strongly support it. Never yet have I heard so much waffle come from the member for Lockyer since I was elected to this parliament. Actually I might print his speech in the local paper so that his constituents can read—

Mr Johnson interjected.

Mr HOPPER: And here I get interjections from the man who wrote the constitution for the Katter party. If you want to interject, we will expose that too, member for Gregory. The member for Dalrymple brought this bill into this chamber tonight and what media release did we see today from the Newman government? We saw the member for Dalrymple force the government's hand on the removal of flying foxes.

Government members interjected.

Mr DEPUTY SPEAKER (Dr Robinson): Order! There is too much interjecting. The member for Condamine has the call.

Mr HOPPER: Thank you, Mr Deputy Speaker. What we are seeing tonight is a government—

Honourable members interjected.

Mr DEPUTY SPEAKER: The Minister for Natural Resources and Mines and the member for South Brisbane will cease interjecting across the chamber. The member for Condamine has the call.

Mr HOPPER: Thank you and I would ask the attendants to keep stopping that clock because there will be a lot of interjections with what I have to say. We have seen a media release today from this government exposing what this bill is doing tonight. So congratulations, member for Dalrymple. Your years of fighting for your constituents, fighting for their health, fighting for their beliefs, has come to fruition tonight in this chamber because of this bill before the House. So congratulations.

We heard the member for Thuringowa, who is in his first and last term in parliament. His speech will also be printed in the local paper. His speech will be printed so that people can see what a disgusting representation—

Mr Cox interjected.

Mr DEPUTY SPEAKER: Order! Member for Thuringowa.

Mr HOPPER:—he has made tonight in this chamber. Let me just say that that is going to happen.

The member for Charters Towers has taken so many ministers to his electorate to see the bats. He has taken every opposition leader there. He has taken the Premier there. And we hear the member for Lockyer give the member for Thuringowa the credit! For goodness sake. I have heard some things in my 12 or 13 years in this chamber—

Mr Rickuss interjected.

Mr HOPPER: And we have to listen to it again. Let's get into some decent things about this. I will congratulate the government for yielding to the member's bill. They knew what was in the plan. They knew what he had drawn up, so they brought in a process where they could be removed. We had a colony at Pittsworth only just recently. So what did we do? We held a meeting and we got the officers from the department of environment out there.

Government members interjected.

Mr DEPUTY SPEAKER: Order! There is too much interjecting. I can barely hear the member.

Mr HOPPER: We applied for a permit to remove and that permit was granted on the second day after it was applied for. Thank you, Minister. That was on the Tuesday. Then on the Friday we saw Minister McVeigh and the mayor out there with the media and they were very angry with the people who called the meeting because they were not involved. It happened through Katter's Australian Party. I am sorry—they lost out. But we used what was put in place and we made it work.

We heard the member for Lockyer tonight speak on this bill. Ask Mayor Steve Jones about the member for Lockyer. Ask the member's local mayor what he thinks about the member for Lockyer. Ask the local mayor what he thinks about what the member for Lockyer has done about removing the bats. I have had deputations to me about the bats in the electorate of Lockyer. That is a disgusting exhibition by a member of parliament of how he looks after his constituents—absolutely disgusting.

Mr Seeney: See what Ray Brown thinks about you.

Mr HOPPER: That is another example. When I talked about going to the Senate, Bruce McIver, the president of his party, said I should resign. Did he tell Ray Brown when Ray Brown was nominated by the LNP? No, member for Callide.

Mr Krause: I rise to a point of order, Mr Deputy Speaker. I ask you to rule on relevance.

Mr DEPUTY SPEAKER: Order! The member for Condamine will resume his seat. Member for Beaudesert, what is your point of order?

Mr Krause: It is on relevance, Deputy Speaker. What has this got to do with the bill at hand?

Mr HOPPER: Ask your deputy leader.

Mr DEPUTY SPEAKER: Order! I am listening carefully to the member for Condamine's speech.

Mr HOPPER: That's another rally—Beaudesert. That will be good.

Mr DEPUTY SPEAKER: The member for Condamine has the call.

Mr HOPPER: Thank you very much. Katter's Australian Party is going to put four more private members' bills—

Mr Rickuss interjected.

Mr DEPUTY SPEAKER: Order! Member for Lockyer, you will cease interjecting across the chamber and having conversations that are loud. The next time I will warn you.

Mr HOPPER: Kick him out. We have another four private members' bills coming before this House, and when they are about to be introduced there will be another media release explaining to the people of Queensland how the government has so suddenly made happen what the Katter's Australian Party was going to bring before the House, because what we bring before the House is what the people of Queensland want. It is exactly what the people of Queensland want.

Mr Cox: You'll be in the Senate before that happens, mate. In other words, they can wait, Ray.

Mr HOPPER: For a member who has been here for five terms or more, that is a very mischievous comment for a oncer. Now the local government has the power under this legislation, and full congratulations go to the member for Dalrymple.

If you read the bill carefully, you will see that if the local government does not act to shift a colony of bats you can apply to the state government to overrule the decision so we can finally shift the bats. There are plenty of ways to shift bats. People say that we are inhumane. The member for Callide is looking at me and grinning. They talk about fires, they talk about noise and they talk about shooting. All you need is a little tin of ammonia or Phostoxin. The member for Callide, to his credit, would know what Phostoxin is, but those laughing over there would not know. I will tell you right now that it is a chemical.

Government members interjected.

Mr DEPUTY SPEAKER (Dr Robinson): Order! Those on my right will cease interjecting. The member has the call.

Mr HOPPER: They will cease being a member of parliament at the next election as well because they make up some of the 25 that Newman is absolutely going to sacrifice. The member for Cook is gone—bye-bye. Mr Deputy Speaker, let me tell you right now: all you have to do is sit ammonia under a tree and leave it there and the foxes will leave within a week. It is a simple solution. It is used for removing possums. Farmers know that it is a great solution. It will remove possums in sheds—you name it.

Government members interjected.

Mr HOPPER: Listen to the laughs over there. This is sensible stuff that I am talking about. Can we stop the clock, Mr Deputy Speaker, because of all these interjections?

Mr DEPUTY SPEAKER: Order! Stop the clock. There is too much interjecting across the chamber. The member has the call.

Mr HOPPER: Thank you very much, Mr Deputy Speaker. To those who have lost family members—there is no laughing now. You might get a media release about laughing about someone who has lost their life. It is terrible; shake your head. We have seen a death occur recently and it is due to a lack of commitment from governments to remove flying foxes—it is quiet now, isn't it?—from areas where people or horses live. This legislation brings it to a head tonight. It forces the government to come out today and say that we will do what this legislation is doing tonight. Thank you, member for Dalrymple. There may not be any more children who will die in Queensland because of the legislation that you have put before the House tonight. Isn't it quiet? Thank you, member for Dalrymple. You have saved lives tonight with this legislation. You are a great member. You are a warrior for the people of your electorate. I was talking about those who have lost family members—and now we hear them laughing about this.

Government members interjected.

Mr Rickuss interjected.

Mr HOPPER: Listen to the member for Lockyer laugh about families who have lost lives. Isn't that a slur and isn't that disgusting in this House? As I was saying, council now has the power to shift these colonies, and this is a great thing.

Mr Cox: It is the same power they had before, Ray.

Mr HOPPER: You are so soft. We have heard the member for Lockyer tonight talk about mitigation permits and how the government granted them. I call on the member for Lockyer to table in this House tomorrow one mitigation permit granted to one of his farmers that was achieved under this government, because he said they were. Member for Lockyer, you find out and you tell me—

Mr DEPUTY SPEAKER: Order! Member for Condamine, you will speak through the chair.


Mr HOPPER: Mr Deputy Speaker, through you to the member for Lockyer, his statement in the House that his party gave mitigation permits for flying foxes is not true. He has misled the House. He comes in here and abuses the very man who has caused this to happen tonight. He is in his last term, whether he likes it or not, and yet he tells untruths to this House because there is no way a mitigation permit—

Mr DEPUTY SPEAKER: Order! Please stop the clock. The member for Condamine will resume his seat. What is your point of order?

Mr RICKUSS: I found that statement offensive and I ask for it to be withdrawn.

Mr HOPPER: I absolutely withdraw, but I tell you now: he wants to enjoy the next 12 months.

(Time expired)

 **Hon. JJ McVEIGH** (Toowoomba South—LNP) (Minister for Agriculture, Fisheries and Forestry) (8.24 pm): I rise in opposition to the Land Protection Legislation (Flying-fox Control) Amendment Bill. In doing so, I wish to compliment the Minister for Environment and Heritage Protection for the very practical and well-balanced approach that he has taken to this challenge in so many of our regional communities in his term over the last 12 months. As I commence, I note the member for Condamine's comments and suggestions to the member for Lockyer that the member for Lockyer's speech tonight be published in his local newspaper. I invite wholeheartedly the member for Condamine to publish my speech in the *Toowoomba Chronicle*, in the *Pittsworth Sentinel*, in the *Clifton Courier*, the *Dalby Herald* and the *Oakey Champion* to his heart's content.

I also wish to correct the record in relation to some of the comments the member for Condamine made. He suggested here tonight that I and the mayor of the Toowoomba Regional Council were actively seeking media attention in the town of Pittsworth in his electorate to the flying fox problem. Can I suggest to you that it was he who did that? The mayor and I attended Pittsworth for a practical approach such that the local council could avail themselves of the facilities and the tools provided by the Minister for Environment and Heritage Protection on the afternoon of Sunday, 17 March this year. Can I share with those who are not as familiar with the township of Pittsworth as I and the member for Pumicestone are that there is not much media available on a Sunday afternoon in Pittsworth.

I also note that the member for Condamine, apparently in some fanciful fashion, complimented his colleague the member for Dalrymple in prompting the moves from the Minister for Environment and Heritage Protection which have continued throughout this term. He has congratulated his colleague, and in doing so I can only assume that he sees his colleague's bill here tonight as superfluous and that he will join us in opposing it as superfluous.

Mr Deputy Speaker, can I share with you and the House that in my region the Toowoomba Regional Council is working particularly well with the Department of Environment and Heritage Protection to deal with issues associated with colonies in both Toowoomba and Pittsworth.

Mr Rickuss interjected.

Mr McVEIGH: This is a very complex issue. I take the interjection of the member for Lockyer, and I will come back to that in a few moments. It is a very complex issue, and we know that we have a common-sense approach and understand regional Queensland. There are no easy solutions. We all understand very well that the health and safety issues for families are paramount and the need to protect human life is also paramount. The issue of bat colonies moving into and expanding alongside urban areas is very complex. Even with the application of mitigation permits and moving colonies, there is always the chance, as the Minister for Environment and Heritage Protection has reminded us

over the last 12 months, that some bats may well return to roost and that those individuals may well breed. It takes a very dedicated approach and a balanced approach to deal with the challenge. The problem may return and further actions can be necessary if a knee-jerk, ill-informed approach is taken.

Unlike some of the sensationalist comments from the opposition and now illogical and confusing statements from the crossbenches, I would like to refer to many of the practical applications and approaches that the Newman government has taken under the Minister for Environment and Heritage Protection's leadership. We have suggested and now implemented integrated solutions across our various portfolios. I compliment the minister for his working relationship with the local government sector, which quite obviously support his most recent moves most strongly, and his appreciation for agriculture in our state through the damage mitigation permits.

Can I share with you another practical approach, because my colleagues have talked about the efforts of the minister and will continue tonight no doubt? As Minister for Agriculture, Fisheries and Forestry, my department through Biosecurity Queensland, as the House should be aware, is responsible for dealing with the bat-borne virus responsible for the deadly Hendra virus. So what have we done? We have worked with industry, with the advice of the Minister for Environment and Heritage Protection's department, on issues such as quarantining properties, testing infected animals and dealing directly with human welfare and, equally, animal welfare issues.

For example, we have worked with industry to assess the development of a Hendra virus vaccine. I would like to take the opportunity this evening, if I may, to call on all responsible Queensland horse owners to ignore the illogical and sensational statements from the opposition, from the crossbenches, and to sit down and discuss with their local vets the benefits of having their horses vaccinated against Hendra virus. As we work and head towards the peak danger period of the winter months here in Queensland, minimising exposure to potential risks for horses and horse owners is vital. That is but one part of the integrated regional approach that our government is taking to the flying-fox challenge.

I note also that so many of our regional members are working with their local communities. I could talk about the member for Callide. We have heard from the member for Lockyer tonight. We know full well the member for Burdekin and her efforts with the local council in that part of the world. Like the member for Thuringowa, I have a shared responsibility for other seats in my part of the world—


Mr Rickuss: Yes, Condamine.

Mr McVEIGH:—namely Condamine where I spent a lot of time with the Toowoomba Regional Council. The member for Condamine said earlier that he would be interested to discuss some of the comments in relation to local mayors made by some of my colleagues in the House. I can share with honourable members the extensive consultations that I have had with local mayors in my part of the world, and I refer to the mayor of Western Downs, Mr Ray Brown, and my good friend, Paul Antonio, the mayor of the Toowoomba Regional Council, with whom I have been working very closely, particularly this year as we all returned from the Christmas break to encounter the floods, particularly over that Australia Day weekend. Up until recent weeks when I most recently saw them, those two mayors with whom I have worked so closely and sought disaster declarations to assist, particularly for their farming communities, often shared with me that they still have not heard from their local member for Condamine. Despite the tragedy in that electorate, he has not been seen—not at the Oakey show, not at the Dalby show, Clifton or Pittsworth to my knowledge. They do not see him. Where is he?

We sit down and take a practical approach. In my own electorate of Toowoomba South I can share with the chamber tonight that recently the Toowoomba Live Steamers miniature railway club at Kearneys Spring in the middle of my electorate has been dealing with a colony. I have attended their site with the mayor. We understand that colony has moved over the years from the Japanese Garden at USQ to the Spring Gardens in Spring Street. That club is working under the auspices of the council with the facilities and abilities provided by the Minister for Environment and Heritage Protection and that assistance only increases now.


I, therefore, compliment the minister on his efforts, I compliment his working relationship with local councils and local government at large, and I compliment his ongoing recognition and appreciation of farmers. I do very much enjoy my joint working relationship with him. In saying that, I do oppose this bill. I see it as oversimplified, hysterical and impractical. It is not supported by the various levels of government. It in no way presents a realistic approach to addressing the challenge of flying foxes in our community. I sat down over my Easter break in Charters Towers talking to the likes of Graham and Meg Ogilvie and Bernie and Joan Mathews in Hackett Terrace, Charters Towers, who

have been dealing with this issue in their community for years. They are so thankful. They now see a light at the end of the tunnel now that local government can act with the assistance of this government and the efforts of the Minister for Environment and Heritage Protection. I compliment you, Sir, for doing so.

 **Mr KING** (Cairns—LNP) (8.33 pm): I rise to make a brief speech in opposition to this private member's bill. I think it only deserves a cursory and brief response to oppose it. It is far too simplistic. As the minister said, it is a knuckle-headed approach to this very complex issue.

We have a significant bat colony in the Cairns CBD. It has grown to plague proportions. There is an estimated 20,000 flying foxes right next to the Cairns Library in the heart of the Cairns CBD. This morning's announcement from the environment minister to streamline the process for councils will have huge impacts and benefits for Cairns Regional Council. I compliment the environment minister on that move made this morning. It takes a common-sense approach and recognises that councils are best placed to manage flying fox colonies. The pendulum has swung too far in favour of green ideology whereby bat colonies in urban areas have been allowed to build up to plague proportions. I am very proud to be part of a government that, unlike members of the Katter party, takes a measured approach, a long-term approach, to what is a very complex issue.

I do, however, compliment the member for Dalrymple for being in the chamber given that it is after 5 pm. Apart from that small commendation, I think everyone in the House with a modicum of common sense should oppose this very simplistic, knuckle-headed private member's bill.

 **Mr KATTER** (Mount Isa—KAP) (8.36 pm): I rise to speak in support of the Land Protection Legislation (Flying-Fox Control) Amendment Bill 2012. The bill empowers landowners including state and local governments to take appropriate action in dealing with the health and lifestyle issues associated with concentrations of flying-fox colonies, particularly in urban areas. I speak with extensive personal experience on this issue as I grew up in Charters Towers when the numbers exploded in town. I now live in Mount Isa, where in recent years the numbers have again exploded to unmanageable and overwhelming numbers causing much stress for many sectors of the community.

The bats did not come to Mount Isa last summer so the minister has not heard as much from me as the member for Dalrymple. However, I feel there is still a strong chance they will return soon. It is probably worth mentioning that over the last 12 months I have also fielded many calls from Duarina and other parts of Queensland. I was informed by these people that in the end the colonies left town but the people were under extreme stress. I believe they left of their own volition in the end. Unfortunately, other areas like Charters Towers are not so lucky. I observed that at Easter when I visited the town; the bat colonies were as bad as ever. It is with much regret that I recall the massive trees in the park that were over a hundred years old and were a feature of the town. It was a beautiful sight indeed around the rotunda. They have all now been cut down due to the impact of the bats and replaced with shade sales. To me that is a tragedy.

I also recall driving past a tree plantation on the outskirts of Charters Towers some years ago with my mother. When I asked who was growing a plantation and was it for harvesting the timber, I was informed that they were being grown under a council program with the intent of luring flying foxes out of their city. I believe this is the grand plan being rolled out now by many councils. This was an unsuccessful venture then and I fear it will be tried again and again at a cost to ratepayers.

When I served on the Mount Isa City Council I had extensive consultation with the former state government. We were working under the existing legislation that essentially offered the same solutions that were available up until the announcements were made today. I understand some of the statements made by the government today empower councils with more local autonomy in controlling this problem. That is a welcome decision and I commend the minister on this effort. I would chalk this up as a win for the strong representation of the member for Dalrymple. I implore the minister to consider going one step further to allow more practical measures to deal with this problem.

Dealing with this problem has been trivialised and overrun by environmental ideologies. Advocates have controlled debate to the point where the rights of humans have been made secondary to the rights of the flying fox. How else can you explain the story of a bloke in Yungaburra who leased his house in order to rent another house that was difficult for him to afford—all because he could not tolerate the bats in his yard and was unable to remove them.

This is not what I would call a free-for-all. To call it a free-for-all assumes that everyone is evil and wants to kill every single animal on their place. People just want the right to control their own yard. They need that right. They do not have that right under existing legislation. If an animal is roosting there, people cannot move it.

The information I was last provided when on council was that numbers were difficult to accurately track due to the lack of historical records and the movement of colonies from region to region and from year to year. I was certainly not convinced of the science at the time or even put at ease by the lack of confidence in numbers in the north-west at the time. Anecdotally, people were saying that the numbers were greater than they had ever seen them.

That leads me to my next point. We need to recognise that we have artificially created environments for these animals, with limited predators, for them to thrive. What better example than the city of Mount Isa? Mount Isa has been around for only 90 years. There are no similar size forest areas for almost 500 kilometres. I have heard a lot of people saying tonight that we should just shoo the flying foxes out of town, but for Mount Isa there is nowhere to shoo them to. For a 500-kilometre radius all you have is withered old snappy gums and nowhere for a flying fox to roost. There is nowhere to push them. The solution being talked about now—creating an artificial forest out of town—I think is bordering on farcical. I certainly do not think it will work.

I am told that in the early days of both Charters Towers and Mount Isa there were mass removals of flying foxes, including culling, that helped control numbers. Evidently those numbers have built back up. I remember talking to a representative of the department when I was on council. One point that person made was, 'You cannot cull them because you will destroy numbers,' but the next point was, 'Nature always adjusts. If you reduce numbers they recreate and they come back.' I thought the statements were highly ambiguous.

The issue here is not the number of animals but the threat the animals pose in areas of human habitation. I believe that residents of Mount Isa who have had to keep their pets and kids inside for most of the summer because they have flying foxes roosting in their yard—this is not uncommon—should have the right to remove these animals, firstly in the most humane way possible. But the emphasis should be on practicality, not creating some ridiculous scheme of luring them away to some wonderful forest far removed from town.

I clearly remember discussing this issue with a representative of the department when they visited Mount Isa. After a long discussion about how we were to deal with these issues I was told that we had to cut out large sections of our trees at select times to shoo them away so they were not roosting—and that is if we had the permit! I pondered that point and thought, 'That is a wonderful solution for Mount Isa!' I think everyone appreciates that it is a pretty hot and nasty place in summer in terms of the sunlight and protecting your skin from cancer and shading your yard and house. But we were told that we would have to decimate our trees to reduce the roosting opportunities for the flying foxes. And you have to do that all around Mount Isa, because the only trees exist in yards and in public places. They are the only places for them to go. So one of the big solutions is to cut down trees in Mount Isa. I think that is pretty silly.

Later I rather cynically questioned this representative of the department about this big solution to create an alternative forest out of town and try to coerce or encourage these bats to move there in the fullness of time. So we would have to wait for five or 10 years for the trees to grow, and over the subsequent five or 10 years we would try to coerce or encourage these bats to go out of town. I asked, 'Do we know that this is going to work? We are going to make ratepayers pay for this over the next five or 10 years, and then we will have to wait another five or 10 years. So it could be 10 or 15 years before we know if this is even going to work. Are you absolutely sure this is going to work?' While we were out of the hearing of the others he said, 'Look, I don't know, but this is the legislation we have to work with.' That did not fill me with much confidence at all.

Mr Rickuss: You hate trees.


Mr KATTER: I in fact like trees very much. That is why I do not want all of the trees in Mount Isa to be cut down, which is one of the suggestions for how to manage flying foxes.

The management of this problem may be different for different areas. That is why this bill suggests that autonomy be given back to local councils. Again, I give credit where credit is due: I commend the government for at least providing that ability. This is a notion the Premier has publicly endorsed, and I commend him for that. Coupled with this autonomy, however, must be the ability of the state to stand in if councils are unable to act to successfully keep their residents safe from this problem. The focus of this issue must be the individuals and their right to provide a safe environment for themselves and their families in their homes. The focus should be not the rights of the council or the state but the rights of individuals on their property.

This bill may be labelled a political fix or a short-term fix, but it is just practical. People who deal with this problem on the ground might say nice things to people in government to placate them, but everyone knows intuitively that there are only so many simple, practical ways to deal with this issue. The only other way is to throw a big heap of money at the problem.

I thought I had stepped into a *Monty Python* sketch when I was on holidays in Charters Towers at Easter. I was told that one of the plans of council was to create a bat park for a couple of million dollars. They had designed a park and had an artist's impression of it. I am told that in the impression there was a father with his daughter holding some coloured balloons, with kangaroos hopping past and bats flying overhead. I do not know about anyone else, but I find that ridiculous. That is something out of a *Monty Python* sketch, but these are the types of 'solutions' we are dealing with under the current legislation.


Legislation needs to go a bit further. People need to be able to remove flying foxes from their yards. It is very difficult in a place like Mount Isa, where there is no forest within a 500-kilometre radius. We need to amend these laws to give people more rights. I would much prefer that this issue was not discussed in the House or in the papers at all. I would prefer that people had the right to remove bats from their homes. I will be supporting this bill.

 **Mrs CUNNINGHAM** (Gladstone—Ind) (8.46 pm): I rise to speak to the Land Protection Legislation (Flying-fox Control) Amendment Bill 2012. I commend the member for Dalrymple for his consistent pursuit of this issue for his constituents in Charters Towers. I remember the first speech the member gave in this place. Since then he has regularly risen in this place to raise with ministers and with the chamber the concerns of his constituents.

I would also commend this government, which has made it possible to relocate colonies of bats. But there is of necessity a process, which can be very frustrating if your home and quality of life have been or are being significantly affected. Some statements have been made in the chamber tonight that more assistance has been announced today from this government. I am sure that if you live in close proximity to a bat colony any assistance to relocate these animals would be welcome. They are quite pretty to see close up, but they are not so good to live next door to or across the street from.

I remember a previous health minister, Wendy Edmond, talking about the bat problem when it was raised as a significant issue while she was health minister. Her answer was to not touch or handle bats. In my own electorate bat scouts had gone into people's homes. People did not invite them in; these scouts had flown in through open windows and in one instance had landed on a small child's bed. So it is not as simple as saying, 'Do not touch them. Do not have anything to do with them.' They are there, they do penetrate people's homes and they do affect people's quality of life. It must be acknowledged that Charters Towers residents have been required to tolerate the intolerable.

We have heard accusations across the chamber tonight about inaction. We have heard predictions of members being 'one-termers'. The reality is that while we have the privilege of being here to represent our communities we should do that to the best of our abilities. In the matter of the bat infestation at Charters Towers, the member for Dalrymple has been faithful in that responsibility. The bill may be called simplistic, but I do believe that it has been presented in good faith. For that reason, I support the member for Dalrymple.


 **Mr SHORTEN** (Algeria—LNP) (8.48 pm): I rise to speak briefly on the bill before the House. In my electorate of Algeria there is a colony of flying foxes in very close proximity to residents, in the Lakewood Estate at Parkinson. Unlike the former government and the former member for Algeria, I made a commitment to my community and, more importantly, to residents who were concerned and affected by the colony that I would work with the Brisbane City Council and the councillor for Parkinson to progress approval of a damage mitigation permit which would assist in the management of this colony. That is exactly what I did, and the permit was duly approved.

Residents who have contacted me have valid concerns. I understand that there are well over 2,000 flying foxes in the colony, making their home in the trees that line the lake—trees that sit directly behind people's homes and over paths that crisscross the park. I put on the record that I have nothing against flying foxes. I understand the critical role that they play in the ecosystem and the role they play in the pollination of fruit and other trees. But the government and I are living up to our commitment—our promise—to put the health and wellbeing of communities ahead of flying foxes. Can members imagine the ongoing noise and smell? There are 2,000 flying foxes in this colony. Can members imagine the noise and the smell associated with them? Residents have real concerns about their health and wellbeing. What are we doing as a government? In line with our war on green tape,

we are going to give local councils the authority to manage problem flying fox colonies without having to apply to us—the state government—for a damage mitigation permit. Councils will no longer have to apply for a permit and the government will not have to assess the application, streamlining the process so that councils will be able to respond more rapidly and proactively to their community's concerns.

The intention of the government is to give everyone—councils or otherwise—the right to do things in and around the roosts that is low risk to flying foxes such as mowing and weeding without the need to apply for a permit. In urban areas council will have the authority to disperse, remove or modify flying fox colonies without a permit from us, the state government. The exact extent of these urban areas will be determined through consultation with council and the communities. Once this consultation is finalised, maps will be published clearly defining where councils can apply this new authority. I understand that consultation will be finalised by 30 June this year and I look forward to the implementation occurring as soon as possible after that.

The Newman government is getting on with the job, living up to community expectations, living up to our promise to look after our communities. I commend the minister on this fantastic step forward. Given that the government has moved forward with these new measures, the private member's bill becomes irrelevant and I will not be supporting it.

 **Mr BENNETT** (Burnett—LNP) (8.51 pm): I rise to speak against this private member's bill, the Land Protection Legislation (Flying-Fox Control) Amendment Bill. Constituents in my electorate suffered many years under the previous member for Burnett, with false hope and promises being offered that his private member's bills would be a process for actual alternatives. His failures only highlight the years of neglect constituents have to endure until a strong LNP government within one year has corrected eight years of poor representation. One example of the many failures was his inability to address the damage caused by flying foxes. This is a serious issue and for decades growers and residents in the electorate of Burnett have been trying a range of non-lethal methods to deter flying foxes from their crops and homes like lighting infrastructure, fright, netting and other different types of mitigation. This process is something the LNP has had to do to protect livelihoods and lifestyles.


This government has made good on its promises to put the health and wellbeing of communities ahead of flying foxes. In addition, we are certainly willing to do what is needed to protect industries and employment in regional and country Queensland. The costs to farmers and residents in my electorate have been enormous, with little evidence or science to support that any success was achieved under the wildlife management regulation 2006. The previous arrangements did nothing to assist with ecological sustainability of flying foxes. I was frustrated every time I visited a farm or urban area or had one of the farmers or residents contact me that the previous legislation would not allow sustainable, lethal and non-lethal obligations to assist with crop and residential protection. My electorate has suffered with the poor management of flying foxes over many years and finally a sensible and detailed solution has been implemented.

For many years the local member and the opposition gave little heed to the problems that growers and their families suffered because of flying fox damage. In line with the LNP's commitment and war on green tape, local councils will be given the authority to manage problem flying fox roosts in urban areas without having to apply to the state government for a damage mitigation permit. The residents of Bargara are finally able to see some real action to the persistent noise, smell and damage to their properties from roosting flying foxes. One thing that was often overlooked was the psychological damage that these residents endured after many years of neglect. The new laws prescribe that councils previously had to get approval from the state government to respond to the many flying fox issues. We need councils to be able to respond more rapidly and proactively to residents and community concerns.

There are no changes to existing legislation to allow farmers to apply for lethal mitigation permits to protect their livelihoods, and that is under the code of practice. Where a particular grower can demonstrate that they have tried non-lethal methods, a grower now has the option of applying for a damage mitigation permit to shoot a limited number of flying foxes, and I am happy to advise the House that growers in my electorate have been issued DMPs and they are very excited about the LNP's commitment to their infrastructure and their livelihoods. But these laws are not about culling flying foxes. The rural holders of permits are able to shoot only limited numbers, as we know, and are required to comply with the code of practice regarding acceptable mitigation practices to ensure that any resulting pain or suffering is minimised.

The solutions implemented by this government for growers involved extensive consultation that was undertaken with Growcom and Bundaberg Fruit and Vegetable Growers regarding the needs of growers. I believe the new flying fox laws get the balance right. They give growers an additional option of lethal control as a last resort while maintaining strong conservation and animal welfare provisions. This government should consider these circumstances as acceptable. I support lethal mitigation permits in rural circumstances and of course I support the proposed urban circumstances, because for many years people have had to live with damage to their properties and flying foxes have represented a real threat to human health and wellbeing.

It is important to emphasise that this new approach to urban control relates to non-lethal mitigation. It will not authorise shooting or other lethal methods as a means of encouraging flying fox colonies to move on. We are putting the health and wellbeing of my community and the community of Queensland first. We want councils to be responsive, and this strong government will be able to deliver real reforms—something that the previous member for Burnett failed to do. In closing, I cannot support the bill.

 **Mrs MADDERN** (Maryborough—LNP) (8.56 pm): I rise to oppose the Land Protection Legislation (Flying-Fox Control) Amendment Bill 2012. I have flying fox colonies in my electorate and, as a member of the committee, the consultation process made it very clear that this is a very complex issue. We have heard some pretty extravagant statements tonight as foreshadowed by the minister, so let us look at the facts as presented to the committee.

Flying foxes, of which there are four common species along the eastern and northern seaboard of Australia, are a small flying—and I emphasise—native mammal whose diet is fruit blossoms and nectar. Evidence given to the committee during the consultation process is that flying foxes are an important part of the ecosystem due to their feeding activities, which also pollinate flowers and disperse seeds. The health of Australia's native hardwood forest is dependent of the activities of flying foxes in cross-pollination and consequent regeneration of the forest. In my area, the hardwood timber industry and the beekeeping industry, which are sustained by native forests, are very important. Evidence was given to the committee in relation to the relatively short life span of flying foxes and the fact that they produce only one young a year. Yet in the explanatory notes the member for Dalrymple has suggested that the prohibition on dispersal techniques has resulted in the doubling of flying fox numbers in the past five years. Given the relatively short life cycle and single births, I perceive it is unlikely that there has been or will be a population explosion of flying foxes.

However, that said, those whose lives are impacted by flying foxes can be forgiven for thinking that there has been a huge increase in their numbers, and I know some of these people. Flying foxes will go to good food sources, and residential areas and orchards are a great pantry for flying foxes, particularly if there is a shortage of the normal native fruit and flowers. The member for Dalrymple has made much of the health risks associated with flying foxes and one could be led to believe that the community is at extreme risk of fatal disease. Queensland Health has provided significant advice and data—and I emphasise the word 'data'—in relation to health issues. Based on this information, in most instances the risk of fatal disease from flying foxes is minimal provided the animals are not handled. However, stress, anxiety and social isolation can be felt by residents who are forced to live in close proximity to flying fox colonies, with their attendant stench, noise and mess. So while flying fox colonies do not present a high disease risk, they do present a health risk in terms of stress, anxiety and sometimes mental health issues.

In Queensland, all flying fox species and their roosts are protected under the Nature Conservation Act, which provides that it is an offence if a person destroys a flying fox roost or disturbs or drives away a flying fox in or from a roost. However, in a move to reduce red tape and to put the health of Queensland residents first, the government has announced today that it will soon allow local governments to have an as-of-right authority to disperse or manage flying fox roosts in designated urban areas. The management of flying fox roosts would need to comply with an agreed code of practice, including complying with Commonwealth laws for the methods used. It is important to note that, despite the hysteria of the member for South Brisbane, the shooting of flying foxes will not be allowed as a dispersal technique.

By removing the need for councils to apply to the department for damage mitigation permits, that will give them the capacity to move rapidly to disperse the population of flying foxes before the roost becomes established and breeding commences, therefore preventing an animal welfare issue. Councils will still need to apply to the department for damage mitigation permits outside the regulated urban area. A damage mitigation permit allowing lethal takes of flying foxes may be issued to farmers only as a last resort when non-harmful measures are proving ineffective to protect crops.

In responding to a question without notice by the member for Dalrymple, the Minister for Environment and Heritage Protection, the Hon. Andrew Powell, pointed out that the department is working with the communities to address wellbeing issues for residents affected by flying fox colonies. In the case of Pittsworth, the community was able to apply for a damage mitigation permit, which was approved almost immediately. Communities are able to apply for damage mitigation permits if the council is not prepared to do so. I have to say that I am working with the minister's office on behalf of some residents who have come to see me to access that process.

Dispersal and relocation techniques have often proved unsuccessful. That is one of the complications in managing flying fox colonies. Mr Phil Shaw, a wildlife relocation expert and the managing director of Ecosure, in his evidence to the committee warned that dispersal and relocation methods could be costly and often required ongoing maintenance with resulting ongoing costs. In some instances, the dispersal of a colony of flying foxes from one location has resulted in the splitting of the colony and a number of other locations then become affected. I am aware that dispersal techniques were used to disperse a flying fox colony in Gayndah, only to have them come back again.


Although the intent of this bill is to give those residents who are impacted by large numbers of flying foxes with the associated noise, smell and mess the opportunity to disperse those animals, there are a number of inconsistencies in the bill. The bill seeks to remove protections for flying foxes—a native mammal—from the Nature Conservation Act 1929 and to have them considered a pest under the Land Protection (Pest and Stock Route Management) Act 2002. This process could well be inconsistent with the Commonwealth Environment Protection and Biodiversity Conservation Act 1999, which would then take precedence to prohibit the implementation of the processes proposed by this bill.

In summary, the evidence provided to the committee is that flying foxes are a native species necessary for the wellbeing of the native forests and the industries associated with those forests. There is evidence that they are not rapid breeders and, therefore, it could be argued that they do not fall into the category of a pest. This government acknowledges that having roosts of flying foxes in close proximity to residential property is very uncomfortable and unpleasant for residents and could lead to health issues, including mental conditions. The government also acknowledges that primary producers such as orchardists can be economically impacted by flying fox colonies. In recognition of this circumstance, the LNP government has put in place processes that allow for local governments, community groups and primary producers to undertake measures to manage flying foxes.

I believe that the LNP government has provided a balanced process in a very complicated situation. I do not believe that the amendments as proposed satisfactorily achieve the desired outcome. There are already measures put in place by the LNP government that will assist communities and primary producers to deal with flying foxes.

Mrs Frecklington interjected.

Mrs MADDERN: I take that interjection. For these reasons, I will be opposing the bill.

 **Mr TROUT** (Barron River—LNP) (9.03 pm): I rise tonight to speak against the Land Protection Legislation (Flying-fox Control) Amendment Bill 2012. The residents of Yungaburra on the Atherton Tableland are more than happy with the recent issuing of a permit allowing the removal of a flying fox colony that has disturbed the peace and quiet of a country village for several years. Yungaburra is renowned for its quiet rural tranquillity and it is a sought-after destination for Cairns residents seeking a peaceful escape from the city.

Following the success of removal initiatives in other parts of the state, a residents action group was formed with the intention of applying for a permit to move on the flying foxes. The flying foxes reside in a parkland area surrounded by residential homes, whose occupants were driven to the point of distraction by the noise in particular of this huge colony of mammals. Yungaburra resident Ray Byrnes told me that all the residents involved were more than happy to see the bats moved on rather than culled. He said that they did not see any need for killing—there are plenty of other roosting sites away from the residential areas. A plan is currently being put in place to commence the removal operation on 1 July, which was unanimously agreed to be the most favourable time to do so for numerous reasons.

Mr Knuth interjected.

Mr TROUT: I take that interjection, because he is also a resident of that area. So it is not political.

Meanwhile, in Cairns a colony of bats roosting in the trees adjacent to the main library has grown to around 20,000 and it is accepted that it will be no mean feat moving them on after a decade. The Cairns Regional Council has voted unanimously to lodge an application for a damage mitigation permit with this government. The mayor of the Cairns Regional Council has acknowledged that it may take some time to relocate the bats. However, the colony has grown in huge proportions and aside from the deafening noise and smell, vehicles parked in the vicinity of the library are covered in hard-to-remove droppings, which, if left in situ for too long, stain the paintwork. Councils have to be aware and be attentive to the needs of their communities and act accordingly to facilitate the issue of damage mitigation permits.

Mr Rickuss: Have you thought about changing their diet?

Mr TROUT: We should do that. I very rarely hear the argument for culling, although I concur that, where farmers are sustaining significant losses of crops and produce, there may be no alternative than to apply for DMPs when other methods have failed to work.

Personally, I have lost a horse to Hendra virus, as has one of my staff. In both cases—one six years ago and the other two years ago—it was an entirely random event that is now preventable through the introduction of the vaccine. I must commend Biosecurity Queensland and CSIRO for that.

Mr Rickuss: Are your horses vaccinated?

Mr TROUT: All of my horses are vaccinated. Although it is heartbreaking to lose an animal to such an horrendous disease, despite the fact that it is known that the virus is carried by flying foxes, I do not believe that that can justify culling huge numbers of these creatures, whose presence play a vital role in our ecosystems. According to knowledgeable sources, flying foxes may routinely forage over 50 kilometres per night. If there is a good food source, individual bats will move from distant roost sites to ones closer to that food source. Similarly, if there is a good food source and bats from the local roost are being killed, bats from more distant areas will move into vacancies in that roost. So there is a perception of millions of animals—a never-ending supply—and a misconception that the animals breed like rats and mice. So culling a local population will fail to eradicate the problem, but will produce a population sink, a black hole, which will drag animals into it from far afield.

Local councils will welcome the news that they now have the authority to manage problem flying fox roosts in urban areas without having to apply to the state government for a DMP. I commend the responsible and sound actions of Minister Powell on listening and reacting to the Queensland community's call for assistance to resolve problem bat communities in a humane and responsible way. The previous Labor government had ignored requests of the community to take action on the flying fox issue. Sadly, the issue that we have today was caused by inaction over many years.


The ALP members opposite also wanted to get in on the discussion and, in their usual fashion, with their green colour showing, moved a disallowance motion in this House that put flying foxes before people in a so-called defence of the environment when they knew full well that the current act provides a good balance. Some points raised in the debate on that motion were—

I believe ... the government has achieved a sensible and sustainable balance between the protection of flying foxes and the needs of the Queensland fruit grower. Flying foxes can seriously impact on crops by eating, scratching and destroying fruit rendering them commercially unviable.

In order to sustain a living many farmers are already implementing non-lethal methods in a bid to minimise damage caused by flying foxes. However, the industry is reporting that significant losses are still occurring ... Allowing the limited shooting of flying foxes through issuing a lethal damage mitigation permit in specified and restricted circumstances is only intended to provide growers an additional crop protection option to be used in conjunction with already implemented non-lethal measures. The aim of allowing the limited shooting of flying foxes is to discourage the animals from entering into viable crops and instead to move them back to forage in their own natural environment.

The code provides clarity to growers as to what non-lethal deterrent methods, such as netting, sound and light, are required before lethal damage mitigation permits will be granted.

The code provides clarity to growers as to what non-lethal deterrent methods, such as netting, sound and light, are required before lethal damage mitigation permits will be granted. I will not be supporting this private member's bill tonight.

 **Mr KEMPTON** (Cook—LNP) (9.10 pm): I am going to speak to the Land Protection Legislation (Flying-fox Control) Amendment Bill 2012. The member for Dalrymple is so obsessed with flying foxes we could be excused for thinking that Katter's Australian Party is a single-issue party. The problem with all populist political parties is that they are big on rhetoric yet silent on solutions. It is all too easy to say what the electors want to hear when you do not have to or simply cannot do anything about the


problem. For example, you can rant all day about the duopoly of Coles and Woolworths and say all the things that voters want to hear and make outrageous promises, but you do not actually have to do anything. The reason for this is that you are not in government and you never will be in government, so there is no risk you will have to deliver on those promises or actually do anything about them.

Mr Knuth and Katter's Australian Party propose to deal with the complex flying fox issue by passing legislation that has one simple solution: flying foxes must be destroyed. There is no consideration by Mr Knuth as to why flying fox numbers are increasing or why they are congregating in populated areas. There is no consideration of the impact of altered land use practices, the impact of fire regimes on native vegetation and on flying fox numbers. There is no consideration of the movement of flying foxes or flying fox populations. There is no consideration of the impact of removal or destruction of flying foxes on the people living near colonies or the environment or the fact that they will just relocate. No. The answer is simple, as are the proposed amendments: just destroy the flying foxes. If only everything was that easy.

There is a huge population of flying foxes roosting in the centre of Cairns. How would the member for Dalrymple deal with this colony under his proposed amendments? He would not leave it to the local authority, the Cairns City Council, with all its resources. Mr Knuth, by his amending bill, would give any landholder adjacent to the colony the right to destroy or disturb any flying fox or destroy or disturb its roost. Methods of driving away flying foxes include using sound, light, smoke, electric current or chemicals. It beggars belief that Mr Knuth would propose the removal of tens of thousands of flying foxes in the middle of the Cairns CBD, using sound, light, smoke, electric current or chemicals, by any person owning land in the area without any restriction. I wonder how Cairns city would cope with days and days of noise, lights, smoke, electric currents or toxic chemicals used by a private landholder to move this huge colony. As to who regulates how much noise, how many lights, how much smoke and what types of chemicals can be used, the amending bill is silent. What would the locals and tourists think of this onslaught? Some tourists or migrants, seeing flashing lights, smoke, loud noise and confusion, might well be excused for thinking they are back home. I lost count of how many laws, regulations, codes and policies would be impinged upon by this vigilante approach.


Further, the proposed amendments are silent on how flying foxes might be destroyed. The member for Dalrymple has made it no secret that his favoured method is shooting. It is my guess that if Mr Knuth were to try to destroy the tens of thousands of flying foxes currently residing in the centre of Cairns he would require ammunition of the proportion used in the Kokoda campaign. I am not attempting to make light of the seriousness of the flying fox problem, the risk of disease and the impact on people living near roosts, and neither does the LNP government. Our minister, Andrew Powell, the Minister for Environment and Heritage Protection, has taken the time to acquaint himself with all the facts, issues and implications and has introduced a responsible and workable approach to address this problem. Our government has given local councils the right to disperse, remove or manage flying foxes in urban areas without the need for a damage mitigation permit. This does not involve lethal means and there is a code to guide councils in a responsible manner. It allows councils to move quickly to resolve persistent problem colonies. Lethal damage mitigation permits are required outside urban areas. However, these will now be assessed and issued on a more reasonable basis to protect people and their livelihoods.

There is simply no need for the amendments proposed by Mr Knuth as they are either unworkable, unnecessary or unlawful. Whilst Mr Knuth might see himself as a modern-day masked avenger, he should leave the law-making to the experts. The proposed amendments are simplistic and unworkable and, whilst well intentioned, are ill-conceived. I cannot support this bill.

 **Mr WELLINGTON** (Nicklin—Ind) (9.15 pm): I rise to participate in the debate of the bill moved by the member for Dalrymple. I would like to respond to some of the comments that have been made during this debate. It has been alleged that the member for Dalrymple is simply a member of a single-issue party. I can remember another member some time ago, a member of the One Nation Party, who was ridiculed but was instrumental in the government of the day reviewing and introducing legislation to deal with the issue of organ donation in Queensland. That was the One Nation member for Thuringowa. He was a man with passion for an issue, like the member for Dalrymple, and he brought that issue to the parliament. That was in the 1998 session. I can vividly recall that member pursuing that issue because he felt passionate about it—just like the member for Dalrymple feels passionate about the issue of flying foxes and that the community needs to be protected. The then member for Thuringowa, the One Nation member, could effectively claim that he was able to get the government of the day to respond to the issue of the need for organ donation in Queensland.

I think that the member for Dalrymple can feel quietly confident that his actions and his persistence in pursuing the issue of flying foxes in residential areas has been effective in getting this government to respond. The previous government did not want to know about it. I can recall raising with the then minister a flying fox problem in my electorate. We had discussions with the council. Their hands were tied. The government did not want to know about it. The community was up in arms. I congratulate the minister for being proactive and for responding. When he took over the position as minister he raised and pursued this issue. I can recall sending a copy of his ministerial statements in parliament to my community. It may be due to a change in weather conditions, but the flying fox issue has not continued as it was a number of years ago. I congratulate the minister for responding in a proactive way.

I intend to vote to support the member for Dalrymple to say congratulations and well done for pursuing an issue. While some members may not like the issue and the ramifications, I think he can claim credit for putting pressure on the government to deal with this issue and bring in legislation that I think will be good for all Queenslanders.

 **Mr KNUTH** (Dalrymple—KAP) (9.18 pm), in reply: I thank all speakers here tonight. It was a very relevant debate. To give an understanding to members who are unsure of what it is like for people putting up with bats year in, year out, I will table some newspaper articles in relation to flying fox issues: 'Towers: We won't cave in on bats'; 'Town fights for flight of critters'; 'Enough is enough'; 'Bat words'; 'QPWS tell locals: time to move out'; 'Virus. Concern over SARS virus linked to bats in China'; 'Law places bats before town's kids'; 'New angle in bat attack'; 'The bat war'; 'Chemical fix?'; 'Batty laws'; 'Bat health check call'; 'Bat virus worry is with us again'; 'Elders say they'll kill Towers bats'; 'Flying virus factories'; 'Disease strikes bat-ridden town'; 'Vigilance crucial as Hendra risk increases'; 'Copter scare'; 'Bats invade school'; 'The bat wars'; 'Towers bats to go'—that is a pledge by the Newman government; 'Council calls on state amid nasty virus fears'; 'Bat fight'; 'Promise to move bats'—once again the Premier promises to move the bats by whatever means necessary; 'Hendra back in north'; 'Bats linked to bacterial virus'; 'Bat blitz? Can Do'—in which the Premier said he would get rid of the bats by whatever means necessary; 'Warning on backyard bats'; 'Warning on hungry bats'; and a picture in the *Courier-Mail* of the woman who was threatened with a \$100,000 fine for disturbing a colony of flying foxes.

Tabled paper: Media articles regarding bat colonies [\[2552\]](#).

I take this issue very seriously. Tonight there has been talk about who is responsible, who should take the glory and who is getting the credit. However, this is more important than who takes the credit. This is about people's quality of life, which for many has been ruined year in, year out. As I have already said tonight, I commend the minister for taking this move to give councils more responsibility. Part of the bill that I introduced would have returned the responsibility for the removal of flying foxes to local government. For years, there have been arguments within governments and departments about councils not being able to receive the appropriate permits to provide effective outcomes in moving on bats by whatever means necessary. I commend the minister for this, because it is such an important issue. The member for Thuringowa talked about this being a great victory for the LNP because a permit will allow residents to remove flying foxes. However, those residents were threatened with fines of \$100,000 and jail sentences for disturbing flying fox colonies. The Premier told John Mackenzie that he regretted that threat of fines.

Mr Powell: As did I.

Mr KNUTH: That is right. We are saying that that is a good outcome. If we can remove the bats from Yungaburra, it is a good outcome. If we can remove the bats from Charters Towers, it is a good outcome. If we can remove the bats from places all over the state, it is a good outcome. This is about trying to get that outcome. It is not about glory or who gets the credit; it is about getting outcomes and returning power to the councils.

We come in here and debate this issue, which I feel so passionate about because for 10 years I have come into this parliament and talked about bats. I do not want to keep coming into the parliament to talk about bats. A good government is one that, if it says it is going to do something then we see action. If we go to Charters Towers and the bats are still there, that will give an indication of whether or not they are doing a good job. That is the indication. Tonight we have seen a lot of backslapping and heard about how wonderful, how great and how good the minister is. He has been applauded for sending out a media release at six o'clock in the morning stating that the councils will be given a permit. All of that is fine, but when the bats are gone I will slap him on the back and give him credit.

I commend the minister for this action, that is also part of the legislation that I introduced to the House. My bill stated that if councils refused to take responsibility, the minister has the overarching power to step in and make those councils do something. I hope that that will be an outcome of what the minister is putting forward.

Madam SPEAKER: Member for Dalrymple, please pause for just a moment. Members, there are too many conversations in the chamber. People are not listening to the speaker.

Mr KNUTH: That is in the bill because there are councils that are sympathetic to flying foxes. For the past 10 years I have seen councils that are sympathetic to flying foxes and they will not move on the bats. The minister has made a good decision, but they need to follow up to ensure that if councils do not take action and year in year out people are still putting up with the filth, the stench, the ticks, the parasites and the threat of viruses, the minister can step in and take action.

I appreciated the gesture from the Premier when he indicated that he was prepared to work with me if a particular council in my electorate would not take action on flying foxes. I am very happy to work with the Premier in that regard because that is a good gesture. While the minister has told councils that the responsibility will go back to them, he must put forward criteria to ensure that those councils are able to move the bats by whatever means necessary. They can take whatever action is put in front of them through the criteria that the minister may put forward, but the reality is that if all else fails we may have to look at culling. Flying foxes have been flapping around, year in year out, making people's lives a misery and governments have continually looked after and taken care of the flying foxes. When the flying foxes move into a residential area and they are well looked after they will keep coming back. You have to make it uncomfortable for the flying foxes otherwise they will keep coming back. The minister can give the councils autonomy and we can pat ourselves on the back, but if the criteria makes it impossible by placing restrictions on the permit system we are wasting our time here tonight. We are simply back slapping and saying what a great job we are doing.

Part of the bill removes section 88C of the Nature Conservation Act. As I said, the Premier has said that he regretted threatening fines of \$100,000 or jail sentences for those prepared to take action themselves to remove the flying foxes. For eight years, people have lived with a roost of flying foxes. There has been talk about setting up a bat habitat and about where the poor flying foxes will go. There are 400 square miles for such a habitat within one kilometre of that flying fox colony. It is ridiculous that we came to that point.

I know that many members here tonight did not read the bill. While some of them wished they could support it, many did not read the bill. The bill removes section 88C, which relates to the fines of \$100,000 and the jail sentence that were introduced by the Labor Party when in government. I was led to believe that the first thing that the LNP would do would be to remove section 88C of the Nature Conservation Act to ensure if people had a colony of flying foxes roosting above their homes they could do something about it. They could remove those bats without the threat of fines, harassment or jail. They could remove those bats and relieve themselves of that scourge. That is what this bill does. This is not something that has just been brought up or pulled out of the hat. This is something that has been thought through, year in year out, and I have been working with those residents, year in year out.

Some members expressed concern that people will pull out their guns and shoot flying foxes in their backyards. This bill does not permit that. The bill removes section 88 of the Nature Conservation Act. If anyone shoots a flying fox in a residential area then it is an offence under the Weapons Act. This is just like the LNP is seeking to do in the Land, Water and Other Legislation Amendment Bill with the removal of the riverine protection permits.

Madam SPEAKER: Member for Dalrymple, I am advised that you are currently referring to a matter before the House that is not the bill that is the subject of this debate. I would ask you to restrain your comments to the bill that is currently being debated.

Mr KNUTH: The committee recommended that the Land Protection Legislation (Flying-fox Control) Amendment Bill not be passed due to potential inconsistency with the federal Environment Protection and Biodiversity Conservation Act. As it says in my legislation—and many people did not read this bill—

Madam SPEAKER: Order! I would ask people to go outside if they wish to have conversations that are not part of this debate. I call the member for Dalrymple.

Mr KNUTH: It is part of the legislation that if there are two different flying foxes involved—that is, the grey headed flying fox and the spectacled flying fox—then the federal government's Environment Protection and Biodiversity Conservation Act would overrule this legislation. There is no inconsistency at all between the federal government's Environment Protection and Biodiversity Conservation Act and this state legislation.

This bill provides the legislative framework to ensure that if landowners feel that their health and livelihood is threatened then they can take action. If there are bats within a jurisdiction the relevant council would need to take advice from the federal government in relation to the removal of those flying foxes. This does not conflict with the federal government's Environment Protection and Biodiversity Conservation Act.

Flying foxes are in plague proportions. It has come to the point where we have to do something about the continual plague of flying foxes. The flying foxes are in plague proportions. The last thing we want is a pandemic and a build-up in flying fox numbers. There has been an explosion in the number of flying foxes. The department indicated that the number of spectacled flying foxes has exploded fivefold over the last 10 years. The same has happened for the red flying foxes and the black flying foxes. We have to do something about that.

I support this bill. I cannot see how we can get anything better than this. This is about federal and state legislation complimenting each other. It is about giving the minister the overriding power to step in if councils do not take action. It is also about giving councils the autonomy to make decisions. It is about giving residents the right to move, disturb or harass a colony of flying foxes without the threat of fines of hundreds of thousands of dollars. It is about residents who are not able to put up with flying foxes year in and year out having the support of the government. We do not want to come back year in and year out to debate this—

Mr Cox interjected.

Mr KNUTH: You can interject. The member for Thuringowa indicated before that he was the LNP representative for Dalrymple. I have not seen him restore the healthy lifestyle program. I have not seen him get rid of the bats. I have not seen him take a stand on the sale of QR National. I have not seen him stand up for the 15 health staff that he has just sacked. I have not seen him reemploy three research scientists he sacked and who all voted for the LNP.

Honourable members interjected.

Madam SPEAKER: Order! Member for Dalrymple, resume your seat. I will ask members to please keep order in the House. I call the member for Dalrymple.

Mr Hopper interjected.

Madam SPEAKER: Order! I also warn the member for Condamine who has not been absent from conversations in this chamber either. Across the chamber there are too many conversations going on that are not related to the debate. I call the member for Dalrymple.

Mr KNUTH: The member for Thuringowa likes to call himself the LNP spokesperson for Dalrymple. We had another LNP spokesperson for Dalrymple in the newspaper article that the member just quoted. We have two spokespersons for Dalrymple. I do not know who the LNP spokesperson is. Is it the member for Thuringowa or is it the previous candidate for Dalrymple?

Mr Cox interjected.

Mr KNUTH: Why does the LNP spokesperson for Dalrymple not stand up for his electorate? Stop rolling over. Get off the ground and take a stand. Stop dodging and weaving to the point that you are invisible. Stand up for your electorate.

Madam SPEAKER: Order! Member for Dalrymple, I appreciate there is an exchange with respect to an interjection however you will make your comments through the chair and refer to members by their correct title.

Mr KNUTH: It is very important that the minister, as he acknowledged, gives permits to councils but, at the same time, the criteria must be workable. Otherwise, we will have the situation where they are only allowed to harass the bats from five o'clock to seven o'clock in the morning and then stop and have a vet on site. That is the sort of permit you gave the Yungaburra residents.

This is about getting action. This is about removing those bats by whatever means necessary. It does not necessarily mean culling. It is about providing effective permits. It is good that the Premier said that he is warning councils. I wholeheartedly support that. I wholeheartedly support the position that the minister has taken with regard to councils. We want to ensure the criteria is put in place.

That is why I have brought this bill before this House. I care about the residents. I care about the people. I do not care about the politics. I want to come in here and say that the bats have gone. I want to be able to come in here and shake the minister's hand and thank him. I would like to come in here and thank the Premier when the bats are gone. I would rather come in here and say that the bats have gone rather than come in here and point the finger, brag and backslap. This bill provides the legislative framework for this to happen. I am passionate about the bill. I commend the bill to the House.

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

AYES, 7—Cunningham, Douglas, Hopper, Judge, Wellington. Tellers: Katter, Knuth

NOES, 74—Barton, Bates, Bennett, Berry, Bleijie, Boothman, Byrne, Cavallucci, Choat, Costigan, Cox, Crandon, Cripps, Crisafulli, Davies, C Davis, T Davis, Dempsey, Dickson, Dillaway, Dowling, Elmes, Emerson, France, Frecklington, Gibson, Grimwade, Gulley, Hart, Hathaway, Hobbs, Holswich, Johnson, Kempton, King, Krause, Langbroek, Latter, Maddern, Malone, McArdle, McVeigh, Millard, Miller, Minnikin, Molhoek, Mulherin, Newman, Nicholls, Ostapovitch, Palaszczuk, Pitt, Powell, Pucci, Rickuss, Robinson, Ruthenberg, Scott, Shorten, Shuttleworth, Smith, Sorensen, Springborg, Stevens, Stuckey, Symes, Trad, Trout, Walker, Watts, Woodforth, Young. Tellers: Kaye, Menkens


Resolved in the negative.

CRIMINAL PROCEEDS CONFISCATION (UNEXPLAINED WEALTH AND SERIOUS DRUG OFFENDER CONFISCATION ORDER) AMENDMENT BILL

Second Reading

Resumed from p. 1373, on motion of Mr Bleijie—

That the bill be now read a second time.

 **Mr BOOTHMAN** (Albert—LNP) (9.50 pm): I rise tonight to speak on a piece of legislation long overdue in Queensland. This legislation has been demanded by the community who are sick and tired of the criminality caused by drugs in our community. Drug related crime is insidious and weaves its way into every level of society from the victims to those who profit from this most vile industry. Albert residents are actually at their wits' end when it comes to the revolving door of the legal system. They demanded action before the previous state election and the LNP gave a firm commitment that real change was on its way.

The Criminal Proceeds Confiscation (Unexplained Wealth and Serious Drug Offender Confiscation Order) Amendment Bill 2012 fulfils yet another Newman government election commitment. The voices of the residents of Albert, and many Queenslanders, have been heard loud and clear. The law-abiding residents of our great state work hard to provide for their families, to pay their mortgages, rates, electricity bills and school fees, and to put food on the table. These residents are the salt of the earth who pay their taxes and who contribute positively to our community compared to those criminal elements who do nothing more than take and disregard social standards.

I wholeheartedly agree with the Attorney-General's speech when he highlighted that serious criminal activities are often motivated by greed and the unwillingness to work hard. These individuals are not liable for taxation on profits, but their lifestyles are certainly far in excess of the ordinary Queenslanders. We need to deter criminal behaviour by hitting the hip pocket of these criminals. For too long criminals have played the system and rorted the hardworking members of our community.

Drug related crime has a massive detrimental effect on our community. We do not need to go very far to see the debilitating effects on individuals and their families. I do not think I would be incorrect in saying that these individuals who traffic in drugs are nothing more than peddlers of social demise and despair.

According to the Queensland Chief Health Officer, in 2004-05 the illicit drug trade cost Queensland \$1.6 billion. This Newman government legislation has heard what the community has been saying and is taking a hardline stance on those who profit from criminal drug related activities. Under this legislation the Supreme Court has the ability to issue a restraining order over assets such as property and seize this property under a serious drug offender confiscation order.

This legislation does not negate safeguards. To be able to make a serious drug offender confiscation order, the Supreme Court must agree that the individual in question has been issued a serious drug offence certificate. This certificate can be issued after a single drug-trafficking offence or three other types of serious drug offences within a seven-year period. Therefore, all property of this person including gifted property by the person within six years of the charge is forfeited to the state. In addition, to allow encouragement for rehabilitation, certain property can be identified as protected

property. Hardship claims are also taken into account for innocent dependants. These individuals can make an application for hardship orders in respect to certain property. This bill ticks all the boxes for tougher legislation which the community has demanded. It has checks and balances, yet it is very firm in its resolve. Enough is enough when it comes to drug related crime. I commend this wonderful bill to the House.

Mr RUTHENBERG (Kallangur—LNP) (9.56 pm): Yet again the Attorney-General and the Newman government are delivering on our promises. Prior to 24 March 2012, we as a government in waiting provided the people of Queensland with a great range of policies. The people looked at them and said to us, 'It is your turn; you give it a go.' The people trusted us in good faith to implement those policies, and we are systemically doing that. Just yesterday in this place we passed another common-sense bill allowing JPs to form a tribunal to sit and determine cases at QCAT. I quote from the LNP policy that was taken to the people at the 24 March 2012 state election—

The LNP will target crime profits. We will tackle organised crime groups and criminals and their ill-gotten gains by toughening 'unexplained wealth' laws to give police greater powers to combat organised crime.

Police and the Crime and Misconduct Commission will be able to apply for orders requiring criminals and crime groups to explain how they acquired their wealth—if they can't, that wealth will be confiscated.

Mr Watts: Including motorbikes.

Mr RUTHENBERG: Including motorbikes. I take that interjection. I think it is worth looking at the objectives of the bill. The primary objectives of the Criminal Proceeds Confiscation (Unexplained Wealth and Serious Drug Offender Confiscation Order) Amendment Bill 2012 are to amend the Criminal Proceeds Confiscation Act to introduce a scheme for recovering unexplained wealth; amend the Criminal Proceeds Confiscation Act to provide innocent dependants of persons against whom proceeds assessment orders are made with the ability to apply to the Supreme Court for relief from hardship—common sense I reckon—amend the Criminal Proceeds Confiscation Act and the Penalties and Sentences Act to introduce serious drug offender confiscation orders; amend the Crime and Misconduct Act and the Police Powers and Responsibilities Act to facilitate the investigation of evidence related to matters concerning the Criminal Proceeds Confiscation Act; and amend the Criminal Proceeds Confiscation Act to increase the general effectiveness of the criminal confiscation regime in Queensland.

Even non-government members in this place will have to concede that the commitment we went to the people with in good faith is now about to be implemented, yet again as we promised. Our promise to the people is accomplished in the objectives of the bill. I have not spoken to a single person whom I represent about this bill who has not supported it. I think it is not only a good idea but a great common-sense move and one that they feel is good for our community. I would like to quote from the Attorney-General's speech in introducing the bill to the House—

Serious criminal activity is often motivated by greed and an unwillingness to work hard and be liable for taxation on profits. Engagement in serious criminal activity allows these persons to fund lifestyles which are often beyond the reach of ordinary Queenslanders who earn their incomes and pay their taxes in accordance with the law. They also provide the funds that may underwrite other criminal enterprises in which criminal organisations engage.

...

The ease with which vast sums of money can often be made from serious criminal activity is a 'hook' that can be used to convince people that it is worth the 'gamble' of becoming involved in such activity. This is why this bill seeks to increase the risk of involvement in serious criminal activity by increasing the chances that involvement may end up costing a criminal not only their illegally obtained assets but also their legally obtained assets. This bill also acknowledges that those who engage in the trade of illicit drugs are involved in criminal enterprises that carry a high and often tragic cost for the community.


The Attorney-General further explained to the House in his speech that—

... if the state can prove on the balance of probabilities that there is a reasonable suspicion that an individual has been involved in serious criminal activity or acquired serious crime derived property without providing sufficient consideration and any of the person's current or previous wealth was acquired unlawfully, then that individual must prove the legitimacy of all of their assets.

I note that the bill goes a step further than the existing confiscation regimes by reversing the onus of proof so that it is for a defendant to explain lawful possession of their assets regardless of conviction, hence, the expression 'unexplained wealth'. In this particular instance I believe this is a reasonable measure. I believe the vast majority of the people I represent would agree with this measure. While some of the submissions presented to the committee questioned this notion, it is the highest court in the land that needs to determine the outcome of the case. I am confident that most battlers, as has been my experience, would strongly support this bill. This is a good, common-sense approach to deterring organised crime and disincentivising potential criminals.

I note that the CMC advised the committee that, under existing legislation, approximately \$43 million had been added to the consolidated revenue of the state government. The explanatory notes share with us that, according to the 2012 health of Queensland report released by the Chief Health Officer in Queensland, it is estimated that illicit drug use cost Queensland society \$1.6 billion in 2004-05 with an estimated \$39 million spent on health care. There is a link between illicit drug use and involvement in other criminal activity. I wonder what that figure would be today. To better understand this, we need to look at the personal costs of drug abuse. The complete destruction of a person's life and that of their family and friends, lies, deceit, theft, character change, detachment from reality, hunger, bills not paid, beatings—all of these were used by one resident to explain to me the nightmare that they are living as a consequence of drug addiction.

I agree with the Attorney-General. I agree with the people I represent. I support this bill. It is time to fire a shot in this war on crime—and it is a war on crime—that will make the Mr Bigs of crime sit up and listen. It is time we give the police some real tools to help them cope with organised crime. I support this bill.

 **Mr HART** (Burleigh—LNP) (10.02 pm): I rise to also contribute to the debate on the Criminal Proceeds Confiscation (Unexplained Wealth and Serious Drug Offender Confiscation Order) Amendment Bill 2012. This legislation was a key part of the six-month action plan released by the Premier of this state and the LNP government for the period June to December 2012. As we all know, it implements a pre-election commitment to introduce unexplained wealth orders and drug-trafficking declarations. Most Australian jurisdictions already have this legislation in place and tonight the Queensland government will catch up to them. The passage of this legislation will ensure that Queensland will not become a safe haven for criminals with dirty money, black money and the cash economy.

This bill talks about unexplained wealth. As a member coming from the Gold Coast, I can tell honourable members that the Gold Coast is a place where there is quite a bit of unexplained wealth. Every day we see people who do not appear to have a job and yet they have a flash car; they have massive boats on the Gold Coast—and there are quite a number of them—they have huge houses and some of them have multiple houses; and, as I said, they do not appear to have a job. They seem to be able to walk our streets seven days a week and carry on their activities in a free manner.

I stood for election twice before I was elected at the last election and I stood on a platform of being tough on crime. This government is doing exactly that with the legislation that we have introduced in the past 12 months with regard to hooning. Now if people get caught hooning for a second time, we will take their vehicle off them and we will crush it. That is a major step forward.

We are also being tough on graffiti and graffiti is a scourge on society. Those members in the House who have heard me speak before will know that graffiti is a passion of mine. I have actually picked a building in Burleigh and I endeavour to keep graffiti off that one particular building. Any time I see the graffiti there—I drive past this building every day—I will get out and I will paint over it straight away. That discourages those people from going out and vandalising our buildings.

As we have already heard from the member for Albert, in 2012 the health of Queenslanders report by our Chief Health Officer estimated that illicit drug use in Queensland cost society \$1.6 billion in 2004-05 with an estimated \$39 million of that spent on health care. There is undoubtedly a link between illicit drug use and other criminal activity. Criminal activity is, of course, motivated by a desire to make a large amount of money. Tonight we have heard quite a few members in this House talk about the fact that criminals conduct their criminal activity to make money. We are introducing legislation in this place to take that money away from them if they are caught, and that has to be a massive detriment to people conducting criminal activities. If they do not get to keep the money, they will stop committing crimes. It is like one and one makes two. If you take the money away, the criminal activity will eventually dry up. There is no doubt in my mind that is exactly what will happen.

I mentioned the cash economy earlier. In 1996 the Howard government brought in the GST for exactly that reason: to dry up that cash economy. It was about figuring out where this unexplained wealth was coming from and keeping a record of who was spending what amount of money so we could do what we are doing tonight: bringing in this law to claim back that unexplained wealth.

Drugs and criminality are a scourge on society. We have already heard from the member for Mermaid Beach tonight that there are a number of people who have amassed figures like \$100 million. If five or six people in this country have amassed \$100 million with no form of income


that can readily be seen, how is it that they are doing that? It is pretty obvious—in my mind at least—that they are involved in some sort of criminal activity. This bill gives us the opportunity to rip that money out from underneath them. Some people have \$10 million in the bank and others have \$5 million. If they do not have any form of income, how is it that they have that money?

This scheme will be administered by the Crime and Misconduct Commission. They will be able to apply for the assets of offenders to be frozen before this determination is actually made. The onus of proof is to be reversed onto the person to show that their wealth was lawfully acquired.

It is very important that there are safeguards in place to protect those individuals who are doing the right thing. The provisions of this legislation will not be proceeded with unless there is reasonable suspicion that people are involved in some sort of criminal activity. Therefore, there will be no reversal of the onus of proof unless criminal activity can be reasonably suspected. The Supreme Court has a discretion to refuse to make an order if it is not satisfied that it is in the public interest to enforce the law, and the Supreme Court can reduce the amount that would otherwise be payable under the order if it is in the best interests of the public to do so. This bill also provides for the widening of the information that can be obtained from financial institutions and increases the penalty for not complying.

As I said earlier, I have been the representative for Burleigh for 12 months. Some 395 Burleigh constituents have raised with me that crime and law and order are some of their main concerns. Some 10,456 Burleigh constituents are over the age of 60—almost a third of my electorate—and, of course, they want a safe place to retire.

It is no surprise to me that the Labor Party will not be supporting this legislation. This legislation is aimed at criminal activity, but I imagine the Labor Party would be quite concerned about unexplained wealth in some of their associated entities, such as unions. There is no doubt in my mind that there would be quite a bit of unexplained wealth within the hierarchy of the AWU. There would be quite a bit of unexplained wealth in the hierarchy of the CFMEU. And we already know that there is quite a bit of unexplained wealth in the HSU in New South Wales. There is no doubt in my mind that that is exactly why Labor will not be supporting this legislation. They are protecting their union mates.

 **Hon. JP BLEIJIE** (Kawana—LNP) (Attorney-General and Minister for Justice) (10.11 pm), in reply: I thank all honourable members for their contributions to the debate on the Criminal Proceeds Confiscation (Unexplained Wealth and Serious Drug Offender Confiscation Order) Amendment Bill 2012. Whoever came up with that long title! For the next 30 minutes I am going to convince, if I have not already, honourable members why they ought to support this bill. Honourable members know that this bill delivers on two pre-election commitments the Newman government made to the people of Queensland: to introduce unexplained wealth laws and to establish drug-trafficking declarations. The commitment to introduce unexplained wealth laws also formed part of the government's six-month action plan.

Unexplained wealth legislation is operational in Western Australia, the Northern Territory, New South Wales, South Australia and the Commonwealth. I am pleased to say that in only 12 months of government we have joined the queue and now have unexplained wealth laws. The Labor Party had 20 years in which to do it but it did not. In fact, it opposed them when we introduced them from opposition. But I am happy to say that the member for Rockhampton has indicated that tonight he will support the bill. That is a change in their position, so I thank the member for Rockhampton for that.

We know from evidence given to the Commonwealth Parliamentary Joint Committee on Law Enforcement during its inquiry last year into unexplained wealth legislation that it is the opinion of law enforcement professionals that criminals will move their operations to the jurisdictions where they believe there is a legislative weakness. The member for Mermaid Beach spoke earlier tonight about the Gold Coast. The introduction of the unexplained wealth laws in this bill should ensure that Queensland is not seen by the criminal element as a safe haven to hide their ill-gotten gains. The bill proposes to amend the Criminal Proceeds Confiscation Act 2002 by inserting the unexplained wealth laws into the existing non-conviction based chapter of the act. The explanatory notes state—

The Bill provides that the Supreme Court must make an unexplained wealth order against a person if the State has satisfied the court that there is a reasonable suspicion that the person:

- has engaged in one or more serious crime related activities; or
- has acquired, without giving sufficient consideration, serious crime derived property from any serious crime related activity of someone else (whether or not the person knew or suspected the property was derived from criminal activity); and
- some or all of the person's current or previous wealth was acquired unlawfully.

Once the unexplained wealth order is made, the onus is then on the person the subject of the application to prove that their wealth was legitimately obtained. Any amount of the person's wealth or income which they cannot prove was legally acquired will become a debt payable by that person to the state.

The bill fulfils the election commitment with respect to drug-trafficking declarations by proposing to create a new chapter 2A in the Criminal Proceeds Confiscation Act 2002 which provides for the creation of a serious drug offender confiscation order scheme. Drug-trafficking declarations are operational in Western Australia and the Northern Territory. The serious drug offender confiscation order scheme proposed by the bill has been inspired by those schemes but has also been adapted appropriately for operation in this state.

The serious drug offender confiscation order scheme is intended to dramatically increase the risk of becoming involved in the illicit drug trade. The bill provides that if a person has been convicted of a prescribed qualifying serious drug offence and the state has made an application within six months of the issue of the relevant certificate then the Supreme Court must make an order forfeiting all property of the person and all property that was gifted to the person in the six years before the person was charged with the qualifying offence.

Both the unexplained wealth laws and the serious drug offender confiscation order scheme in the bill provide the Supreme Court with a public interest discretion about whether to make the orders. Both schemes of the bill also provide for innocent dependants to make applications to the court for relief from hardship. The bill also extends this option to innocent dependants of persons against whom proceeds assessment orders are made. The bill proposes that both the unexplained wealth and serious drug offender confiscation order schemes will be administered by the CMC, with the Office of the Director of Public Prosecutions acting as the CMC's solicitor on the record.

The bill proposes to reform the issue of notices to financial institutions under the Criminal Proceeds Confiscation Act 2002 by providing for access to information and penalties for noncompliance which aligns more closely with the position in other Australian jurisdictions.

Importantly, the bill provides a mechanism for Queensland to participate in equitable sharing programs with other jurisdictions. Equitable sharing programs enable jurisdictions to recognise cross-border contributions to confiscation investigations from interstate and international investigatory bodies by sharing the proceeds recovered in successful investigations.

I will now address some of the elements in the bill and the contributions to the debate. I start by thanking all honourable members of the government for their great contributions with respect to this bill this afternoon and this evening. We know that this government has a particular emphasis on toughening up laws in Queensland with respect to these types of offences. We have undertaken a tranche of law reform in relation to child sex offences; now we are on to the Mr Bigs of the underworld. Bikies should be warned that we will go after them in Queensland. We do not want that type of activity in this state.

I will address some of the issues raised by the member for Rockhampton. Most of his contribution to this debate this afternoon referred to the COAG meeting and that somehow attorneys-general across Australia have failed to address this issue at the national level; therefore, it was going to be put up to COAG. Little does he know, COAG has been and gone. It was rejected at COAG, including by the state Labor premiers.

Mr Newman: Rejected it—all of them.

Mr BLEIJIE: I take the interjection from the honourable the Premier. So the member for Rockhampton is a little behind the times. He gave a great historical lesson tonight about this process. Let me correct the record and set out the facts of the matter.

The issue is: Nicola Roxon came to the Standing Council of Attorneys-General and put forward a proposal for a referral of all powers relating to unexplained wealth to the Commonwealth. That was rejected at the time. She then lost her job as Attorney-General.

Mrs Miller: She didn't lose her job.

Mr BLEIJIE: And Mr Dreyfus turned up only a few weeks ago in Darwin, to the Standing Council of—

Mr Newman: Mark? Who's he? Who is he?

Mr BLEIJIE: Mark Dreyfus is the new Attorney-General. I take the interjection from the member for Bundamba: she did lose her job. She is not the Attorney-General.

Mrs Miller interjected.

Mr BLEIJIE: She lost her job because she could not get that anti freedom of speech bill through the parliament that was completely undemocratic. That is the reason Nicola Roxon was forced out of the cabinet. Anyway, what happened was that Mark Dreyfus, the new Attorney-General—

Mrs Miller interjected.

Madam DEPUTY SPEAKER (Miss Barton): Order! Attorney-General, I would ask that the member for Bundamba withdraw those comments.

Mrs MILLER: I withdraw the comments, but I would also—

Madam DEPUTY SPEAKER: Member for Bundamba—

Mrs MILLER: Yes, I withdraw the comments.

Madam DEPUTY SPEAKER:—please do not qualify your withdrawal.

Mrs MILLER: All right.

Madam DEPUTY SPEAKER: I have asked that you withdraw the unparliamentary language and you have done so.

Mrs MILLER: Yes.

Madam DEPUTY SPEAKER: I am aware of that, thank you.

Mrs MILLER: I would like to raise a point of order please, if you do not mind.

Mr BLEIJIE: Deja vu from last night.

Madam DEPUTY SPEAKER: Attorney!

Mrs MILLER: I just want to make a point of order to correct the record. My understanding is that Nicola Roxon—

Madam DEPUTY SPEAKER: That is not a point of order, member for Bundamba.

Mrs Miller interjected.

Madam DEPUTY SPEAKER: Member for Bundamba, please resume your seat. That is not a point of order.

Mr BLEIJIE: I acknowledge the member for Bundamba in the House this evening. How was the sin-bin last night—the hour? Did you enjoy it? Enjoy the sin-bin? Let us hope we can get you in the sin-bin again tonight. I have another 23 minutes, so I guess I have a good opportunity to achieve that objective. The fact is Mark Dreyfus, the new Attorney-General, went to Darwin a few weeks ago for the Standing Council of Attorneys-General. Guess what? They took these unexplained wealth provisions off the agenda because in the meantime, after Nicola Roxon failed to convince any of the states to do it, the Prime Minister held a press conference where she said—

I'm going to be taking the unexplained wealth referrals to COAG and I want my first ministers to sign up to it.

So we had the Prime Minister doing a press conference in the morning saying that the states should refer their power of gang legislation and unexplained wealth laws and then the Premier received a letter that night—some 12 hours later—from the Prime Minister explaining this new proposal. But we understand what the Prime Minister does now in COAG: she does the press conference and puts it out there without any consultation and without having the courtesy to contact the first ministers of each state and territory and then she sends a letter saying, 'By the way, I've already done the press on this but I want to engage in a cooperative arrangement and consult with you on these sorts of things.' You cannot enter into a cooperative arrangement after already announcing in the morning what you are going to do without having consultation.

The federal Attorney-General turned up in Darwin to the Standing Council of Attorneys-General and took it off the agenda, but the state Attorneys-General put it back on the agenda and I made it absolutely clear that Queensland will not be referring the unexplained wealth powers to the Commonwealth. I called it a cash grab. The Attorney-General, Mr Dreyfus, came out and said, 'It's not a cash grab. We only want 50 per cent of the money!' The fact is Queensland wants 100 per cent of the money. If the laws are broken in Queensland, then it is the Queensland taxpayer who should have the benefit of the money from those assets that have been derived from those activities that will be sold and forfeited to the state as a debt to the state. We want 100 per cent of the funds. For the last 20 years the state Labor government in Queensland failed to act in this regard. It failed to introduce unexplained wealth powers and in fact voted against us in opposition with regard to our unexplained wealth bill in this House. It is now supporting this bill but it failed to act for 20 years. As a Labor state would have it, it just handed it to the feds and said, 'We can't be bothered in Queensland. We'll just hand it all to the feds.'

We are taking a stand against that prospect. We are taking a stand because Queensland is best placed to deal with these matters. Queensland is best placed to deal with bikies, gang laws and unexplained wealth laws and serious drug trafficking declarations that we have introduced. That is why when this did go to COAG only a few weeks ago it was rejected. The referral of power was rejected, including by the Labor states. There are Labor state governments that already have unexplained wealth laws such as South Australia and, as I said, Western Australia and New South Wales. It was rejected at COAG. In fact, it was referred back to the Standing Council of Attorneys-General. The first ministers and the Prime Minister then referred it back to the Standing Council of Attorneys-General despite the fact that the federal Attorney-General had it taken off the agenda at the last meeting.

We said that we would cooperate, but it goes both ways. We have a great opportunity here—and I have spoken to the police minister about this—to catch more people in Queensland if Commonwealth departments assisted in sharing information and evidence. For instance, members may not know how hard it is to get information from Centrelink if we are trying to track down identifying particulars of individuals. Centrelink is probably one of the worst government agencies at a federal level to get information from and it makes it quite difficult when we are doing police investigations in Queensland to gather the evidence and the information, particularly as people change their addresses. If one body has the most current up-to-date contact details, generally it is Centrelink because people get their benefits and so forth and ensure that all of their details are up to date. As I said, Queensland is best placed to deal with it.

The member for Rockhampton also mentioned adequate funding to the CMC because it is going to deal with this. I am going to wrap my comments in relation to the member for Rockhampton and the CMC with the member for Nicklin, because the member for Nicklin has come into this place over a number of years, over the last 12 months particularly, and attacked this government for underresourcing the CMC and it is not right. It is not correct. The CMC gets about \$50 million a year of taxpayers' money. It gets more money than ICAC in New South Wales and has a third of the number of staff working in the corruption watchdog body in New South Wales, yet our corruption watchdog gets \$50 million a year. The member for Nicklin always comes in here saying, 'The CMC's underfunded. It can't do its job.' I reject that entirely. I reject that because we have had the Callinan and Professor Aroney inquiry into the CMC and the PCMC inquiry into the CMC. Had this government not set up the Callinan-Aroney inquiry there would not have been an article in the *Courier-Mail* dated 25 April. It states—

QUEENSLAND'S corruption watchdog—
the CMC—

spent almost \$1.2 million on lawyers, contractors and consultants last year—including \$50,000 on a survey of its 350 staff.

Documents released with the Callinan Review of the Crime and Misconduct Commission have for the first time revealed details of the watchdog's extensive use of external expertise.

The article continues—

The \$343,000 consultants' bill included payments totalling \$47,000 to Quantum Management and Uniquest for a survey of the CMC's 350 staff into operational and cultural issues.

It goes on—

A further \$122,000 was spent hiring KPMG to conduct a review of 'organisational design' which Mr Martin said was needed to identify pressures on resources.

It continues—

At one stage Mr Callinan even took issue with Mr Martin heading each of his letters 'in confidence', saying he saw no need for a shroud of secrecy.

This bill is establishing unexplained wealth laws in this state and is not about the CMC, but the member for Nicklin has used this opportunity to talk about the CMC and attacked the government again for underfunding it. I completely reject that. There are documents now showing that the CMC spent \$50,000 on a staff survey. That \$50,000 could have been used to employ another person to look at these crime issues and be on the ground in delivering a front-line service rather than doing surveys of cultural change and organisational structure in the CMC. So hundreds and hundreds of thousands of dollars—\$1.2 million—was spent by the CMC on external consultants.

I want to raise another issue that the member for Nicklin has raised here on a couple of occasions, and he did so also tonight. I refer to PCMC finding No. 20. The member for Nicklin has talked in this place about staffing levels. I remember that during the PCMC inquiry into the shredding of documents by the CMC the member for Bundamba was very vocal and has been very vocal in this place and at estimates about the CMC's staff numbers and the government's austerity measures in

terms of its one per cent reduction, which equated to about \$500,000. The member for Bundamba has come in here and said, 'The CMC has to sack 30 staff or more because of the one per cent reduction,' and the member for Nicklin has said, 'They've had to sack 30 staff and it's underresourced.' Yet PCMC finding No. 20—there was only a statement of reservation, and the member for Bundamba was on the committee—says this—

The CMC's budget for 2011-12 was \$50.55 million which represents 0.107% of the State budget.

The Committee considers that the 2012-13 cut to the CMC's budget, which was about \$500,000 or about 1%—
wait for this—

did not result in the job losses attributed to that budget cut (of up to 10% of staff positions). This was confirmed by the Chairperson of the CMC during a joint meeting on 16 November 2012, in response to the Chair's question as to how a 1% budget cut could result in such a high number of job losses at the CMC ...

It then went on to say—and this is committee report finding No. 20—

Rather, it was the decisions of CMC management (successive groups of management) in using surplus funds resulting from vacant positions ("the Churn factor") to create additional unfunded permanent positions that resulted in a large number of job losses at the CMC in 2012 when the public service climate changed.

So they were pooling money for jobs that were not even there. Yet the member for Nicklin has the hide to come in here and say that the government's one per cent reduction in the budget for the CMC, which equates to \$500,000, equated to 30 job losses. It was a fabrication of the issue. I take note that this issue was raised—

Mr Newman: The member for Gaven backed them up, too.

Mr BLEIJIE: The member for Gaven has backed up the CMC on every occasion. He came in here and talked about the job losses. I remember getting letters from the member for Gaven. I remember getting told that the member for Gaven each week was down at the CMC fighting for the resources and jobs. Yet does the member for Gaven protect the CMC for spending \$50,000 on a staff survey? Was that good public expenditure? We would not have known about that unless we had set up the Callinan-Arony review. If we had not set up that review, that would have been hidden and shrouded in secrecy in the CMC. It was only because of that review that those figures have now come out.

When the chair, Ross Martin, sat in the red chamber at estimates and had a blue with me about staff cuts when I asked, 'How can you get a one per cent reduction but a 10 per cent reduction in staff?' he said he had lost about 60 staff. Then he retracted that to about 30 staff. The PCMC report has found that it was the churn factor of the CMC management.

Mr Newman: So he misled a parliamentary committee?

Mr BLEIJIE: I take that interjection from the Premier. I think whether the former chair did mislead the estimates committee is worthy of investigation, because we have it on record now in a finding of the PCMC that job losses in the CMC were not as a result of the one per cent budget reduction of the CMC. How does the CMC explain that one? We can explain it: because they had a churn factor. They were pooling money aside for positions they never had and hoping that they would create the positions in the future. So when we came along and we asked, 'Hang on, what's happening here?' it all came unstuck for the CMC. The member for Bundamba and the member for Nicklin still came in here tonight and protected the CMC, saying that it should be shrouded in secrecy and that the public ought not know what happens in the CMC. They should. Fifty million dollars of taxpayers' money gets spent on the CMC and I think the public would be horrified that the top crime-fighting independent watchdog in this state spends \$50,000 on a survey of its staff when they are whingeing about jobs losses and job cuts and no resources to do this and no resources to do that. They are one of the most, if not the most, resourced crime-fighting corruption watchdogs in this country.

So, on that note, we will be pursuing the issue of what Mr Martin said in the estimates committee with respect to the job losses because they have been caught out not telling the exact facts of the situation. I am glad we set up the PCMC inquiry in an open environment. Members may recall that one of the part-time commissioners turned up to the inquiry and said, 'Why is this all out in the public? This should be an internal investigation of the CMC.' They shredded 4,000 documents, they unlawfully disclosed information to people, but it all should be done behind closed doors. She then went a little further—and this is part-time commissioner Judith Bell—and said, 'By the way, you are treating the staff very heavy handed in this PCMC inquiry.'

Mrs Frecklington: Seriously?

Mr BLEIJIE: Seriously—from the CMC that does these star chambers of people who are accused of all sorts of things. We will sort this out. We are committed to a strong, independent, crime-fighting corruption watchdog in this state. We will have an independent crime-fighting watchdog, but we will make sure that they have the organisational structure that is required to do their job effectively and within existing budgetary resources.

I thank the member for Ipswich for his contribution to the debate and for chairing the committee that looks at all of this JAG legislation. I understand that I place an enormous amount of pressure on the members of the Legal Affairs and Community Safety Committee with the amount of legislation, but I say to members of that particular committee that every day they make recommendations on a bill before the committee Queenslanders are thanking them for getting on with the job and delivering swift and fair justice in Queensland and toughening up laws, such as the bikie laws. Madam Deputy Speaker, I acknowledge the valuable contribution that you make in that committee process as well.

Madam Deputy Speaker, in your contribution you mentioned that drugs are a scourge on our community. I absolutely and fundamentally agree with you. The member for Ipswich West supports the bill. I thank him. As a government member, supporting the bill is the first step. So that is great. The member for Bulimba said that the government is making it extremely hard for criminals to get comfortable in Queensland. That is exactly right. We do not want criminals feeling comfortable in Queensland. We want to have the tough laws that the criminals will not like.

The member for Gladstone made a great contribution, as she always does. She is a true Independent member of this parliament.

Mrs Miller interjected.

Mr BLEIJIE: I take that interjection from the member for Bundamba. I believe that the member for Gladstone is the only true Independent in this place. I give all respect to the member for Gladstone. She talked about the CMC as well and what the CMC may look like post the Callinan review and the PCMC report. We will work with the member for Gladstone as the chair of the PCMC. I acknowledge the fact that the Callinan report also indicated that the budget of the CMC has not been spent in the right areas in the past. The member for Gladstone knows that we are on to that issue and we will sort that out. The member for Chatsworth talked about drug dealers not being concerned about the cost of illicit drugs to the health system. Again, this is why we are toughening these provisions. I thank all honourable members for their contributions.

I will conclude by finishing on the comments of the member for Nicklin. It was remiss of me to not fully acknowledge his contribution to this debate tonight, because not only did he carry on with his usual rant with respect to the CMC being underresourced and all of this sort of stuff but also he made an extraordinary attack on the Hon. Ian Callinan AC—

A government member: Who did?

Mr BLEIJIE: The member for Nicklin. Essentially, the member for Nicklin said that the Callinan-Aroney review was a political review. I think that is a disgrace. I understand the member for Nicklin was a lawyer. I think the member for Nicklin should issue a public apology for his comments about Ian Callinan, a former High Court judge of this country, one of the most intellectual members of the High Court that we have ever had in this country. He also cast aspersions on Professor Nicholas Aroney, who is a leading educator in the law in this state at UQ. I think the member for Nicklin really has an apology to make. I think Ian Callinan and Professor Nicholas Aroney did their job exactly. They did an unbelievably great job. The honourable Ian Callinan conducted himself just as I expected him to. In relation to the Callinan-Aroney inquiry it is interesting to note that some of the things that we are now reading about the CMC we would never have known had the honourable Ian Callinan not written those 20-page letters to Mr Ross Martin.

Mr Stevens: Forensic examination.

Mr BLEIJIE: I take the interjection from the honourable Leader of the House—the forensic investigations. Had he not written those 20-page letters and challenged Mr Ross Martin we would have been none the wiser. Queenslanders would not know a lot of things about the CMC. There is more to come out. After I table the CMC Callinan-Aroney report I encourage all members to read the report and all the correspondence because it really gives an insight into the operations of the CMC and offers some great suggestions that the government is now considering.

In terms of this bill, can I thank all the key justice stakeholders who provided feedback to the justice department during the consultation that took place in the development of this bill. They took the time to write submissions to the Legal Affairs and Community Safety Committee. I thank the Legal Affairs and Community Safety Committee. The bill represents an important part of the government's

strategy to combat organised crime in this state. It is hoped that the amendments in this bill act to discourage those who might be tempted by the lure of easy money from illicit activity and to empty the bank accounts of those who yield to that temptation.

I urge all members of the House to support this bill because there is a real opportunity here to right the wrongs of the past, to do what the Labor Party could not do for 20 years. I note that the Labor Party have come in here on a couple of occasions in relation to our bills and said, 'Why has it taken you 12 months?' We cannot do it all overnight, but we are making inroads into the justice system in Queensland and we will always place the victims at the forefront of our minds.

My good friend the Treasurer, in the great budget and in making the tough decisions, has allowed my department to make sure that we have easy access to justice. I know that the Treasurer is particularly pleased that I have recently awarded grants to three organisations in the Treasurer's electorate. One is the Nundah Community Legal Service Homicide Victims Support Group. While we are talking about empowering victims, tomorrow the Queensland Homicide Victims Support Group is having their 'walk a day in our shoes' rally at—what is that hot bit of concrete in the centre of the city?

Mr Nicholls: King George Square.

Mr BLEIJIE: The honourable police minister and I will be attending. We have some great announcements for the Homicide Victims Support Group tomorrow. This government puts victims first. This government puts Queenslanders first. This is a great state. It has great opportunities. We will right the wrongs of the Labor Party over the last 20 years. We will do what the Labor Party failed to do for 20 years. This is a great state with great opportunity. I encourage all honourable members to support this bill.

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 6, as read, agreed to.

Insertion of new clause—



Mrs MILLER (10.43 pm): I move the following amendment and table the explanatory notes, circulated in the name of the member for Rockhampton—

1 After clause 6—

Page 11, after line 9—

insert—

'6A Insertion of new ch 2, pt 7

'Chapter 2—

insert—

'Part 7 Annual report

'71A Commission's annual report—confiscation information

'The commission's annual report must include information, for the period of the report, about the number and types of—

- (a) applications for confiscation orders made by the State; and
- (b) orders made by the Supreme Court under the Confiscation Act, chapters 2 and 2A.

Note—

See the *Financial Accountability Act 2009*, section 63, for the requirement to prepare an annual report.'.

Tabled paper: Criminal Proceeds Confiscation (Unexplained Wealth and Serious Drug Offender Confiscation Order) Amendment Bill 2012, explanatory notes to Mr Byrne's amendments [2553].

Amendment No. 1 requires the CMC to provide information in its annual report about the number and types of applications for confiscation orders made by the state and orders made by the Supreme Court under the confiscation act chapters 2 and 2A. During the public hearing on the bill, Department of Justice and Attorney-General officers advised that, after questioning that the CMC is required to provide an annual report, there would be no compulsion on them to provide details in that report as to the number and the types of applications for confiscation orders made by the state. I and other members of the opposition—and I am sure the crossbenches—were concerned that there will not be adequate resources provided to the CMC to undertake the additional applications required of them under these amendments. There must be some reservation as to the potential ability for the CMC to operate effectively in this area without appropriate funding.

The Attorney-General has given a commitment to ensure that the CMC is adequately resourced once the laws are in place. We are yet to see. Requiring the CMC to report on the number of applications made will enable proper scrutiny of whether the CMC has received the resources to allow it to carry out its functions. As the powers contained in this legislation are wide reaching and, quite frankly, are out of the ordinary, it is important that the CMC be accountable to this parliament and more widely to the people of Queensland for the manner in which it uses the extraordinary powers being given to it.

As the department pointed out at the public hearing—the minister's own department and his own officers—accurate reporting of the use of unexplained wealth provisions is essential to effective monitoring and oversight. This would also facilitate research and cross-jurisdictional comparisons of the operation and the use of unexplained wealth provisions. Consideration could be given to drafting amendments to be introduced here tonight during consideration in detail to require the CMC to include details of the use of the unexplained wealth provisions in its annual report. It would not be inappropriate, therefore, for specific provision to be made in the bill requiring the CMC to report on the use of unexplained wealth provisions—

(Time expired)

Dr DOUGLAS: I support the amendment moved by the shadow minister. I think it is a very worthy amendment to make this legislation not just better but also more workable. It primarily addresses the issue of resourcing. Far too often legislation is passed that is all about cosmetic change and is not outcome focused substantive change. It may be that all the legislation will do, for all its grand sentiments about what it will do by a variety speakers here today and tonight, is talk the talk but not walk it because there are insufficient resources to do it.

Employing sufficient forensic accountants and investigators is what is needed to secure these illegal funds. The CMC does require a report of the numbers and the types of applications for confiscation. This is factual data. This is how it is done. It is not an arbitrary measure. These types of processes are essential components and a serious substantial ingredient of what it really takes to confiscate funds. It seems to me tonight that some government members seem oblivious to the real difficulties that are faced by officers in securing assets. I include the Attorney-General amongst those. If people cannot see the difficulties that the ATO has with many well reported bankrupts, how difficult do members think it is going to be against major organised criminals?

I urge the Attorney-General to include this amendment to reinforce the capacity of the CMC to fully deliver on the intention of the legislation in such a manner to be relevant. Without it I doubt it will do anything much. All the talk in the world about fulfilling election promises is very hollow when the legislation is being introduced without sufficient extra funding to make it effective. Anything less is hypocrisy and contemptible.

Mr BLEIJIE: The government will not be supporting the amendment.

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

AYES, 14—Byrne, Cunningham, Douglas, Hopper, Judge, Katter, Knuth, Miller, Mulherin, Palaszczuk, Trad, Wellington. Tellers: Pitt, Scott


NOES, 65—Bates, Bennett, Berry, Bleijie, Boothman, Cavallucci, Choat, Costigan, Cox, Crandon, Cripps, Crisafulli, Davies, C Davis, T Davis, Dempsey, Dickson, Dillaway, Dowling, Emerson, France, Frecklington, Gibson, Grimwade, Gulley, Hart, Hathaway, Hobbs, Holswich, Johnson, Kempton, King, Krause, Langbroek, Latter, Maddern, Malone, McArdle, McVeigh, Millard, Minnikin, Molhoek, Newman, Nicholls, Powell, Pucci, Rickuss, Robinson, Ruthenberg, Seeney, Shorten, Shuttleworth, Smith, Sorensen, Springborg, Stevens, Stuckey, Symes, Trout, Walker, Watts, Woodforth, Young. Tellers: Kaye, Menkens

Resolved in the negative.

Non-government amendment (Mrs Miller) negatived.

Clauses 7 to 53, as read, agreed to.

Insertion of new clause—

 **Mrs MILLER** (10.58 pm): I move amendment No.2 in the name of the member for Rockhampton—

2 After clause 53—

Page 90, after line 23—

insert—

'53A Insertion of new ch 9A

'After chapter 9—

insert—

'Chapter 9A Reviews about unexplained wealth orders and serious drug offender confiscation orders**'253A Minister to ensure reviews are carried out**

'The Minister must ensure reviews are carried out under this chapter.

'253B Who carries out reviews

'Each review under this chapter must be carried out by a retired Supreme Court judge appointed by the Minister.

'253C Annual reviews about particular orders

- '(1) A review must be carried out once each year to consider whether the State has appropriately exercised the power to apply for the following—
- (a) unexplained wealth orders;
 - (b) serious drug offender confiscation orders.
- '(2) The first review must be started as soon as reasonably practicable after the first anniversary of the commencement of this section.
- '(3) A review must relate to—
- (a) for the first review—the period since this section commenced; or
 - (b) otherwise—the period since the last review.

'253D Report

- '(1) After completing a review under this chapter, the reviewer must prepare a report for the review and give it to the Minister.
- '(2) The report may include recommendations.
- '(3) The Minister must table a copy of the report in the Legislative Assembly within 14 sitting days after receiving the report.'

Amendment No. 2 inserts a new chapter into the confiscation act requiring an annual review to be carried out to consider whether the state has appropriately exercised the power to apply for unexplained wealth orders and serious drug offender confiscation orders. In addition to reporting obligations, because of the far-reaching powers and extraordinary nature of these provisions and the potential for misuse of these powers, which would result in a loss of public confidence, this may be balanced in part by carefully considered statutory oversight. The equivalent provisions in the South Australian unexplained wealth laws provide for statutory oversight whereby the Attorney-General must appoint a retired judicial officer to conduct a review to determine whether the powers under the act were exercised appropriately in the preceding 12 months. A similar provision exists in the Criminal Organisation Act 2009. Adequate oversight of the powers would ensure continued community confidence in the schemes.

Proposed section 253A requires the responsible minister to ensure that reviews of the act are carried out in accordance with the chapter. Proposed section 253B requires the reviews to be undertaken by a retired Supreme Court judge to be appointed by the minister. Proposed section 253C requires an annual review be conducted to determine whether the powers under the act have been exercised appropriately. Proposed section 253D requires the reviewer to provide the report to the minister, who must table it within 14 sitting days after receiving the report. These provisions replicate the requirements contained in the Criminal Organisation Act 2009.

The Attorney-General has indicated he does not believe any additional oversight mechanism is required. However, the power to confiscate property on a reasonable suspicion of criminal activity rather than a conviction for a criminal offence is an extraordinary power and it is the responsibility of government to provide mechanisms for the public to ensure such powers are not being misused. Our side of the House has been consistent in its insistence on appropriate statutory oversight of such extraordinary powers. This is in stark contrast with the members opposite, the members of the government, whose views change. They wax and wane, depending on the side of the House they are sitting on at the time. The members of the government have no principles whatsoever on this issue.

Dr DOUGLAS: The suggested amendment, introduced on behalf of the shadow minister, is a series of five steps that, taken collectively, would seem to address all the most likely potential questions that the High Court, which might be the body considering these matters at some stage in the future, could address. That said, it may be just that the legislation is likely to be upheld as fair and reasonable if this was included by virtue of its appropriate checks and balances. Earlier tonight, there was much discussion about a whole series of checks and balances by virtue of hardship provisions, allowances for innocent defendants and a variety of other things. Those all are very important, but they will not be things considered by the High Court. All those things will likely to have been assumed to have been added to any legislation that went forward.

What will carry support by very sound balanced legal minds is the addition of reviews by a retired Supreme Court judge and to do so within a reasonable time. As stated tonight, the other state with linked legislation, as we have talked about, is South Australia and it has similar provisions in its legislation. It behoves us to do the same. The amendment is sound and sensible. This proposal is very worthy of the House's support. It will make the legislation likely to do what it is intended to do.

Mr BLEIJIE: The amendment is not supported.

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

AYES, 13—Byrne, Douglas, Hopper, Judge, Katter, Knuth, Miller, Mulherin, Palaszczuk, Trad, Wellington. Tellers: Pitt, Scott

NOES, 67—Bates, Bennett, Berry, Bleijie, Boothman, Cavallucci, Choat, Costigan, Cox, Crandon, Cripps, Crisafulli, Cunningham, Davies, C Davis, T Davis, Dempsey, Dickson, Dillaway, Dowling, Elmes, Emerson, France, Frecklington, Gibson, Grimwade, Gulley, Hart, Hathaway, Hobbs, Holswich, Johnson, Kempton, King, Krause, Langbroek, Latter, Maddern, Malone, McArdle, McVeigh, Millard, Minnikin, Molhoek, Newman, Nicholls, Ostapovitch, Powell, Pucci, Rickuss, Robinson, Ruthenberg, Seeney, Shorten, Shuttleworth, Sorensen, Springborg, Stevens, Stuckey, Symes, Trout, Walker, Watts, Woodforth, Young. Tellers: Kaye, Menkens

Resolved in the negative.

Non-government amendment (Mrs Miller) negatived.

Clauses 54 to 73, as read, agreed to.

Third Reading

Hon. JP BLEIJIE (Kawana—LNP) (Attorney-General and Minister for Justice) (11.12 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. JP BLEIJIE (Kawana—LNP) (Attorney-General and Minister for Justice) (11.12 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.

PRIVILEGE

Ethics Committee Report No. 129


 **Mrs MILLER** (Bundamba—ALP) (11.12 pm): I rise on a matter of privilege suddenly arising. I refer to Ethics Committee report No. 129. On 30 November 2012 the former minister for housing and public works, the member for Moggill, Dr Bruce Flegg MP, wrote to Madam Speaker alleging that I deliberately misled the House on 30 October 2012. On that date, I said in relation to residents of government owned caravan parks—

Now they are being thrown out so that this government can sell a public asset out from under them.

Whilst there is no question that the caravan parks are to be sold, a caveat has been placed on the sale for a period of 18 months to ensure that evictions do not occur within that time. Whilst I did not specifically refer to a time frame for the occupants to be removed, I concede that the use of the word 'now' in my statement may have given the impression that occupants are currently being or are in imminent danger of being removed from their homes.

Whilst it was not my intention to do so, I may have inadvertently misled the House by my statement. I therefore apologise to the House for any confusion my statement may have caused.

Ethics Committee Report No. 130

 **Mrs MILLER** (Bundamba—ALP) (11.14 pm): I refer to Ethics Committee report No. 130. On 30 November 2012 the former minister for housing and public works, the member for Moggill, Dr Bruce Flegg MP, wrote to Madam Speaker alleging that I had deliberately misled the House on 30 October 2012. On that date, I said—

... I have been approached by a constituent, a resident of public housing who has care of an adult daughter with an intellectual disability, who only this week received what can only be known as an eviction notice from the home she has lived in for many years.

The notice was in fact a letter from the Ipswich Housing Service Centre within the Department of Housing and Public Works entitled 'under-occupancy review of your household' which stated to the tenant—

... your household is being reviewed to determine if you have a continued need for the four bedroom property you are living in ...


The effect of that letter was that the tenant is being considered for removal to other housing rather than being removed. As the letter was not technically an eviction notice, it is possible that, whilst it was not my intention to do so, I may have inadvertently misled the House by my statement. I therefore apologise to the House for any confusion my statement may have caused.

ADJOURNMENT

Mr STEVENS (Mermaid Beach—LNP) (Manager of Government Business) (11.15 pm): I move—

That the House do now adjourn.

Ipswich Hospital, Emergency Department Access

 **Mrs MILLER** (Bundamba—ALP) (11.15 pm): I rise in relation to the emerging and worrying situation at the Ipswich Hospital emergency department. Despite concerns of paramedics and hospital staff, there are several issues with access that could cause problems to time critical patients and to paramedics. The issue that is of concern is that paramedics at Ipswich Hospital, unlike other hospitals in South-East Queensland, have to buzz a door as members of the public do to gain access to the emergency department. They have to hope that the triage staff are not busy attending other duties, which we all know is risky in an emergency environment like the ED.


So, in Ipswich they do not have swipe card success. The paramedics do not have swipe cards and they do not have key card access to the emergency department like other South-East Queensland hospitals. This can have two problems: firstly, for the patient that they are taking to the ED who may have had a delayed response to their clinical need with obvious outcomes for their health—time is critical for many health complaints that need an emergency department response. Secondly, it could place the paramedics at risk if they are dealing with a patient under the influence of narcotics or severe mental health issues, as they would be on their own without the benefits of hospital security and extra staffing when presenting the patient to the hospital.

Both these potential risks are clearly unacceptable outcomes for time critical patients and staff. It is part and parcel of this new regime in health—absolving responsibility for problems by outsourcing responsibility to health boards and now outsourcing service delivery to private enterprise. This is shameful. It is contestable that these issues are solely due to 'contestability' and contestable that it is due to the buck-passing of responsibility by this Newman LNP government. It is contestable whether the local member for Ipswich West is aware of the issues in his electorate.

Mr Choat: I was there the other day.

Mrs MILLER: It is contestable that the health minister will take responsibility and ensure that this issue will be dealt with. I call on this tory LNP government to consult with staff and paramedics so that an outcome can be reached to ensure patient and staff safety. This is paramount to the running of Queensland Health. It is paramount to the patient and staff safety at Ipswich Hospital, and it is paramount also to the emergency department of Ipswich Hospital. And I take the interjection from the member for Ipswich West. If you were at the Ipswich Hospital you should have gone to the minister and you should have brought it to his attention, too.

Nanango Electorate, Anzac Day


 **Mrs FRECKLINGTON** (Nanango—LNP) (11.18 pm): I would like to take this opportunity to congratulate the RSL subbranches throughout the Nanango electorate for their organisation for each of their Anzac Day services. This year I had the pleasure of attending the 4.20 dawn service in Kingaroy, the 6 am service in Yarraman and then the Esk memorial service at 10.40 am. It was a privilege to be involved in these events and witness the level of respect and pride within our communities for this important day in the calendar of all Australians. It was also wonderful to see the number of schoolchildren and children attending these events throughout the electorate.

The day prior to Anzac Day I also had the pleasure of speaking at Crows Nest and Esk state schools and also attending Toogoolawah State School for their Anzac Day service. I had the pleasure at Toogoolawah State High School of hearing a 13-year-old boy from year 8, Nick Teski, read out a poem. I would like your indulgence, Madam Speaker, to read this poem and keep in mind that this young boy is only in year 8. It was such a moving poem, so I would like to congratulate him on the poem. I would like to read it into the record today. It states—

On Anzac Day we stand at ease
 Bowing down to the fallen who are now at peace
 Remembering the Aussie soldiers that were then
 In the trenches shell-shocked and scared
 Prepared for battle with gun in hand
 Fighting for Australia's freedom in a foreign land
 On that fateful Day April 25
 Not knowing the young Aussies would make it out alive
 For four long years the war dragged on
 As Australia's bravery shone
 From World War I to Afghanistan
 From Gallipoli to the battle of Long Tan
 Because of the strength and gallantry of these men
 That is why we remember them

That was by Nick Teski, a year 8 student. I then requested a copy of that wonderful poem and used it in my speech at the other schools but, most importantly, in my address at the Anzac Day parade in Esk on such a solemn occasion. It was wonderful to see that our education system is teaching these young people about the meaning of Anzac Day. I congratulate Nick, his school, the community and his parents because his poem truly captures the spirit of the Anzacs and the meaning of Anzac Day.

Sugar Industry

 **Mr BENNETT** (Burnett—LNP) (11.22 pm): In rising to share with the House a case study on the rapidly increasing costs and the negative effects on sugarcane production in the Bundaberg mill region, I want to acknowledge the work provided to me by the Bundaberg Regional Irrigators Group and Dale Hollis. Increasing costs of irrigation, mainly electricity used on farm, will lower farm viability and lead to a reduction in water use by the Bundaberg sugarcane growers. This potential loss of production is a major concern, as even a five to 10 per cent loss in production will increase the risk of further sugarcane mill closures and the loss of jobs in the associated service areas in growing, harvesting, transport and milling.


The Bundaberg region has a variable climate, with rainfall varying from well below to well above the annual crop requirements. In these varying circumstances, continued rapid rises in energy costs to essential irrigation in agricultural industries will jeopardise the future viability of community and private infrastructure. Tariff 62 was a common irrigation energy plan for 60 per cent of sugarcane irrigation users of travelling irrigators. Based on night off-peak use of 65 per cent and day use of 35 per cent, the energy component has risen by 62 per cent from 2008 to 2012.

If the 2013 draft tariff increase is implemented, this will lead to an overall 90 per cent increase in irrigation pumping costs for tariff 62 over five years. There are many examples where enterprises reduce and even cease commercial sugarcane operations when factors like commodity prices and running costs have a huge impact on economic viability. The Bundaberg sugar farmers cannot afford this outcome.

The value of irrigation to my electorate has been enormous, more since the surface water irrigation scheme drought proofed the region. This has supported the local economy for many decades. The impact of increased electricity rises affects irrigators operating big gun travelling irrigators. More than 60 per cent of the most productive sugarcane farms in Bundaberg use these systems. Electricity cost not only directly affects the viability of farm irrigation pumping systems but also the cost of the farm irrigation water supply.

The sugarcane industry is a major industry with a demonstrated economic multiplier effect on our local economy of around seven times. In my electorate, the long-term viability of the sugarcane industry and ultimately the diversified workforce that depends on this industry will be determined by the viability of farm irrigation. Investment in irrigation infrastructure is a long-term strategy and returns need to be sustained over the long term to justify the commitment. The broader employment aspects and the longer term sustainability of farming enterprises needs to be considered when developing price paths to full cost recovery. I welcome the inquiry into the Queensland Competition Authority's proposal for electricity prices. I emphasise again that any chance I get in this House I will raise the issue on behalf of the farmers in the Burnett and obviously the other irrigating systems and ask for action in this area.

Davidson, Mr P; Anzac Day

 **Dr DOUGLAS** (Gaven—Ind) (11.25 pm): Tonight I pay tribute to my friend Peter Davidson, a former Nerang chemist, whose efforts to lead the Coomera and Nerang River Care Group over 30 years were recently acknowledged at a Legacy dinner in Nerang. Peter, who also worked as a pharmacist in Europe and West Africa as well as working in medical aid distribution and servicing diverse communities across the world, plans to still act as an advisor to the Coomera group. He has always endeavoured to improve outcomes to the many communities he has worked in around the world as well as being a significant contributor to Rotary and in early years to the Scouts.

The group's secretary, Naomi Edwards, described Peter as a gentleman of the Coomera River with humble qualities and modesty who inspired others in the community. Working in West Africa during a period of independence instilled his will to be involved. More than 30 years ago, on settling in the Coomera, he formed part of the beginnings of the Coomera Progress Association and then the Coomera River Catchment Group. He has put in many hours of voluntary work for the protection and preservation of the Coomera River, working with schools and volunteers.


As Naomi said at the dinner, integration is the key to carrying on Peter's legacy in the whole catchment from the headwaters to the coast. Challenges ahead include the continual urban sprawl and fragmentation of the land and the spread of suburbs throughout the Coomera catchment. Peter is a terrific advertisement for our volunteering movement, particularly as there are more than 4,000 community committed landcare groups and 2,000 coast care groups around the country relying on volunteers.

I would also like to pay tribute to the Filipino Australian Teachers Association of Queensland for its contribution to Queensland and the Philippines during the past 18 years. Recently my wife, Susie, and I attended the group's 18th annual ball on the Gold Coast where I was asked to be a guest speaker. These members have enhanced the diversity of life in Australia, making it a richer experience for everyone. I would like to congratulate the president, Lolita Treasure, who lives in my electorate and whose husband is a long-term patient of mine, and her hardworking members for their fundraising, their strong leadership in the community and their promotion of the Filipino culture. The group assisted schools in Manila after the floods earlier this year by donating laptop computers and education resources, and also provided teaching and learning strategies. I am always impressed by the diversity these different countries bring to the Gold Coast. Just last weekend the Indonesian community also had a family fun day led by one of my constituents, Tia Taylor of Highland Park.

At this time I would also like to congratulate the Nerang RSL, the subbranch and the executive on what was a truly moving series of ceremonies on Anzac Day. I know it has been mentioned a number of times, but the dawn service held in Nerang was absolutely magnificent. There was a full moon and 2,000 people there. It was a very humble, moving service. In particular, a wonderful march was held later in the day which was attended by somewhere between 4,000 and 5,000 people. The history of the first shot fired in World War I was recalled by Jim Poland, who is a Timor veteran. He gave us an actual recall of how the first shot was fired in the harbour in Melbourne.

(Time expired)

Mount Gravatt Men's Shed

 **Hon. IB WALKER** (Mansfield—LNP) (Minister for Science, Information Technology, Innovation and the Arts) (11.28 pm): On 9 April I had the pleasure of attending the long-awaited opening of the Mount Gravatt Men's Shed as both the representative of the Premier and the local member. Lord Mayor Graham Quirk was in attendance as well as Councillor Krista Adams, who has been a great supporter of the shed, Councillor Ian McKenzie and 450 locals who came to witness the occasion. On the day, rain was threatening. Just as the Men's Shed choir and guitar group took to the stage to open the event the rain bucketed down. They were just about to launch into John Williams' song *The Shed* when down it came. It caused Bishop Doug Stevens, from the local Anglican parish who was there to bless the building, to say that the great downpour of rain meant he was superfluous because the Almighty had beaten him to it.

Mr Johnson interjected.


Mr WALKER: He is a good Anglican bishop, member for Gregory. He was performing a sterling job, you will be glad to know. 2009 saw the start of an idea about a Men's Shed at Mount Gravatt. It started with some men at the St Bart's Anglican Church who thought this would be a great idea. Indeed, it has become a reality for the now 200 or so members of that shed.

I remember somebody telling me that the secret to the success of the Men's Shed movement is that men do not talk to one another; they talk beside one another. Certainly the shed helps break down the barriers of social isolation by promoting a healthier lifestyle and fostering social connections. It does not necessarily matter what the activity is. It is about creating a welcoming environment of inclusion and mateship, and what better environment could there be? There is certainly something wonderfully Australian about heading out to the shed with some of your mates. That is why the Men's Shed has become the largest men's support organisation in Australia with over 50,000 members.

I have no doubt that the building will not just help improve the quality of life of men in the greater Mount Gravatt area but may very well save lives. The building has a library, an office and a computer node and that will hopefully soon be used for classes. There are garden beds yet to be filled, an aeroplane hangar full of new tools and a wonderful multipurpose recreation room.

I want to pay tribute—and I am sure the member for Greenslopes would want to do this as well as he was also there representing the state government on the day—to those on the management committee of the association, particularly Brian Wheeler, the president; Keith Samuels, the vice-president; secretary Brian Wandel; and treasurer Barry Williams; as well as the tremendous committee that has been behind this organisation. I also want to pay tribute to the honorary members who received that honour on that day: Bob Pope, known locally as 'Bob the builder' who got the shed done; Keith Samuels and Paul Land.

Cattle Industry

 **Mr JOHNSON** (Gregory—LNP) (11.31 pm): I want to bring to the attention of the House this evening the sad and deteriorating situation of the Queensland cattle market. The situation regarding the far northern part of Queensland which is predominantly cattle country, which encompasses the electorates of Dalrymple, Mount Isa and Gregory, is very drastic. I know that the Minister for Agriculture, Fisheries and Forestry is going that way next week. I know he is well in control of the situation and is doing the best he can to help some of those pastoralists and graziers in the north, the north-west and the west.


It is the situation that the cold, callous policies of the federal government are responsible for a lot of the outcomes we are seeing in the cattle industry in North Queensland today. They are the ones who pulled the rug out from under live cattle exports and now they have come out and offered the northern cattle producers \$650,000 in low interest loans over two years. What a deplorable, ridiculous situation this is! They should have let those cattle producers operate their own markets. They pursued and found those markets in Indonesia and South-East Asia themselves; it was not with the assistance of government. This is just another trick by the Gillard government to try to win votes and gain some sympathy. It is an absolute slap in the face to the good cattle men and women of North Queensland and Western Queensland.

If those people were left to their own devices, those interest and redemption payments would have totalled \$650,000 for a couple of years, and they would have paid them. They would have gone all right, but no, the federal government bowed to the greenies again and bowed to the alarmists—the people who are non-productive in this country—and let them shut the industry down. This situation,

coupled with Bovine Johne's Disease, is further compounding the problem for northern cattle producers. It is this Newman government, under the stewardship of the Minister for Agriculture, that is endeavouring to obtain some outcomes for these people. At the end of the day, if anyone takes these \$650,000 loans, in two years time they will not be able to pay back that money; it will go into long-term loans which will further compound their financial crisis.

I hope that the people of this state realise just what a terrible outcome was brought about by this deplorable decision of the federal government to pull the rug out from under the Queensland cattle industry and those northern cattle markets.

Anzac Day

 **Dr DAVIS** (Stafford—LNP) (11.34 pm): There are many events in electorate work as a member of this parliament that are a tribute to the great Australian spirit, but arguably there is none more significant than those associated with Anzac Day. I am especially grateful for the opportunity to share the Anzac tradition with my Stafford electorate schools, as was again extended to me this year. The RSL focus for Anzac Day 2013 was commemorating the Australian prisoners of war on the Burma-Thai railway. As a geriatrician of many years standing, I am privileged to be able to draw on my personal knowledge of a number of these fine veterans.


Conditions in the railway construction camps were primitive and horrific; food was totally inadequate; beatings were frequent and severe; there were no medical supplies; tropical disease and tropical ulcers were rampant; and the productivity demanded would have been difficult for fully fit and properly equipped men. It is noteworthy that the Australian survival rates were the highest amongst all prisoners of war on that railway. This was in significant measure due to the courageous leadership and compassion of noted surgeon and former Wallaby, Edward 'Weary' Dunlop, later Sir Edward. At great personal cost and risk, Dunlop defied his captors in those terrible conditions, maintained discipline and morale, gave hope to the sick and eased the anguish of the dying. He became, in the words of one of his men, 'a lighthouse of sanity in a universe of madness and suffering'.

Equally illustrative of Anzac suffering and sense of duty are the words of General Sir John Monash, writing from Gallipoli in 1915. He wrote—

If one stops to count the cost, or worry over the loss of friends, or the grief and sorrow of the people at home, one simply could not carry on for an hour. Once a man becomes a casualty, he must be ruled out completely, as if he never existed, get him away, get him out of sight, forget all about him, pick your man to take his place, and go right ahead with the work at hand.

The best way of honouring the Anzac tradition is for us all to hold fast to what Australian service men and women have fought for and continue to fight for: peace, justice and freedom from oppression. Lest we forget.

Cattle Industry

 **Mr KATTER** (Mount Isa—KAP) (11.36 pm): I rise in the House to provide a picture for honourable members of the desperate situation that the majority of western grazing families are facing at present. It is not just about seasonal conditions or the atrocious decision that the member alluded to earlier relating to the live export ban or to BJD; it is also about deep structural issues in the industry. It is not about digging them out of a hole temporarily but driving reforms that will provide them with the ability to stay alive. We do not have time to go through agricultural policy that genuinely addresses the terminal illness in the industry. It has been argued by economic rationalists that the industry needs to be competitive. Then they say they simply need temporary assistance to weather seasonal conditions. Then they change tack to say there needs to be rationalisation of the industry—to get big or get out. All of these attempts have failed to address the loss of profitability and the rising level of debt. None of this can change with the dollar above parity. Whilst this is not a state issue, there is a growing voice, which has long been the call of the KAP, to lower the Aussie dollar. It is a complex proposition and a discussion for another day.

Recently I was informed of a pen of cattle at Charters Towers that achieved 10c to 15c per kilogram. Many people who are desperately trying to destock and cannot find agistment are now sometimes not even able to sell their cattle at the saleyards and are bereft of options. Perhaps some of this stock will perish; perhaps some will survive. Either option does not augur well for the producers. One practical option that I alluded to last sitting that will cost the taxpayer not a cent is to provide temporary access to national parks for graziers in trouble. I find it pertinent at this point to relate to the House correspondence I received recently from one of the desperate graziers who brought forward this initiative. He states—

My name is John Gilmore and my family have held Cranford Station for the last seventy five years. Cranford is seventy kilometres south of Torrens Creek on the Torrens Creek/Aramac Road and adjoins the Moorrinya National Park.

Point of fact Seasonal Conditions

- We are currently experiencing the driest first quarter in the 75 years the family has operated Cranford station.

On top of the low rainfall—the average is 410 millimetres; they have had 61 millimetres—they had a heavy frost last year as well as dry conditions leading into this year.

The first quarter is traditionally their wet season. They have had little rain now, so there is little hope of any further rain for them. The correspondence continues—

Due to the circumstances outlined above I would like to apply for a 3885 hectare paddock in the Moorrinya National Park adjoining our property (see attached map).

I table a copy of that map.

Tabled paper: Cranford/Moorrinya National Park Drought Proposal Map [\[2554\]](#).


It continues—

As there is no water on the National Park, if successful, I intend to supply and maintain my own water facility and also fence the area off from the Torrens Creek/Aramac road reserve.

Unfortunately this has become my only option to keep cattle alive because adjustment is unavailable and selling further stock is not an immediate operation either. It is currently nearly impossible to sell cattle (July is the earliest date available at the Townsville Meatworks) and store cattle are going at giveaway prices.

(Time expired)

Sunshine Coast Hinterland, Public Transport; Queensland Plan


 **Hon. AC POWELL** (Glass House—LNP) (Minister for Environment and Heritage Protection) (11.39 pm): It is my privilege this evening to raise the concerns of constituents of Glass House and reassure them that I am on the case and doing everything I can to maintain a public transport service commonly now known as Hinterland Connect in the hinterland of the Sunshine Coast. This service currently operates from Nambour to Maleny. It is heavily utilised in the morning and afternoon peak hours by school students, people heading off to employment, those accessing public transport in Nambour and those accessing health services. Unfortunately, it is not heavily utilised during the rest of the day or, for that matter, over the weekend. The current patronage of this trial service suggests that it is unaffordable in the current format. The last thing I want to do for the constituents of not only Glass House but also the whole of the Sunshine Coast is have services that are unviable and that end up costing us so much that the costs of public transport increase for everyone who uses it.

I want to reassure constituents that I have received many requests for input into the review of TransLink services and this bus service in particular. I noted recently in a letter to the editor that I have collated all of the information I have received, along with what I have read through letters to the editor, and I have provided it to the minister. I have had a number of conversations with Minister Emerson and have recently been advised by him that he and his department recognise that there is a demand for a public transport service in the hinterland but that, as I said, the low number of passengers means we have to identify a more low-cost way to deliver the service if it is to continue.

The good thing is that I am now working very closely with councillors Greg Rogerson, Jenny McKay and Rick Baberowski and council CEO John Knaggs. They have recently written to the minister listing three options, all of which involve council support. I thank the council for their ongoing support in this matter. I am dedicated to ensuring that all of the constituents of Glass House continue to have access to a public transport solution in the hinterland and I look to resolving that very soon with the assistance of the council.

In the time remaining to me I will touch on the Queensland Plan. It is off and running in the electorate of Glass House. We had the first meeting of the 'Glass House Gang' last Friday—some 30 individuals who are passionate and excited about seeing the vision for Queensland developed but bringing a particular Glass House aspect to it. I particularly acknowledge year 12 students Aidan Titheridge, from Maleny State High School, and Riley Williamson, from Glasshouse Country Christian College, who came alone. Also in attendance were some of our more senior citizens in Peter Cavanagh from Palmwoods and John Wildman from Maleny. Particular thanks go to Ursula Starkovsky, a businesswoman from Glass House Mountains; Howard Walters, a great community volunteer and self-proclaimed mayor of Wamuran; and Ruby Scott, the Maleny State High School captain, who will be joining me in Mackay on 10 May.

Morayfield Electorate, Anzac Day

 **Mr GRIMWADE** (Morayfield—LNP) (11.42 pm): Last week, on 25 April, the nation stopped as we paid our respects by remembering those fallen soldiers who fought for our country and the service men and women who have served and are still serving our nation.

Last week I attended many local Anzac Day ceremonies—from schools to aged-care facilities to the main ceremony at Wamuran which I attended with the member for Glass House. We attended the dawn service and shared a rum and milk with my Nasho mates. There were also dawn and main services at Caboolture attended by thousands of people.

My week started with a ceremony at Narangba Valley State High School, where I witnessed one of the most heroic and courageous speeches to the students that I had ever seen. The speech was delivered by Sapper Curtis McGrath, a young local man who recently returned from service. Sapper McGrath detailed to the students his story—a story that included details of how he tragically lost his legs while clearing explosive devices only days before he was due to return home. To witness this courageous young man detail his story to the students and to see so many hundreds of students silently listening to every word coming from the sapper's mouth was a very proud moment for me. I want to put on record my thanks to Sapper Curtis McGrath, not only for his contribution in serving our nation but also for his courage and for the inspiration that he has provided to our school and local community.

One of the most important parts of the Anzac Day ceremony is, of course, the playing of the *Last Post*. It was fantastic to see students at schools stepping up and fulfilling this role in front of their peers. Well done to Ben English from Morayfield East State School; Unnah Leitner from Narangba Valley State High School; and Stewart Boston-Dart from Burpengary Meadows for taking on this role. It was fantastic to see so many schools also taking the time to have their students hand make wreaths to be laid at their school ceremonies. Some of the schools that took the time to make these wreaths were Burpengary Meadows, Morayfield East State School and Morayfield State School, where I also laid a wreath with the students. The best part about these guys taking the time to make their own wreaths is that you can see their dedication and the pride in their eyes as they had thought about what they were doing as part of the ceremony.

Many of the diggers and service men and women whom I spoke to on the day indicated the increased number of young kids participating and continuing the tradition and spirit of Anzac as the No. 1 highlight for the day. I must also thank Mr Bruce Miller, the president of the Caboolture-Morayfield and District RSL Subbranch for the day.

Anzac Day is an iconic day on the Australian calendar. It is one of those days of the year that we can respectfully remember our serving and fallen soldiers who fought for our freedom but, more so, the fact that the event has shaped the fabric of our nation. It was this event nearly 100 years ago that has helped create our identity and is the very reason we as Aussies are proud to be known as a courageous and determined nation that embraces mateship. It is this Anzac spirit that makes me, and I hope everyone in this place, proud to be an Aussie. We will remember you. Lest we forget.

Question put—That the House do now adjourn.

Motion agreed to.

The House adjourned at 11.45 pm.

ATTENDANCE

Barton, Bates, Bennett, Berry, Bleijie, Boothman, Byrne, Cavallucci, Choat, Costigan, Cox, Crandon, Cripps, Crisafulli, Cunningham, Davies, C. Davis, T. Davis, Dempsey, Dickson, Dillaway, Douglas, Dowling, Elmes, Emerson, Flegg, France, Frecklington, Gibson, Grimwade, Gulley, Hart, Hathaway, Hobbs, Holswich, Hopper, Johnson, Judge, Katter, Kaye, Kempton, King, Knuth, Krause, Langbroek, Latter, Maddern, Malone, Mander, McArdle, McVeigh, Menkens, Millard, Miller, Minnikin, Molhoek, Mulherin, Newman, Nicholls, Ostapovitch, Palaszczuk, Pitt, Powell, Pucci, Rickuss, Robinson, Ruthenberg, Scott, Seeney, Shorten, Shuttleworth, Simpson, Smith, Sorensen, Springborg, Stevens, Stewart, Stuckey, Symes, Trad, Trout, Walker, Watts, Wellington, Woodforth, Young