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FIRST SESSION OF THE FIFTY-FOURTH PARLIAMENT

Wednesday, 16 October 2013

Subject Page

FS SIMPSON
SPEAKER

NJ LAURIE
CLERK OF THE PARLIAMENT

LJ OSMOND
CHIEF HANSARD REPORTER

Table of Contents – Wednesday, 16 October 2013

WEDNESDAY, 16 OCTOBER 2013

The Legislative Assembly met at 2.00 pm.

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

PRIVILEGE

Alleged Deliberate Misleading of the House by a Member

Ms BATES (Mudgeeraba—LNP) (2.00 pm): Yesterday the Leader of the Opposition deliberately misled the House. Her attack on me was based solely on an inaccurate and false article in the *Australian.* This is yet another unfounded and vexatious allegation by a former disgruntled government staffer. Madam Speaker, I will be writing to you in this regard.

SPEAKER'S STATEMENT

Papua New Guinea, Partnership

Madam SPEAKER: Honourable members, you can hardly have a stronger international ally than someone who barracks for Queensland during the State of Origin. Not only does Papua New Guinea share our passion for football, but we now also share a stronger commitment between our parliaments, as recognised formally in a new parliamentary partnership agreement signed in Port Moresby on 25 September 2013.

As members know, the ties between Queensland and our closest overseas neighbour and long-term friend in Papua New Guinea go well back in history. We certainly owe them a debt of gratitude for how they looked after our troops during the tough years of war. However, we also have a shared future with great opportunity and mutual benefit. The government and business relationships have been strong and we have been working to strengthen our parliament's relationship.

I was honoured to formalise our partnership agreement with the Papua New Guinea parliament and Speaker Theo Zurenouc last month. I acknowledge my parliamentary colleagues who were present at this ceremony—Michael Crandon, member for Coomera; Dale Shuttleworth, member for Ferny Grove; and Trevor Ruthenberg, member for Kallangur—who grew up in PNG and who knew the PNG Speaker as a young man. I also thank the officers of the parliament who have been assisting with this partnership: Mr Michael Ries, the Deputy Clerk; and Mr Rob Hansen, the research director for the Agriculture, Resources and Environment Committee.

Members will find on their desks a commemorative brochure, produced by my office and the parliament's Community Engagement area, to mark the occasion. We have also produced a short documentary video of the occasion which is available on the Speaker of the Queensland parliament's Vimeo account and Facebook page. I table the associated travel report on the visit.

Tabled paper: Overseas travel report: Report on an overseas visit by Madam Speaker to the National Parliament of Papua New Guinea to sign the Memorandum of Understanding for a Parliamentary Partnership Agreement, September 2013 [3755].

PETITIONS

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

Electricity Industry, Tariff Increases

Hon. McVeigh, from 60 petitioners, requesting the House to slash the amount of proposed increases to electricity tariffs [3756].

Golden Beach Esplanade, Bus Service

Hon. McArdle, from 2,132 petitioners, requesting the House to review proposed changes to the 609 bus service route, carry-out further consultation with Caloundra residents and stakeholders, and reinstate Golden Beach Esplanade as a bus stop along this route [3757].

Watercraft, Management Plan

Hon. McArdle, from 3,378 petitioners, requesting the House to urgently identify, support and resource the implementation of a management plan for the use of watercraft, including jet skis, in Pumicestone Passage [3758].

Petitions received.

TABLED PAPERS

MINISTERIAL PAPERS

The following ministerial papers were tabled by the Clerk—

Minister for Health (Mr Springborg)—

3759 Bundaberg Health Services Foundation—Annual Report 2012-13

3760 Children's Health Foundation—Annual Report 2012-13

3761 Far North Queensland Hospital Foundation—Annual Report 2012-13

3762 Gold Coast Hospital Foundation—Annual Report 2012-13

3763 Ipswich Hospital Foundation—Annual Report 2012-13

3764 Mackay Hospital Foundation—Annual Report 2012-13

3765 PA Research Foundation—Annual Report 2012-13

3766 Redcliffe Hospital Foundation—Annual Report 2012-13

3767 Royal Brisbane and Women's Hospital—Annual Report 2012-13

3768 Sunshine Coast Health Foundation—Annual Report 2012-13

3769 The Prince Charles Hospital Foundation—Annual Report 2012-13

3770 Toowoomba Hospital Foundation—Annual Report 2012-13

3771 Townsville Hospital Foundation—Annual Report 2012-13

MEMBER'S PAPER

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

Member for Hervey Bay (Mr Sorensen)—

3772 Non-conforming petition relating to the Turtle Cove Haven development proposal

MINISTERIAL STATEMENTS

Independent Public Schools

Hon. CKT NEWMAN (Ashgrove—LNP) (Premier) (2.04 pm): Earlier today the Minister for Education, Training and Employment and I had the pleasure of attending Mansfield State High School to announce the second round of the government's Independent Public Schools initiative. Mansfield State High School was chosen along with another 53 state schools across Queensland to join the newest cohort of independent public schools in 2014. I say 'chosen' because the department of education had the hard task of reviewing 112 applications from schools wanting to take part. The program was obviously significantly oversubscribed. Because of this overwhelming demand, I am thrilled to announce that we are now well ahead of schedule and will see 80 independent public schools operating from next year.

At the election we committed to giving 90 Queensland state schools more autonomy in our first term through this initiative. We are now a stone's throw away, as members can see, from this very exciting target. The 112 applications is a significant increase on the 30 applications we had last year—and with very good reason. Research shows that autonomy can improve school performance and student outcomes, which is why this government is investing $21 million in the Independent Public Schools initiative.

The feedback from the teachers and students at schools in the first round of the scheme has been extremely positive. By cutting red tape and removing layers of bureaucracy, the school communities have been empowered to make more decisions that impact directly on students' learning in a positive way. As independent public schools, they share the same core values and have access

to the same support as other Queensland state schools. The difference is that independent public schools have more autonomy over decisions that can be made at a local level, such as recruiting teachers, managing resources and tailoring the curriculum.

Independent public schools also receive a one-off payment of $50,000 to assist with the transition, plus an extra $50,000 in funding each year. The greater flexibility that comes with being an independent public school will enable school communities to use this additional funding to explore more innovative ways to tailor programs to maximise students' potential. The first 26 independent public schools have led the way this year, showing great innovation in the way they are managing their resources and tailoring programs to meet the needs of their school communities.

I am really excited for these 54 new independent public schools. I am sure my excitement is shared with their communities who will benefit from the increased autonomy and funding.

Airports

Hon. JW SEENEY (Callide—LNP) (Deputy Premier and Minister for State Development, Infrastructure and Planning) (2.07 pm): Airports are vitally important for the economic development of our state. Today I am releasing the government's new Economic Directions Statement—Queensland Airports 2013-2023. I table a copy of the economic directions statement for the benefit of the House.

Tabled paper: Economic Directions—Statement Queensland Airports 2013-2023 [3773].

The new economic directions statement aims to build on 40 of the state's leading airports which have strategic significance for economic growth. The government will assist Queensland's airports to build on their areas of competitive advantage and attract new investment. For the first time, this document sets out our view of the critical role of airports in supporting Queensland's economic growth. It highlights the many actions we as a government are taking to support strategic airports. One of the aims is of course to reduce the congestion at Brisbane airport.

That is why the state government is making a significant contribution to support the Sunshine Coast Regional Council's proposed $418.6 million expansion project at their airport at Maroochydore. The state government is in the process of handing over three parcels of state owned land at the Maroochydore airport to the council, all of which will be converted to freehold title and all of which will be handed to the council at no cost. This is a very significant contribution towards the key economic development on the Sunshine Coast. This input and contribution from the state should assist the council's effort to raise the necessary capital for the expansion project, which is currently undergoing assessment by the Coordinator-General.

The airport expansion on the Sunshine Coast has the potential to create up to 5,000 new, direct jobs and, when operational, up to 3,500 indirect jobs in the region. It could potentially see the Sunshine Coast airport passenger numbers climb from the current 900,000 a year to in excess of two million a year by 2031.

Our government is fully committed to doing everything we can to help the Sunshine Coast airport position itself to take advantage of new market opportunities. That is why we provided assistance to ensure that they have the secure property title necessary for the development of the airport.

We also amended the state planning regulation to exclude infrastructure on airports and ancillary works from some development assessment referrals. This move will not only assist the Sunshine Coast airport but also benefit all other Queensland airports facing vegetation management issues that are constraining development.

Taken together, all of these actions will help the council in the longer run to obtain financial certainty for its new, planned runway and a brighter economic future for the Sunshine Coast. As a decentralised state, where mining, tourism and agriculture underpin the economy, Queensland relies on a healthy transport sector, with aviation being particularly critical. I commend the economic directions statement for Queensland airports to the House.

Kestrel South Mine

Hon. TJ NICHOLLS (Clayfield—LNP) (Treasurer and Minister for Trade) (2.10 pm): While the Deputy Premier talks about flying high amongst the clouds, yesterday I was getting down and dirty in a coalmine at Emerald. I had the chance to see firsthand industry investing, employing and growing in Queensland when I officially opened the Kestrel South Mine, 40 kilometres west of Emerald in the seat of Gregory. I cannot comment that the member for Gregory is not here, so I will not.

Mr Stevens: Yes, he is.

Mr NICHOLLS: Where is he? He is hiding.

Mr Johnson: Never far away.

Mr NICHOLLS: I withdraw, member for Gregory. I was actually going to say something nice—that his electorate is so ably represented by the member for Gregory and, given the level of development that I see there, he is obviously an outstanding representative, fighting hard for everything that his electorate gets—and I think he has got most of it for this year!

Kestrel South is the culmination of $2 billion worth of investment by Rio Tinto and its partners Mitsui Kestrel Coal and Queensland Coal Pty Ltd. Development of the mine has taken six million hours of construction time. It is expected to produce an average of 5.7 million tonnes of high-quality coking coal each year—that is out of about seven million tonnes that will actually be mined and a portion of that, about 20 per cent, will be washed away—extending the life of the Kestrel mine by 20 years.

The equipment working the mine's longwall cuts up to 5,000 tonnes per hour. It was originally, when delivered, painted pink in a joint venture with the McGrath Foundation to acknowledge the work necessary to ensure that we seek to find a cure for breast cancer. At full production the mine will employ more than 400 people. The coal from Kestrel will be exported through the Port of Gladstone to customers in Japan, Korea, Taiwan, Europe, India and China. As I said at the opening yesterday, the best coking coal in the world comes from Queensland and some of it will come out of this mine.

This development and others coming on stream mean jobs for Queenslanders both in the mining sector and in a host of associated industries and in towns servicing mining communities. Despite the doomsayers, including a former Prime Minister of this country, telling us that the boom is over and coal is on the way out, the evidence is that the coal industry in Queensland is looking to the future. Record tonnages are being put through our ports and new mines like Kestrel South are being developed. Only a month ago the Premier opened the Daunia Mine, Caval Ridge is due to come online next year, and exploration and development continues in the Galilee Basin.

The coal industry is one of the linchpins of the Queensland economy, and this government is determined to do all we can to ensure the resources sector can operate effectively and efficiently in our great state. By reducing red and green tape, streamlining approvals and developing informed policy through the resources committee of cabinet, we are letting the sector get on with business.

Our approach is being welcomed by industry. Let me quote Rio Tinto Energy's Chief Executive, Harry Kenyon-Slaney, yesterday when he was asked by the media about working with the Newman government. This is what he said—

There has been a willingness to listen, there is a willingness to think about opportunities for improvement. There is a willingness to make sure that processes and systems are efficient.

It might not make the headline news when the government gets this sort of endorsement from industry, but it says that the people who are investing and creating jobs in this state are getting what they need from this government. By supporting the four pillars of our economy we are ensuring Queensland remains a great state full of great opportunity, a place to employ, invest and grow.

BreastScreen Queensland

Hon. LJ SPRINGBORG (Southern Downs—LNP) (Minister for Health) (2.14 pm): Since the change of government, health reform and the devolution of control to local hospital boards has helped BreastScreen Queensland provide a record number of breast screens—over 232,000 in 2012-13 alone. Today, I announce another new initiative to provide for transparency in the delivery of services by Queensland Health. Data from BreastScreen Queensland, updated and released quarterly, will be added to the information available on the Department of Health website. Performance data will also be published in newspapers twice yearly to demonstrate how each of the BreastScreen Queensland services is performing.

Under this regime, in October and April, Queenslanders will be updated on efforts to deliver breast-screening activity in line with local service agreements for the current financial year. This data will serve as a reminder to Queensland woman to book their free breast screen appointment, especially those who may be putting it off because they are just too busy. Today, we are in week three of Breast Cancer Awareness Month. Having a regular breast cancer screening every two years

remains the most effective way to detect breast cancer early. Queensland's BreastScreen participation rate for women aged 50 to 69 years is 57.6 per cent, which compares with the national participation rate of 54.6 per cent. By increasing awareness, we hope more Queenslanders will participate in screening and take advantage of the service offered by BreastScreen Queensland.

The first advertisement to document BreastScreen performance by hospital and health services will be published in the *Sunday Mail* later this month. It will outline screening activity for the July to September quarter—the first of the new financial year. The second, in April, will describe actual performance for the nine-month period from July 2013 to March 2014. BreastScreen clinics, delivered by 11 hospital and health services, have received record funding for the 2013-14 financial year. As a result, in this first quarter, several exceeded their screening targets, surpassing the state-wide projection by 3,270.

This year 238,000 breast screens are scheduled to be delivered across the state. The program includes $540,000 to extend cancer screening services to women with a family history of breast cancer and to those who are genetic carriers of the BRCA1 or BRCA2 gene mutation. I urge Queenslanders to support this program and to follow the performance of their local hospital and health service and its board in delivering better local health care for Queenslanders.

Storm Season Preparedness

Hon. MF McARDLE (Caloundra—LNP) (Minister for Energy and Water Supply) (2.17 pm): The Newman government is working hard with the community to prepare for possible severe summer weather events. We have received a briefing from BOM on the Queensland weather and flood outlook. What the BOM has said is that we are leaning to a warmer than normal spring into summer period. We have already experienced heatwaves of summer early and we are now looking at that following through until late into the summer period. This could mean that for inland Queensland the drier than normal conditions are expected to continue.

While there is a lower risk of widespread flooding than in previous years, the BOM has indicated that we will have a pretty typical cyclone and severe thunderstorm season. Now is the time to 'Get Ready Queensland', and the Newman government is driving a united approach to disaster preparedness, ensuring that all departments are working seamlessly to bolster community resilience.

My department is working closer than ever before with the likes of fire and emergency services, local government and communities—just to name a few—in preparation for whatever Mother Nature throws at us. We must make sure we are ready. We need to prepare for the worst possible scenario so that we are better placed to recover faster. As the old saying goes: failing to plan is planning to fail.

I am pleased to advise the House that South-East Queensland's power distributor Energex is working tirelessly in preparation for summer. Energex's plans to 'Get Ready Queensland' are well advanced with investment to bolster parts of the network that were affected after Oswald, as well as increase power capacity in areas likely to be affected by extreme conditions. Crews have been very busy carrying out vegetation management, proactive network maintenance and chopper and vehicle patrols to get ready for summer. But to get ready we need to prepare right across the state.

Outside South-East Queensland, Ergon Energy has been working hard to maintain its vast network across regional Queensland in preparation for summer by inspecting, maintaining and replacing aged assets. Ergon Energy's network faces its greatest test during the extremes of a Queensland summer.

Ergon's fleet of mobile generators has been boosted with six new generator sets on top of the 13 added last year. This is about reducing the number of unplanned outages and the impact this has on customers and on improving response times before the storm season. Ergon has also significantly increased the number of poles, cross-arms and power lines, and other essential hardware will be ready and available when it is needed. Ergon's contact centre is recruiting an additional 25 staff to respond to customer calls, and customers can expect to see targeted safety and energy use messages throughout summer.

On behalf of the government, I take this opportunity to thank Ergon and Energex staff for their continued commitment to the people of Queensland. I commend both these organisations for their great dedication to disaster resilience and the ability to Get Ready Queensland.

Sport and Recreation

Hon. SL DICKSON (Buderim—LNP) (Minister for National Parks, Recreation, Sport and Racing) (2.20 pm): I rise to inform the House that 2013 is an exciting year for sport in Queensland. It is an exciting time because of the incredible performances at all levels of sport in this great state. At the elite end of the spectrum we commend the outstanding performance of the Australian Diamonds netball team, which only three days ago won the Constellation Cup. This impressive Diamonds team was led by its captain, Queensland's own Laura Geitz. Once again, Laura has done Queensland proud. She is a tremendous role model to the 45,000 participants who play netball in Queensland and the hundreds of thousands who follow the sport from the sidelines and on television. Again, well done to the Diamonds and well done to Laura Geitz.

Successful teams and successful athletes like those just mentioned do not just happen. They come about as a result of the tireless efforts of junior club coaches, officials, parents and of course the young participants themselves, striving to improve, to achieve, to get fit and to succeed. The Newman government recognises and commends this incredible drive at the junior and grassroots level. We have put our money where our mouth is. We are a government that backs junior sport and participation, because we recognise that more young Queenslanders participating in sport and recreation means more young Queenslanders who are healthy. Sport and recreation participation helps to avoid the perils of obesity, diabetes and a range of other health ailments that can be linked to a non-active lifestyle. The Get in the Game program is the Newman government's flagship commitment to participation at a junior level of sport. Over three years a total of $47.8 million has been allocated to drive participation across all sports in our great state. What an outstanding success this program has so far been. I am pleased to inform the House that round 2 of Get in the Game closed yesterday.

While the numbers of Get Playing and Get Going applications are once again expected to be very strong, I want to concentrate on the Get Started program. Get Started will see up to 40,000 young Queenslanders this year get $150 vouchers that go directly towards the cost of their chosen sport registration. At the close of round 2, I am pleased to inform the House that 12,728 Get Started vouchers have been issued. This is a tremendous result for young Queenslanders keen to participate and share in the tremendous health- and character-building and social benefits of sport. I would like to leave the House with one final number, and that is the number the Newman government is most proud of. Of the 12,728 Get Started vouchers issued this last round, I am pleased to report that a massive 37 per cent has been granted to young Queenslanders who have never, ever played team sport before. The Newman government is proud of every young Queenslander getting involved in sport. Some will go on to become great role models at the elite level like Laura Geitz. Others will simply get the satisfaction and health benefits of participating in a sport they love. All are important to us, and I am proud to have been able to report the ongoing success of our Get in the Game policy. Let all members of this House continue to promote the third round when it becomes available.

Get Ready Week

Hon. TL MANDER (Everton—LNP) (Minister for Housing and Public Works) (2.23 pm): As previously mentioned by the Minister for Energy and Water Supply, right now we are in the middle of Get Ready Week—a campaign to build community resilience to deal with the extreme weather and natural disasters that are part of living in our great state. We want Queensland to be Australia's most disaster resilient state. Resilience is about more than just good preparation: it is a mindset that accepts extreme weather is a fact of life in Queensland and prepares to handle it accordingly.

This week councils, government agencies, businesses, community groups, not-for-profit organisations and individuals will pitch in to get themselves, their families and their communities ready for the storms, cyclones and floods that can affect us during the summer season. Cyclones are of particular concern to the people in the far north. In recent years cyclones Yasi and Larry have left a trail of destruction across the region. This summer people can rest a little easier thanks to 10 new cyclone shelters in Far North Queensland. We now have shelters in Port Douglas, Proserpine, Tully, Ingham, Mackay, Bowen, Weipa, Townsville, Cairns and Yeppoon. These shelters are in addition to existing ones already in place in Cairns, Innisfail, Cooktown and Kowanyama. These new shelters were constructed under a $60 million program jointly funded by the Queensland government and a very generous donation from the Emirate of Abu Dhabi.

I have personally visited some of these shelters—namely, Ingham, Bowen, Proserpine and Weipa. As well as keeping people safe, they are a tremendous asset to the community. Most of them are located on school grounds and are designed to function as indoor sports facilities—basketball, volleyball, netball et cetera—and can also serve as a modern function venue for the community. Capable of withstanding a category 5 storm when winds can exceed 300 kilometres an hour, at more than 1,500 square metres they can provide shelter for up to 800 people. Equipped with features to ensure people's comfort and safety such as a backup generator, a kitchen, toilets and showers, they are fit for purpose for any disaster that might eventuate. We cannot prevent natural disasters, but we can make sure that we are ready for them.

Indigenous Communities, Economic Participation

Hon. GW ELMES (Noosa—LNP) (Minister for Aboriginal and Torres Strait Islander and Multicultural Affairs and Minister Assisting the Premier) (2.26 pm): Things are changing for the better in Queensland's Indigenous communities. An emerging group of new community leaders and an agenda from this government based on actions that enable economic opportunity are seeing some exciting new projects and proposals. I am actively working with local Indigenous councils to identify opportunities for sustained economic development that are based on sound commercial principles, that are sustainable and that are self-sufficient. In the past, commercial activities that relied on ongoing government funding ensured that they were not sustainable or operated in the real economy. Those days are over. I will not set Indigenous communities and businesses up to fail. Any commercial activity must have the community driving it and being responsible for its outcomes.

I was pleased recently to visit Palm Island and Yarrabah, which both have realistic proposals for a stronger local economy based around tourism. The Northern Peninsula Area Regional Council has also recognised an important economic development opportunity for a turf farm to meet landscaping needs generated by the state government's ambitious social housing program on the cape.

I also visited Hope Vale, where a proposal for a banana farm as part of the Cape York Welfare Reform has become a commercial reality. The Yarrabah and Palm Island Aboriginal shire councils have both raised with me the prospect of developing tourism based projects within their communities. I was at the Palm Island council with the Minister for Tourism. Mayor Neal sees opportunities for Yarrabah to capitalise on providing day or half-day cultural tourism experiences for the thousands of international visitors in Far North Queensland. Mayor Lacey and his Palm Island council are also keen to capitalise on Palm's proximity to Townsville and the Great Barrier Reef islands which draw tens of thousands of tourists to the area each year.

Both the minister and I will support both councils where we can to realise their dreams. A dream which is now a reality is the banana farm at Hope Vale, developed with state government assistance through the Cape York welfare program. The farm is an excellent example of how economic development can be achieved in Indigenous communities with the right assistance. In full production the farm will employ 40 Aboriginal and Torres Strait Islander people and provide significant revenue for the community which can be used for the community's benefit. With increased employment in the community will come greater stability, hope and a stronger sense of community pride. The farm is already looking at expanding into other commercially viable crops.

The Northern Peninsula Area Regional Council has identified a great business opportunity to establish a turf farm at Bamaga to supply turf for ongoing social housing being built by the state government across the cape. The development of a turf farm would mean great economic opportunities for people in the NPA.

QUESTIONS WITHOUT NOTICE

Casinos

Ms PALASZCZUK (2.29 pm): My question is to the Premier. I note the Premier's claims that new casinos in Queensland will bolster our tourism industry, and I ask: what advice did the Premier have from tourism organisations that foreign visitors will flock to our state if we build more casinos?

Mr NEWMAN: I thank the Leader of the Opposition for the question. I say to her that I am afraid that once again it appears that the opposition has missed the point. The point is not about casinos. The point is that we want to see integrated resort developments being created in Queensland. We want major tourism drawcards: five- and six-star hotel developments surrounded by

a cluster of other activities such as golf courses, retail, perhaps even commercial, entertainment offerings and restaurants. We want signature developments to attract people into Queensland. Yes, we are saying that there are opportunities to embed within up to three such developments the opportunity to have a casino, and the casino will be, we believe, a small component. As I said the other day to the media—and I reiterate today—the decision of cabinet on Monday just past in no way considered the issue of gaming revenues. That is not what we are about. There might be some revenues; we assume there will be. However, the thing that is driving the government's decision and its position on this is to get tourists to Queensland.

The example that we have used is the Marina Bay Sands in Singapore. I do not have the exact numbers to hand of what happened in 2008-09 in Singapore, but the actual figures saw a decline in tourist visitations to that amazing island nation. They actually saw a drop-off. Yes, the global financial crisis was really hitting its peak in 2008-09, so you would expect that that could have occurred. However, with the creation and delivery of the Marina Bay Sands integrated resort along with the creation of the Sentosa Island casino and resort development, there was a 20 per cent increase in visitations to Singapore. There is an example which we have used this week and which we will continue to use of the sort of boost you can get to tourism numbers if you go down this way.

I urge the Leader of the Opposition to make use of the opportunity to travel internationally, broaden her horizons and those of her team and see what is going on in places like Dubai, United Arab Emirates, Hong Kong, Macau, Indonesia and all sorts of countries around the globe that are our competitors. When those opposite were in office the tourism industry in this state languished. That is how it became faded and jaded, but that is being left behind because we want the jobs from the investment and tourism dollars. We want the jobs in construction. We want the jobs for particularly young people to work in these resorts. That is what it is all about. It is all about getting people to this great state.

Tourism

Ms PALASZCZUK: My next question is to the Premier. I refer the Premier to extensive research published last year by Tourism Australia based on the experiences of Asian tourists which shows that Australia is the most desired long-haul destination for affluent Chinese travellers. However, it also shows that, given a choice of almost 20 reasons for visiting this country, respondents ranked casinos precisely last and luxury resorts second last.

Honourable members interjected.

Ms PALASZCZUK: Does the Premier still stand by his claims that casinos will attract tourism to Queensland?

Honourable members interjected.

Ms PALASZCZUK: I table the report.

Tabled paper: Document titled '2020 New Research to help Australian tourism reach its potential, Tourism Australia' [3774].

Madam SPEAKER: Order, members! I am warning members. There were too many interjections during the question. I cannot see who they are, but I am going to start throwing people out if they interrupt during question time. We must hear the question clearly. I call the Premier.

Mr NEWMAN: I thank the Leader of the Opposition for the question. I thank her for it because, once again, it demonstrates a couple of things. It demonstrates that the Leader of the Opposition has a large number of staff and that the Leader of the Opposition obviously believes her staff are smarter than she is. Even when I answer a question and make it very clear that she is off the track, she continues like a lemming to run straight down the railway tracks that have been created and right over the cliff into the ocean way below, thousands of feet below, into the abyss, into the maelstrom she goes, because she cannot adapt on her feet and change the question.

The assertion in the question is wrong. This government does not believe casinos are the drawcard. The drawcard is high-quality five- and six-star hotels as part of integrated resource developments that are providing the level of infrastructure and the level of service that international customers expect.

Ms Trad interjected.

Mr NEWMAN: I will take the interjection from the member for South Brisbane. The top end of town, was it? It was something like that, or the big end of town? What a comment! Let us pull that apart. Right now there are 70 five- or six-star hotels being built in Dubai. Why would someone fly past

Dubai to come all the way to Australia and stay in a second-rate hotel? Why would they do that? We are trying to build up tourism. There are some great investment opportunities in Queensland right now. These are things that are happening that would never happen under the Australian Labor Party.

Honourable members interjected.

Madam SPEAKER: I warn members on my left. There are too many interjections and there are too many interjections from up the back as well. I call the Premier.

Mr NEWMAN: There are many opportunities that are coming to Queensland right now. I have spoken to the media a couple of times over the last fortnight and talked about the various opportunities right down the Queensland coast for integrated resort developments that are being proposed. Some may be lucky and get a casino; others will happen irrespective of any casino, but they are about providing the product. We are rejuvenating the tourism industry in this state. That is what it is all about. It is about time the opposition uses some of that travel allowance, goes overseas and sees what is happening. Then they would realise that this is urgent and important. Otherwise we cannot compete.

In relation to Chinese tourists, I say this: this government, this tourism minister, her department and her people achieved a 32 per cent increase in Chinese tourist visitations in the term of our government. What did those opposite achieve? They achieved nothing but tourism going backwards. That is why it was faded and jaded, because of their incompetence and neglect of the industry. We are taking this state forward. It is a great state with great opportunity.

Queensland Economy

Dr FLEGG: My question without notice is to the Premier. Can the Premier please update the House on recent good news as to the result of the government's drive to supercharge the Queensland economy?

Mr NEWMAN: I thank the honourable member for his question because it actually complements the dorothy dixers being asked by the opposition this afternoon quite well. This is a serious question because supercharging the Queensland economy is this government's top priority because we want to create jobs in Queensland, particularly for young Queenslanders, and we want investment dollars coming here. Unlike the economic illiterates opposite, we know how real jobs are created. They are not created by governments; they are created by the private sector investing and taking risks.

What we are seeing at the moment is a continual drip-feed of great economic data. Our economy is growing faster than any other Australian state. Last week's state accounts show that Queensland's economy grew by four per cent compared to an average of 2.6 per cent across the rest of Australia. This state is leading the nation in terms of economic growth. By 2014-15 Queensland will have the fastest growing economy of any state; that will continue, and we will lead the nation over the next three to four years.

What about consumer confidence? Last week while we were planning the next 30 years of this state at the Queensland Plan summit, the Westpac-Melbourne Consumer Sentiment Index showed again that the confidence in this state had gone up for the second consecutive month. What happened nationally? It had gone down. Again, this state is waking up and powering on. We are leading the nation in job creation, with 17,000 full-time jobs created in September.

We are talking about real jobs again, not make-believe training jobs that the Labor Party always like to label as real jobs. A quarter of all Australian business investment is happening in Queensland—almost $60 billion in 2012-13. We have been working very hard to make this happen. We have been cutting red tape. We have got a bill before the House this afternoon to deal with directors liability which is all part of an ongoing program of reform. The Workers Compensation reforms are about making this an attractive place to employ more people; the directors' liabilities legislation is about ensuring businesses can take appropriate risks.

The red-tape reduction in various industries through the cabinet subcommittees has been progressing, and the message is out across this nation that this state is powering forward. In a couple of years time people are going to be looking at Queensland and saying, 'How did they get so far in front of the rest of the nation?' Just remember today, because I am explaining to people in this House and to Queenslanders how it is going to happen and how it has already started to happen. This state has an incredibly bright future, and with a strong economy we can afford to pay for the infrastructure and services that Queenslanders deserve.

Poker Machines

Mr MULHERIN: My question is directed to the Treasurer. The previous government introduced a cap of 20,000 poker machines for Queensland hotels and 24,705 for clubs as a considered response to concerns about problem gambling. I ask: does the Newman government intend lifting this moratorium, and what impact will extra pokies have on existing clubs and pubs?

Mr NICHOLLS: The Deputy Leader of the Opposition continues down the well-trod beaten path of the Leader of the Opposition, and that is misinformation and not actually understanding to whom the question should be asked. If he did understand the machinery of government he would realise that the question in relation to the issue of licences and the number of poker machines would be in fact addressed to my colleague the Attorney-General, who has responsibility for the issuing of licences and the overall policy in relation to gaming.

I do have some small say in the revenue side of things in relation to it, but I did notice a comment made by the Leader of the Opposition in relation to revenue and the idea that the casinos and integrated resort development taken by this government on Monday and announced by the Premier and Deputy Premier had more to do with revenue than it did with driving the other benefits to the economy. In his response to the Leader of the Opposition, the Premier announced the outcome of the developments that occurred in Singapore with the Marina Bay Sands and Resort World Sentosa developments. It was correct that figures had been declining and tourism had been declining to the island of Singapore in 2008 and 2009. In 2010 after the opening of those two new resorts, master planned integrated resorts, each of which has numerous hotels and shopping and a small component of gaming area—less than three per cent of the floor area of Marina Bay Sands—each of those contributed in the first nine months of operation $3.7 billion to Singapore's gross domestic product, of which only $720 million was in fact revenue received by Singapore as a result of gaming taxes.

So that absolutely disproves the claims of the Leader of the Opposition and the opposition that gaming machines are all about raising revenue for the state. It is about jobs; it is employing people; it is about seeing more cranes on the horizon; it is growing the economy; it is about developing Queensland as a destination that tourists from around the world will want to come to. It has nothing to do with a simple revenue-raising exercise. That is the way those opposite would think about it, because they are a government that only sought to raise revenue by raising taxes—not by increasing activity; not providing jobs for Queenslanders; not providing the opportunities for businesses to expand and to grow and to provide full-time jobs for people over that period of time. Despite being the most well resourced opposition in the history of Queensland, I would suggest that the Deputy Leader of the Opposition direct his questions to the right minister next time.

Broadwater Marine Project

Miss BARTON: My question without notice is to the Deputy Premier and Minister for State Development, Infrastructure and Planning. I was wondering if the Deputy Premier could inform the House of the current situation with the Broadwater Marine Project.

Mr SEENEY: I thank the member for Broadwater for the question. It is a very timely question, because tomorrow the request for final proposals from the proponents who are seeking to build a cruise ship terminal in the Broadwater are due to be lodged with government, so tomorrow we will see the culmination of a process that we, the state government, entered into at the behest of the Gold Coast City Council. Can I just take members back to how this process unfolded.

The proposition that a cruise ship terminal be built in the Broadwater was a key part of the election campaign on the Gold Coast. I am sure members from the Gold Coast particularly will remember that. The member for Gaven most of all, I think, will remember the extent to which this issue was an issue in the local government elections at the Gold Coast. Mayor Tom Tate won that election on a platform advocating for the construction of a cruise ship terminal at the Gold Coast, so we as a state government entered into a process to determine whether or not that was feasible. That process will reach an important stage tomorrow with the closing date for the request for final proposals.

It has become apparent during that process that this project faces considerable technical difficulties, and many people knew that and many people raised that proposition, but it was right and proper that we went through a proper process to determine whether there were private sector proponents who could address those issues in a way that enabled a cruise ship terminal to be successful in the Broadwater. We will find out when we come to assess the proposals that will be lodged tomorrow whether or not that is possible.

Over the last few days—indeed, over the last few weeks—there has been a tendency by Mayor Tate and his council to somehow suggest that the outcome of that process is going to be our responsibility. This was always a proposal that was undertaken at the behest of the Gold Coast City Council, so I have written to Mayor Tate today and I will table the letter.

Tabled paper: Letter, undated, from the Deputy Premier, Hon. Jeff Seeney, to the mayor of the City of the Gold Coast regarding the Broadwater Marine Project [3775].

I have written to Mayor Tate today asking for him to confirm his council's support for this project before we proceed with one of the final steps of considering the proposals that the private sector might put up. There are still two proponents we expect to lodge final proposals tomorrow, but we will not consider those proposals until we get an assurance from Mayor Tate and his council that they still support this project. It was a key part of their election campaign, and they need to make it clear to the people of the Gold Coast that this project still has their support—

(Time expired)

Sale of Public Assets

Mr PITT: My question without notice is to the Treasurer. I refer to an article in the *Financial Review* of 14 October quoting a report from Infrastructure Partnerships Australia which supports selling all of Queensland's electricity assets. It also referred to a media statement from the Treasurer on the same day highlighting the same report. I ask will the Treasurer confirm his unequivocal support for the Premier's earlier commitment regarding the retention of electricity assets, or does his media statement represent a shift in government policy?

Mr NICHOLLS: This is indeed my lucky day. In fact, it has been my lucky week. I was fortunate enough to go to Emerald yesterday and see a new mine opening and jobs being created there for the future; today there are two questions from the opposition in one day. This is indeed a bonanza and a joy!

When I hear the member for Mulgrave ask a question about asset sales, my mind naturally refers to the old Mythbusters special. The member for Mulgrave can run, but he cannot hide. He should have taken the warning that whatever you put up on the web is there forever.

What did the member for Mulgrave say about the sale of assets—why we are doing it and the impact of the global financial crisis? In order to answer a question—and I will answer the question—it is good to know what the questioner is thinking as well. Where does the questioner come from? What is the questioner's attitude to it? He is all over the place. It is a bit like his attitude to the Bruce Highway, I think. When he spoke about asset sales he said—

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

And then—

Labor has made a choice—

They did not tell anyone, of course. In fact, if I recall, at the time they did not even tell their own minister for transport and main roads when they sold Queensland Rail. They certainly did not tell the people of Queensland when they went to an election that they had made a choice to sell businesses that support the private sector. Why did they do it? To help return our budget to surplus, return our AAA credit rating and ensure we continue to grow and prosper—three epic fails from the Labor Party in their last term in government. Even though they made the choice, they failed to carry it through. They took the proceeds of the sale of QR National—about $2.2 billion—and they immediately hocked them. We never got our AAA credit rating back and Queensland fell into a pit of despair under Labor.

What was their next solution? Other options included raising taxes, cutting services, cutting subsidies and cutting the building program. There is a recipe for economic prosperity if ever I have read one! He said—

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.

I stand by my media release. I stand by what I said.

(Time expired)

Queensland Economy

Mr CAVALLUCCI: My question is to the Treasurer and Minister for Trade. Can the Treasurer please update the House on the performance of the Queensland economy and outline why this is the best place in Australia in which to invest, employ and grow?

Mr NICHOLLS: I thank the member for Brisbane Central for that question about growing the economy as I have just pointed out yet again the option provided by those opposite in their last term of government. Honourable members should bear in mind that we have heard not one alternative economic policy put forward by the opposition. We are now more than halfway through the term of this government and not one, single, solitary economic policy has been put forward. What I do have is a statement from budget day this year from the shadow Treasurer—the opposition's finance spokesperson, that person charged with the economy—who said—

It's not our job to put an alternative position forward in response to what the government is doing.

So let us look at what their policy was. We can only go on what they did. They increased taxes on coal, increased car registration, cut services, put people out of work and businesses out of business and failed to deliver 100,000 jobs for 100,000 breadwinners. When it comes to opportunity here in Queensland, it is the Newman LNP government that is doing the heavy lifting and taking steps to show business why Queensland is the best place to employ, invest and grow.

Indeed, we have heard some good economic news from the Premier including details in relation to employment. We saw jobs growth of 17,000 full-time jobs in the month of September, using the seasonally adjusted measure. How many jobs were created nationally? Just 9,000. If Queensland had not been doing the heavy lifting, the rest of Australia would have gone backwards. Just so we are not accused of favouring one measure, I also point out to those opposite that Queensland led the nation in trend employment growth—new jobs being created. In fact, Queensland was one of only two states to record positive growth during that time. In the 12 months to September 2013, trend employment in Queensland increased by 33,000 jobs—the strongest annual growth of any Australian state.

We continue to lead the nation when it comes to economic growth. Early figures show more than four per cent growth in gross state product for the year ending 30 June 2013, according to the state final demand figures. That compares to 2.6 per cent across the rest of the country. Let us compare this to the last three years of the Labor government. Their economic growth average was only 2.1 per cent. What are we saying? We are saying four per cent on average over the future. We are growing this economy.

(Time expired)

O'Sullivan, Mr B

Mr WELLINGTON: My question is to the Premier. I refer to the Premier's statement in parliament on 12 September relating to Mr O'Sullivan, the government's nominee to be the next Queensland senator, and I ask—

Madam SPEAKER: Member for Nicklin, there is currently a motion before the House. I warn you not to anticipate debate on the motion that is before the House.

Mr WELLINGTON: I have taken advice from the Deputy Clerk. My question is: has the Premier received updated advice from the Crime and Misconduct Commission involving the commission's designation of Mr O'Sullivan as a relevant party in a commission investigation?

Madam SPEAKER: I have been advised by the Clerk. With regard to issues that are about seeking further advice, I understand that is not out of line with the motion. But I do warn the member and also advise the Premier that it is difficult when there is actually a motion before the House and we do not want to pre-empt the debate in respect of a motion.

Mr WELLINGTON: Madam Speaker, I did take advice in relation to the wording of the question.

Mr NEWMAN: I thank the member for Nicklin for his question. I think I have already indicated in the public arena—in a press conference the other day, if I recall—what is going on here. We actually have received a letter from the Crime and Misconduct Commission that indicates their inquiries will not be complete by 17 October. It says that they will do their best, as I recall, to complete the matter by Christmas this year but they make no guarantee. Therefore, consistent with what I said in the media the other day, it would be my intention to adjourn the matter again until the first sitting of 2014.

Criminal Motorcycle Gangs

Ms BATES: My question without notice is to the Attorney-General and Minister for Justice. Last night the parliament passed the toughest antigang laws in Australia. Will the Attorney-General please outline for the people of Queensland how these measures will disrupt the activities of criminal motorcycle gangs?

Mr BLEIJIE: I thank the member for Mudgeeraba for the question. I would not want to suggest that the member for Mudgeeraba has misled the House in any way, but the member for Mudgeeraba did say that the parliament last night passed these legislative measures. In fact, it was this morning at three o'clock, if memory serves me correctly. Certainly the faces of my honourable colleagues this morning showed that it did happen at three o'clock this morning.

This government was serious about breaking the cycle of criminal motorcycle gangs in this state. This government was serious about ridding the state of criminal motorcycle gangs. That is why last night we passed potentially the toughest reforms in Australia's history dealing with criminal motorcycle gangs, to rid them from the state of Queensland. We passed the Vicious Lawless Association Disestablishment Bill 2013, the Tattoo Parlours Bill 2013 and the gangs disruption bill. The purpose of legislating in relation to vicious lawless associates is to make sure that those individuals who want to rat on the other players in criminal motorcycle gangs come forward and offer information so that we can conduct as many prosecutions as possible and put as many of these criminal motorcycle gang members in jail as possible.

The reason we did this is simple. We needed the police to have both the monetary and the legislative resources—the full force of the law and support behind them, including the Crime and Misconduct Commission. A lot of the measures we passed last night resulted from discussions with the Crime and Misconduct Commission and the Commissioner for Police. We are very proud that we passed this legislation to make sure the police force and the CMC have the legislative power to go after criminal gang members in this state.

As soon as we receive royal assent to this bill we will have the affray provision, with penalties of between one year and seven years imprisonment. We will also have mandatory maximum periods of six months imprisonment. We will have the toughest vicious lawless associate provisions in the country—the only ones in the country. We are leading the charge in relation to this.

The government and the parliament have set the tone for this reform. What has to happen now is that the police and the CMC need to use all of the legislative ability and force we gave them this morning in this parliament to catch criminal motorcycle gang members. The police force and the CMC were calling for additional powers and we gave them those additional powers. The reform in the package from now on is quite simple: criminal motorcycle gang members are targets. They are targets of the Police Service and the Crime and Misconduct Commission. We are very proud that the Queensland government is leading every government in Australia because it had the political will to get on with the job of ensuring that we rid the state of Queensland of criminal motorcycle gangs.

Boyne Smelter, Electricity Costs

Mrs CUNNINGHAM: My question without notice is to the Minister for Energy and Water Supply. Minister, workers at Boyne Smelter are concerned about a 32 per cent rise in power costs over the past two years for that component of power not contracted with Gladstone Power Station but purchased from CS Energy. How can the minister assure workers in Gladstone that this government is concerned about potential impacts and how they can be addressed?

Mr McARDLE: I thank the member for the question. She may well be aware that in fact I was in Gladstone last weekend and met with Pacific Aluminium and the team at Boyne Smelter. I had a tour through the smelter—I had not been to one of that nature before—and it was fascinating to see the technology that is used these days compared to two or three decades ago. I start by acknowledging the importance of the smelter to the Gladstone area. If I recall correctly, the fact that the smelter is in Gladstone means that it employs somewhere around 3,000 people directly and indirectly. It is a great contributor to the economic growth of Gladstone and also the state as a whole. I also want to recognise the industry itself—that is, the aluminium industry—along with business right across this state for the great work they do in developing the economy, providing jobs and growing this great state into the future.

As I understand, CS Energy does supply a small contract into the smelter. I understand that there are negotiations underway between CS Energy and the smelter, and I will not go into those details at this point in time for obvious reasons. I also want to make it quite clear that CS Energy is a commercial business that is led by an independent board and it is responsible for making these commercial decisions. I understand the issue raised by those I met with on Saturday. I understand the concerns they have. I am also aware of the fact that CS Energy needs to conduct its business in a commercial manner and with an eye on the bottom line. What I can say to the member as a shareholding minister with the Treasurer is that we will use whatever we can to assure a cost-effective power supply is given to Boyne Smelter and also to all businesses right across this state, as is our clear obligation.

That is perhaps a segue into the fact that it is important to recognise that the Newman government has now, since its inception, taken the issue of power prices very seriously. That is why we are developing a stream of work, one being the 30-year strategy, and also the reform of the power sector right across the state that will be ongoing for some time and has a number of policy initiatives. However, I make one point very clear: one of the things that could happen right now—right now in this nation—is to abolish the carbon tax. What we want to see is our federal colleagues, supported by Labor federal colleagues in the House and the Senate and the crossbenches, support the abolition of a carbon tax as a matter of urgency. Today it was good to see in the *Australian* that the carbon tax will be retrospective in that it will be wiped out as at 1 July 2014, so we may now not get the impost of the carbon tax that would have occurred on 1 July 2014. It is important that the federal government moves quickly to remove the carbon tax.

(Time expired)

State Schools, Autonomy

Mr BOOTHMAN: My question without notice is to the Minister for Education, Training and Employment. Can the minister update the House on the Newman government's actions to increase school autonomy?

Mr LANGBROEK: I thank the honourable member for the question. As the Premier referred to in his ministerial statement this afternoon, we do have a relentless focus on high achievement in our schools. We are interested as a government in maintaining and boosting student outcomes, and today the Premier and I, along with the local member, the Minister for Science, Information Technology, Innovation and the Arts, the member for Mansfield, went to Mansfield State High School to make the announcement for the second tranche of independent public schools.

Mr Walker: It was a good visit.

Mr LANGBROEK: It was a very good visit. As I mentioned, we are interested in boosting student outcomes, and there is no doubt that given the arts performances we saw today from the students at Mansfield State High—

Mr Walker: Stunning!

Mr LANGBROEK: It was a stunning performance and a great coordination between teachers, the principal and the students, many of whom are nearly about to finish fourth term. Given what they have been able to achieve and now because of what we are offering with IPS, they are looking to expand their local provision of engagement with the community to make sure that they have the best programs because they know what they need in their community. Boosting teacher quality, increasing school autonomy by increasing the number of independent public schools as well as improving student discipline are three basic elements to boost student outcomes. That is what is at the core of Great Teachers = Great Results, and of course many members here will know that it is a $537 million commitment over the next five years.

As I said, Mansfield State High is one of the 54 schools and Coomera Springs and Highland Reserve schools in the Albert electorate are schools that will benefit from the extra resourcing that they get. It is a cornerstone policy of this government. Unlike those opposite, we believe that local schools know their own communities and they know what is best for them. They should have the power to make decisions that are best for them, and that was exemplified by the principal today at Mansfield State High. That school has wonderful language programs and wonderful performing arts programs. One of its school captains is in the Creative Generation for the creative arts which means that her work will be displayed at GoMA next year after she has already moved on to her next course. Confident school leaders are part of a great school community of over 1,600 students who are working so hard, and we know that they can do a lot more with more independence. We want schools

to benefit by being able to pick the direction in which they want to head, to be innovative in curriculum offerings and delivery at their schools and to have closer engagement and responsibility with the school community. This has all been done in spite of the unions—in spite of the unions that last year railed against this policy. There were 26 schools that led this initiative last year, and I want to thank all of those principals and their schools. With regard to the schools that have applied this year, many of them went to those schools—

(Time expired)

Sex Offenders

Mr JUDGE: My question without notice is to the Attorney-General. It has been reported in the media today that the Attorney-General is now intending to introduce amendments to bypass the judiciary to detain dangerous sex offenders, and I table the media release by the Attorney-General.

Tabled paper: Media release, dated 16 October 2012, from the Attorney-General and Minister for Justice, Hon. Jarrod Bleijie, titled 'New Legislation to protect the community' [3776].

Can the Attorney-General provide the rationale for removing such an important process and power to rule on indefinite detentions by the courts?

Mr BLEIJIE: I thank the member for the question. This government made a serious commitment 18 months ago that we wanted Queensland to be the safest place to raise a child. We have attempted to fulfil that commitment in the last 18 months by such legislation as the two-strikes policy, which, I think, the member actually opposed at the time. The two-strikes policy means that a serious child sex offender, upon being convicted and serving time in prison and then coming out and then conducting a second offence on a child—bearing in mind that they are one of the most vulnerable in our community and we should do whatever we can to protect those—

Mr JUDGE: I rise to a point of order. The Attorney-General said I opposed the legislation. It is on the record that I voted with him, albeit under duress.

Mr DEPUTY SPEAKER (Dr Robinson): It is a point of view in argument, not a point of order. I call the Attorney-General.

Mr BLEIJIE: This government is serious about cracking down on child sex offenders, and we have to because children are the most vulnerable in our community. As legislators, we have to do everything we can to uphold young people and protect young people in this state. We passed the two-strikes legislation which means that a person who conducts serious child sex offences and is convicted on a second occasion will in fact have a mandatory life imprisonment. There are two mandatory life imprisonments in Australia—one is murder and in Queensland one is for child sex offences for certain prescribed offences. It was a regime where we wanted to ensure that we got the balance right.

As well, over the years we have passed legislation in terms of child exploitation. We have increased the penalties for child exploitation. We have made a new offence of grooming a child. So we are deadly serious about making sure that we are attacking this issue head-on. This morning I have announced that I am going to be introducing legislation into parliament this afternoon dealing with the worst-of-the-worst offenders. As the Premier rightly pointed out this morning, this is the last step in this process. We do not want to have to do this, but we have no other option and no other choice because we have these offenders in our communities who are the worst of the worst. This is a last chance to get this legislative reform right.

At the moment, dangerous sex offenders are continually detained under the Dangerous Prisoners (Sexual Offenders) Act, but over the past 12 months we have seen some of these offenders released back into our community. As legislators, we want to make sure that we take a tough stance on these particular types of offenders, particularly because some of these offenders refuse all forms of rehabilitation—never want to be rehabilitated—and just believe that they have the right to go back into our community and our society. But they are the worst in terms of vulnerability for some of our young people in terms of their offences. Bear in mind that the majority of sex offences in this state are carried out by people known to or associates of the young people involved. That is why we are going to be taking a very tough stand.

If the member wishes to stay around in the chamber for the next 20 minutes he will learn all about the new legislation when I introduce it. It is a tough measure, but it is certainly a serious matter in this state. We want to get it right. That is why we are going to be introducing these tough laws this afternoon.

Get Ready Week

Mr RICKUSS: My question without notice is to the Minister for Natural Resources and Mines. Could the minister please update the House on the new information-sharing agreement between the Queensland government and the insurance industry as part of Get Ready Week?

Mr CRIPPS: I thank the member for Lockyer for his question and I note the relevance of his question to the recent experiences of his electorate. This week, the Newman government has been launching its Get Ready campaign for the upcoming storm, cyclone and flood season. Queenslanders need to be more prepared and aware of the potential threats of these weather events that are part of living in this great state.

In the past, Queenslanders have faced challenge after challenge in the form of floods, storms and cyclones during the summer and wet seasons. Unfortunately, in recent years natural disasters have had a tendency to hit Queensland with greater frequency and intensity. As a result, insurance premiums have risen significantly across the state, but particularly and severely in North Queensland. These increases have been fuelled by uncertainty about hazard areas and the ability for insured properties to withstand serious weather events. All the while the cost of insurance for Queensland households and businesses has continued to go up and up and up.

Since coming to office the Newman government has been on a mission to reduce the cost of living and doing business in Queensland. That includes doing what we can on the issue of ever-increasing insurance premiums. We are more open and more transparent than any former state government in terms of our initiatives to share government data with the public. I am pleased to advise the House that my Department of Natural Resources and Mines has signed a memorandum of understanding with the Insurance Council of Australia. Under this agreement, we will provide insurance companies with free access to all existing and future Queensland government flood mapping and elevation data. They will also have access to the Queensland Globe, a very successful initiative that allows users to analyse flood lines from the 2011 and 2013 flood events. Through this initiative, insurance companies will now be able to access the most up-to-date spatial data to calculate and deliver the most accurate and affordable premiums for policyholders. This is all about getting Queenslanders a fairer deal.

My department will also be taking over the management of the Queensland government flood information database and flood check portal. The Queensland Reconstruction Authority developed the database and portal under the Natural Disaster Resilience Program in response to the recommendations of the Floods Commission of Inquiry. We will build on the work of the QRA by completing flood studies on a further 60 Queensland towns affected by flooding, bringing the total number of assessed towns to more than 160 by the end of June next year. It is the aim of the Newman government to make Queensland Australia's most disaster-resilient state. These are just some of the ways that my department and the Queensland government are getting ready for the upcoming flood, cyclone and storm season in support of Queensland communities.

Agriculture Industry

Mr KATTER: My question without notice is to the Minister for Agriculture, Fisheries and Forestry. Given the very serious rural debt issues facing agriculture in Queensland, and particularly the cattle-grazing industry, will the minister consider working with the federal government for consideration of a development and reconstruction board to act as a safety net for this struggling industry?

Dr McVEIGH: I thank the member for his question. In terms of the need to work with the federal government on issues in relation to the cattle industry and agriculture in general, particularly at this time of developing drought conditions right throughout the state, including in the honourable member's own electorate, as he is no doubt fully aware, it is absolutely vital that we have a strong relationship between the state government, the federal government and local governments around the state.

It is with the support of local government representatives that as Minister for Agriculture in Queensland I have been able to seek sufficient information and advice from local areas, including in the member's own electorate, about those developing drought conditions. As the House is probably aware, that has led me to have to declare over 60 per cent of our state unfortunately back in drought. I am on record as advising the House and the industry at large that, unfortunately, I expect to declare more local government areas in the coming weeks and months.

In terms of that drought and those conditions that are impacting largely on our beef producers, we all recognise—or need to recognise—that that is on top of a series of impacts that severely impact on regional Queensland—

Mr Johnson: Our live cattle exports.

Dr McVEIGH: The live cattle export debacle, led by the former Labor federal minister Joe Ludwig just over two years ago, is something that regional Queensland, in terms of our cattle industry, is still reeling from. I note that the federal leader of the Katter party was trying to work with that federal government. He invited that particular minister to Richmond and other locations in the north-west—

A government member: Keep them in power.

Dr McVEIGH: And seemed to want to keep that government in power. He also worked with that minister on a farm finance package that took quite some time to finalise, but it was our state that finally was the first to sign up.

Ms Trad: It took a long time to get done.

Dr McVEIGH: I take that interjection from the member for South Brisbane. It shows her ignorance, her misunderstanding of regional Queensland, because it was our government here in Queensland that was the first to sign up—the first of all the states, including other Labor states in this country. I suggest that the member for South Brisbane should not pretend to understand regional Queensland. It is clear that she should stick to South Brisbane and deal with the realities there and not pretend to understand agriculture in our great state, so badly maligned by the Labor Party both here in Queensland and federally.

(Time expired)

Spirit of Queensland

Mrs MADDERN: My question without notice is to the Minister for Transport and Main Roads. Could the minister please provide an update on the introduction of the new *Spirit of Queensland* Rail service?

Mr EMERSON: I thank the member for the question. Can I say that the passion that the member behind me showed on that issue is only matched by the passion that we saw from the member for Maryborough on the *Spirit of Queensland* project. Earlier this month it was great to tour the Downer facilities in relation to the $200 million *Spirit of Queensland* project. This project is a great result for Queensland. On that day, we looked at the newly refurbished tilt train that has come out of the Downer workshop and spoke to the workers there. I am very proud of their efforts at Downer on this refurbished tilt train. It is one of two tilt trains that are being refurbished along with a new replacement for the *Sunlander*, which are part of the $200 million *Spirit of Queensland* project.

I understand that that refurbished train that the member for Maryborough and I inspected has now arrived in Brisbane for final outfitting and it will be on the rails by the end of this month. My understanding is that already bookings for the inaugural run for that train are well and truly running hot.

I ask my colleagues to remember what we are getting out of this train and what Labor was planning for this train system. Let us not forget what they were planning for their tilt train project and *Spirit of Queensland* project.

Let us not forget what the alternative was to that great result we are seeing from Downer. What we were getting from Labor was trains that were too long for the platforms, trains that were too long for the maintenance facility and, of course, the great one, they had ordered trains without any seats. It was an extraordinary result: trains with no seats! I could probably hold up standing all the way from Maryborough to Brisbane, but I do not know too many people who could stand all the way from Cairns to Brisbane. But that was Labor's plan: go on that train and go all the way with no seats. What great, great planning by Labor! Most people did not think it was possible that Labor could outdo its previous performance when it ordered trains that were too big for the tunnels. But it did that. It was great to see the previous Labor government outdid itself in its dying days by ordering trains without any seats.

It was great to be with the member for Maryborough and to see two of the workshops at Downer and to see the refurbished tilt trains. The two refurbished tilt trains and the replacement for the *Sunlander* will be on the tracks next year—a great result!

Mr Newman: With seats!

Mr EMERSON: With seats, of course. I take that interjection from the Premier. The LNP will deliver trains with seats.

Mandatory Sentencing

Dr DOUGLAS: My question is to the Premier. Can the Premier please provide his reasons for the extensive use of mandatory sentencing in legislation that has been coming before the parliament and can he confirm his confidence in the judiciary in matters of sentencing?

Mr NEWMAN: Madam Speaker, I could not hear the member. I really wish he would speak up when he asks questions. He mumbles and mumbles.

Madam SPEAKER: I will ask the member to repeat the question clearly.

Dr DOUGLAS: I do apologise. I have laryngitis. My question is to the Premier: can the Premier please provide his reasons for the extensive use of mandatory sentencing that has been coming up in legislation and can he confirm his confidence in the judiciary in matters of sentencing?

Mr STEVENS: I rise to a point of order. The member has asked for an opinion on the judiciary and that is not appropriate under standing order 115.

Madam SPEAKER: The first part of the question where you were asking about the Premier's reasons in respect to the use of mandatory sentencing in legislation I will allow. The second part of the question is out of order where it may be referring to or asking for an opinion in respect to the judiciary. I call the Premier to answer the first part of the question in respect to reasons for use of mandatory sentencing provisions in legislation.

Mr NEWMAN: I thank the member for Gaven for the question. In relation to mandatory sentences it is very clear: we need a strong deterrent effect. I am surprised that the honourable member would even ask the question. There was an extensive debate last night and these matters were canvassed at length. We have said very clearly what we are trying to do in relation to gangs. Mandatory sentences are designed to break them up, to destroy them, to break their morale and to get them to inform on one another. We absolutely make no apologies for that. It is very important.

What has concerned me in the last 2½ weeks is the shifting point of view not only of the Labor Party—we dealt with that last night—but also of the member for Gaven.

Ms Palaszczuk interjected.

Mr NEWMAN: One minute the member for Gaven was railing that there was no action, the next minute the member for Gaven, you would think, was backing the motorcycle gangs. We are for Queenslanders. The member for Gaven seems to be for crims and law breakers. We reject that. We are on the side of honest, hardworking Queenslanders.

Ms Palaszczuk interjected.

Mr NEWMAN: I will take the interjection from the Leader of the Opposition.

Dr DOUGLAS: I rise to a point of order. I find those comments by the Premier offensive and I ask that they be withdrawn.

Madam SPEAKER: The member for Gaven has found that offensive. I ask you to withdraw under the standing orders.

Mr NEWMAN: I withdraw, but clearly people are entitled to question what the member for Gaven believes in. What does the member for Gaven believe in? He is all over the shop. He always wants to be the smartest person in the place. He always is the person who believes he is on the high moral ground—on the pinnacle of Mount Everest in terms of moral principles. Moral principles demand a strong moral compass and a sense of direction, not the mad swinging of the needle around 180 or even 360 degrees that we see from the member for Gaven and, indeed, members of the Australian Labor Party in this place. It is fascinating to turn to the Labor Party when it comes to these things. They are all over the shop. When they have run out of intellectual horsepower and fuel in the intellectual tank what do they do? They turn to personal abuse about the Attorney-General: they go the man, not the ball. That is a sign straight away that they are completely and utterly bankrupt of ideas. They are the party of no position led by the leader of no position who cannot work out what she should do. Can members imagine the fight in the caucus? The member for South Brisbane was studiously absent for almost the entire debate, coming in at the last minute. How did they force her here to vote? How did they make her do that? Maybe one day someone will write a book.

Ms TRAD: I rise to a point of order. The Premier was reflecting on my absence in the chamber which I understand is contrary to the standing orders.

Madam SPEAKER: The convention is not to reflect on the absence of members. I thank the member for drawing that to my attention. We understand that members on both sides of the House may have good reason for not being present.

Mr NEWMAN: I am sure there were good reasons for her absence. I withdraw, but it was very interesting to see that she finally was drawn inexorably to the chamber for the final vote.

Madam SPEAKER: Premier, I would ask you to withdraw without qualification.

Mr NEWMAN: Madam Speaker, I withdraw.

North Queensland, Crocodiles

Mr TROUT: My question without notice is to the Minister for Environment and Heritage Protection. Could the minister please update the House on the progress of managing crocodiles in North Queensland?

Mr POWELL: I thank the member for Barron River for his passionate advocacy on this matter and for his question today. I also acknowledge a number of his colleagues sitting with him. The member for Townsville, the member for Thuringowa, the member for Hinchinbrook and the member for Cook have also been very passionate in their support of our crocodile management plan for North Queensland. This government takes very seriously the issue of crocodile management in North Queensland. Public safety is our number one concern. We know that local knowledge is an essential component in any real long-term solution to this issue. That is why in September this year the Department of Environment and Heritage Protection put out an expression of interest calling for experienced crocodile handlers to capture and remove crocodiles from the Cairns area on a 12-month trial basis.

Consistent with this government and EHP's reform approach, the expression of interest was outcome based rather than prescriptive. That allows for the maximum flexibility in the responses that we might receive. That EOI closed on 17 September. We received nine private operators' submissions. Following assessment of those by a departmental panel, four were given the opportunity to submit fully costed business proposals under the second stage of the process.

The private operator trial will involve the capture and removal of crocodiles, regardless of their size, from waterways from the northern bank of Trinity Inlet to Ellis Beach, including Lake Placid, the downstream component of Barron River and Chinaman's Creek. Whilst the Newman government does recognise that saltwater crocodiles are part of the cultural fabric of North Queensland and have their place in the natural environment, they cannot co-exist in an area such as Cairns where 160,000 people live astride a breeding habitat in the Barron River. Therefore, it requires a sensible approach to ensure that they are managed in a responsible way. I make no excuses for putting public safety as my highest priority in this regard.

I look forward to receiving the extra capacity that trained and experienced private crocodile catchers can contribute to the excellent work already being done by my department's wildlife rangers. It is important to point out that, since 28 August this year, wildlife rangers in my department have removed 11 crocodiles from North Queensland alone. I note that, in my absence several weeks ago, the Minister for Transport and Main Roads took much pleasure in highlighting that the Newman government, in this calendar year, has removed more crocodiles than any previous government since records have been collected. That is an indication that we take very seriously our responsibilities to ensure public safety in populations such as Cairns. Again I thank the member for Barron River and his colleagues for their advocacy, their support and their ongoing work in this regard.

Madam SPEAKER: The time for questions has expired.

SPEAKER'S STATEMENT

School Group Tours

Madam SPEAKER: I wish to acknowledge the schools visiting today: Kingaroy State High School in the electorate of Nanango; Saint Michael's College at Carrara in the electorate of Mudgeeraba; Burleigh Heads State School in the electorate of Burleigh; Saint Joseph's College Gregory Terrace in the electorate of Brisbane Central; Corinda State High School in the electorate of Mount Ommaney; students from the University of Queensland in the electorate of Indooroopilly; and Kings Christian College in the electorate of Mudgeeraba.

CRIMINAL LAW AMENDMENT (PUBLIC INTEREST DECLARATIONS) AMENDMENT BILL

Introduction

Hon. JP BLEIJIE (Kawana—LNP) (Attorney-General and Minister for Justice) (3.30 pm): I present a bill for an act to amend the Criminal Law Amendment Act 1945 for particular purposes. I table the bill and explanatory notes.

Tabled paper: Criminal Law Amendment (Public Interest Declarations) Amendment Bill 2013 [3777].

Tabled paper: Criminal Law Amendment (Public Interest Declarations) Amendment Bill 2013, explanatory notes [3778].

I am pleased to introduce the Criminal Law Amendment (Public Interest Declarations) Amendment Bill 2013. The bill implements the government's commitment to ensure Queensland is the safest place in Australia to raise a child and, in general, to protect the community from dangerous sex offenders. At present, continuing detention under the Dangerous Prisoners (Sexual Offenders) Act 2003 must be reviewed annually by the Supreme Court. At such reviews, the state bears the legal onus of satisfying the court that the prisoner's continued detention is still necessary to protect the community from the risk of the prisoner reoffending.

For the most serious of these cases, there needs to be a mechanism by which the government may take strong action to ensure the safety, welfare and order of the Queensland community. The bill amends the Criminal Law Amendment Act 1945 to reflect this need. As well as the amendments contained in this bill, I am committed to conducting a review of the current Dangerous Prisoners (Sexual Offenders) Act to determine whether, in practice, its provisions are fulfilling its original objective of ensuring the adequate protection of the community by providing for a continuing detention and supervision regime relevant to a particular class of prisoner.

To understand the bill, it is necessary to understand the aims and objectives of the Dangerous Prisoners (Sexual Offenders) Act and the Criminal Law Amendment Act. The Dangerous Prisoners (Sexual Offenders) Act provides a mechanism whereby the Supreme Court may, upon application by the Attorney-General, order the continuing detention of prisoners who have been convicted of serious sexual offences past their full-time sentence expiry date or that the release of such prisoners is subject to strict supervision. The court may make such an order if satisfied that the prisoner is an unacceptable risk of committing a serious sexual offence, that is, a child sex offence or a violent sexual offence. Persons detained under the Dangerous Prisoners (Sexual Offenders) Act on a continuing detention order are reviewed annually by the Supreme Court.

The Criminal Law Amendment Act is concerned with the treatment and punishment of sexual offenders whose mental condition is such that the offender is incapable of exercising proper control over his or her sexual instincts. Persons detained under the Criminal Law Amendment Act 1945 are detained indefinitely. Such detainees are colloquially referred to as the Queen's pleasure detainees, because the act describes such persons as detained during Her Majesty's pleasure. Queen's pleasure detainees are subject to regular medical review and can be released on the direction of the Governor in Council.

The bill proposes to amend the Criminal Law Amendment Act by creating a new continuing detention regime based on a declaration by the Governor in Council. The new detention regime will be contained in new Part 4 of the Criminal Law Amendment Act. New Part 4 will apply to a relevant person who is subject to one of the following orders made under the Dangerous Prisoners (Sexual Offenders) Act: a continuing detention order or a supervision order if the person was subject to a continuing detention order immediately before the supervision order was made.

Under new Part 4, the Governor in Council is empowered to declare that a relevant person must be detained under new Part 4 if satisfied such detention is in the public interest. The Governor in Council may make a public interest declaration on the recommendation of the minister responsible for administering the Criminal Law Amendment Act. Under present ministerial arrangements, the Attorney-General and Minister for Justice is the relevant minister.

The effect of the public interest declaration is that the Dangerous Prisoners (Sexual Offenders) Act ceases to apply to the relevant person and they must be detained in an institution under the Criminal Law Amendment Act. As currently defined in the Criminal Law Amendment Act, the term 'institution' includes a corrective services facility.

The Chief Executive of Corrective Services will be responsible for ensuring that the detainee is reviewed every 12 months by two psychiatrists. The psychiatrists must provide separate reports assessing the level of risk that the relevant person will commit an offence of a sexual nature if released from detention. The Chief Executive of Corrective Services must provide the reports to the Attorney-General and Minister for Justice and to the relevant person.

As soon as practicable after receiving the report, the Attorney-General and Minister for Justice must make a recommendation to the Governor in Council as to whether the relevant person should continue to be detained under new Part 4 of the Criminal Law Amendment Act. If satisfied that detaining the relevant person under the Criminal Law Amendment Act is no longer in the public interest, the Governor in Council may, by gazette notice, declare that Part 4 no longer applies to the person. A person detained under new Part 4 will not be eligible to apply for parole.

The Judicial Review Act 1991 will be limited in its application to a review of decisions made under new Part 4 for jurisdictional error. If the public interest declaration ends or no longer applies to a relevant person, the Dangerous Prisoners (Sexual Offenders) Act order revives.

The bill proposes a new detention regime that will, no doubt, be viewed by some as extreme. When we came to government we made a commitment to make Queensland the safest place in Australia to raise a child and to improve community safety. We have already introduced the two-strike policy for child sex offenders, created an offence of grooming a child and increased the penalty for supplying drugs to a minor. That is in addition to increased penalties for murder, drug trafficking, assault on police, weapons offences and many more. The amendments contained in this bill are yet another mechanism by which the children and people of Queensland will be protected. I make no apologies for the steps this government is prepared to take to ensure that Queensland is the safest place in Australia to live. I commend the bill to the House.

First Reading

Hon. JP BLEIJIE (Kawana—LNP) (Attorney-General and Minister for Justice) (3.37 pm): I move—

That the bill be now read a first time.

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

Motion agreed to.

Bill read a first time.

Declared Urgent; Allocation of Time Limit Order

Hon. JP BLEIJIE (Kawana—LNP) (Attorney-General and Minister for Justice) (3.37 pm), by leave, without notice: I move—

That under the provisions of standing order 137 the Criminal Law Amendment (Public Interest Declarations) Amendment Bill be declared an urgent bill to enable the bill to be passed through its remaining stages at this week's sitting.

Ms PALASZCZUK (Inala—ALP) (Leader of the Opposition) (3.38 pm): The opposition will be opposing this urgency motion. This is the third piece of legislation this week that the government has declared urgent. That is completely unacceptable. As I said yesterday, in this House we have a committee system and the right path for this bill is to go via that committee system. Yesterday the Attorney-General had every opportunity—every opportunity—to introduce this bill into the House and it could have gone through the committee system. There is no reason why, over the next week, it could not have gone to a committee, which could have then reported to the House. But once again we are seeing the arrogance of this government. The arrogant LNP government wants to do anything and everything with its massive majority. It has 74 seats in this House and is treating the people's House as its own political plaything.

Democracy is under direct attack. The opposition and the people of Queensland are frankly sick of it. The Attorney-General just stated that in this legislation he is bringing in a new detention regime. Stakeholders have once again not been allowed to comment on the major changes outlined by the Attorney in this bill. The explanatory notes state in relation to consultation—

Consultation occurred with the Department of the Premier and Cabinet, Queensland Treasury and Trade and the Department of Community Safety.

Once again, there has been no consultation with the Queensland Law Society, no consultation with the Bar Association and no consultation with the Chief Justice of Queensland. We note from what the Attorney just said that they are going to be asking for assessments from psychiatrists but

there has been no consultation with the chief body that oversees and registers psychiatrists in Queensland. The Royal Australian and New Zealand College of Psychiatrists has not been consulted in relation to this bill.

Queenslanders can have no confidence in this bungling Attorney-General, and we have seen this time and time again. He cannot run a boot camp. The first boot camp he set up there were two escapes.

Mr Bleijie interjected.

Ms PALASZCZUK: For the super boot camp; we cannot wait to see that one. We are looking forward to that one.

There is absolutely no reason this legislation needs to be declared urgent. This is the third time this week that a bill has been declared urgent by this government. Once again, there has been no opportunity for the opposition or the crossbenchers to be briefed. There has been no call from the Attorney-General's office offering any briefing in relation to this legislation.

The provisions in this bill relating to the new detention regime have serious consequences that I do not think this Attorney-General understands. Once again this Attorney-General wants to be judge and jury. I understand that the Attorney-General may not remember the Fitzgerald inquiry, but I do.

An opposition member: No, he does. Joh's his hero.

Ms PALASZCZUK: Sorry, yes Joh is his hero.

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

Mr DEPUTY SPEAKER (Dr Robinson): Order! If the opposition leader could take her seat there is a point of order.

Mr STEVENS: The motion clearly relates to the bill being declared an urgent bill. The Leader of the Opposition is wandering off down a trail to debate the bill. She needs to know that we need to focus on the urgency motion.

Mr DEPUTY SPEAKER: I ask the opposition leader to stick to the urgency motion.

Ms PALASZCZUK: I am saying that we are opposing the urgency motion because they are about to breach the separation of powers. That is something Joh Bjelke-Petersen could not explain to the public when he was the Premier.

Mr Mulherin: Nor could Russell Cooper.

Ms PALASZCZUK: Nor could Russell Cooper. It is obvious that this Attorney-General does not understand that because now he wants to be judge and jury. It is absolutely outrageous that the government is using its massive majority in this House once again to declare a bill urgent.

Mr Langbroek interjected.

Ms PALASZCZUK: The bungling education minister over there can sit and shake his head as well when he is closing down schools and talking up independent state schools. Closing down schools is going to be your legacy, education minister.

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

Mr DEPUTY SPEAKER: Do you have a point of order?

Mr LANGBROEK: I draw your attention to the fact that the motion is not about education, although we could have a debate about education.

Mr DEPUTY SPEAKER: Leader of the Opposition, I again ask you to return to the urgency motion.

Ms PALASZCZUK: In summary—

Mr Stevens interjected.

Ms PALASZCZUK: The member for Mermaid speaks. In all good conscience Queenslanders deserve better. These laws that are being rammed through this House deserve proper scrutiny. Time and time again we see the arrogance of this government. The power is going to their heads. They seek to do anything without the scrutiny of the committee system and without the scrutiny of the Queensland public. It is absolutely appalling. All LNP members should hang their heads in shame. I know that there are some lawyers amongst them. What does the former president of the Law Society say about these proposals? What has he said? He is the chair of the legal affairs committee. This government is failing to send this bill to his committee. They do not want it scrutinised at all.

It is about time this Attorney-General stepped aside and let someone with a legal mind who understands the separation of powers—

Government members interjected.

Mr DEPUTY SPEAKER: Order! I ask the opposition leader to stick to the urgency motion. I have now asked on three occasions. I do not intend to ask on a fourth occasion.

Ms PALASZCZUK: I am talking to the urgency motion. Queenslanders deserve better. Queenslanders deserve to have bills go through the committee system and be scrutinised and consulted on.

Why has the Attorney-General failed to consult with the Law Society, to consult with the Bar Association, to consult with the Chief Justice of Queensland on this piece of legislation? The Premier should move this Attorney-General aside and put someone in there who has credibility with the legal profession, who will stand up for the legal profession, who will consult with the legal profession rather than ram laws through. This is the third time they have done this this week.

This is an absolute disgrace, members. It is an absolute disgrace for you to come into this House three times this week and introduce bills, bypass the committee system and declare the bills urgent. I have never seen this in my lifetime. You are bypassing a committee system that you agreed to. It was a bipartisan committee that clearly decided to have a committee system in Queensland because Queensland did not have an upper house. What we are seeing is an absolute abuse of the democratic process.

Mr Seeney interjected.

Ms PALASZCZUK: You do not like hearing it do you, Deputy Premier? You should hang your head in shame. Did you not support the committee system?

Mr DEPUTY SPEAKER: Order! Members will speak through the chair.

Ms PALASZCZUK: Did you not support the committee system?

Mr Seeney: I set it up.

Ms PALASZCZUK: There we go! I will take that interjection. He said he set it up. Now you have totally disregarded it.

Mr Seeney: There were no committees.

Ms PALASZCZUK: Let him stand up and speak in this House rather than debate me.

Mr DEPUTY SPEAKER: The Leader of the Opposition has the call.

Ms PALASZCZUK: In conclusion the opposition will be clearly voting against this motion. It is disgraceful. It is shameful. It is an abuse of power. It is an abuse of power to change fundamental legislation and implement a new detention regime without any consultation whatsoever. It flies in the face of democracy.

Today is a dark day for the Queensland parliament. It is a very dark day. This complete and utter embarrassment of an Attorney-General has brought in three urgent bills this week with absolutely no scrutiny and with absolutely no consultation. You should step aside and let another cabinet minister move into the position, someone who will bring the credibility to the position of the first law officer of this state that the position deserves. You are not fit to hold the office and you should stand aside and let somebody—

Mr DEPUTY SPEAKER: Order! The opposition leader will speak through the chair.

Ms PALASZCZUK: He should stand aside and let somebody take on that role if he fails to fulfil his duties as the first legal officer of this state.

Mr KNUTH (Dalrymple—KAP) (3.48 pm): We have a committee chair here who gets an extra $37,000. We have backbenchers here who get an extra $8,000 to be a member of a committee. What a waste of money. Why was this committee process put in place where we are being paid to be on these committees if we are not utilising it? Last night everyone here in the chamber supported the bill but what we wanted was a proper process put in place, just like what is going on here today. I hear that there was no public register put in place. The family association has been pushing for years in regard to this legislation. You could have had the opportunity to speak to them. You could have had the opportunity to put this legislation through a committee. But, no, you are rushing through a bill that has the opportunity to be good legislation on the grounds of a political decision, on the grounds of a smokescreen. When you were in opposition you condemned this parliament for suspending standing orders and putting legislation through all the time without consulting the people of Queensland.

There are a lot of good bills that go through the House and there are a lot of good bills that do not go through this House. But the people of Queensland should have the opportunity to have these bills scrutinised before the House otherwise we may as well throw the committee system out because it is becoming a waste of time for us. It is not good enough waking up and going to these committee meetings if legislation that is very important to us all is pushed through, rammed through, and we do have not the opportunity to scrutinise and question the legislation on behalf of the people of Queensland.

Mrs CUNNINGHAM (Gladstone—Ind) (3.50 pm): The issue that is being addressed by this bill is a very important one. It is an emotive issue and one where families that have been affected by the actions of the people who are targeted by this legislation are grieving and have been through traumatic experiences. I apologise that I missed part of the Attorney-General's speech. I would seek clarification as to why this particular bill has to be deemed urgent and why it cannot sit on the table until the next sitting of parliament.

Mr WELLINGTON (Nicklin—Ind) (3.51 pm): I rise to speak against this urgency motion. I just listened to the contribution of the member for Dalrymple, and I think he was spot on. He was spot on. Why does this parliament have all of these committees, with committee members being paid to sit on these committees, if the government chooses to be so selective in what matters it refers to the committees? I see it as a sign of total hypocrisy of this government. We have just seen $4.6 million spent on a talkfest on a plan for the next 30 years and the Premier is out there saying, 'We want to consult with Queenslanders. Come and tell us what you think and we are going to legislate, but we want your involvement.' But when it comes to important legislation and when we have a very clear committee process, with representation on those committees from members right across the political spectrum who are prepared to be involved in the deliberation of important changes to laws in Queensland, the government is so selective when it chooses to refer matters to committees or says, 'Sorry, we don't want to.' I put on the record that I find this a total abuse of power.

As I said yesterday, the hypocrisy just amazes me when a government changes all of a sudden. When the Liberal National members were sitting in opposition they were saying, 'Oh, this is so terrible.' But, by crikey, I think this is worse. I think what we have seen yesterday and today is worse than the excesses we saw in previous Labor governments while I have been in this chamber. Within the next 18 months there is no doubt that there will be a state election. Queenslanders will decide. I just hope the media assists in identifying and publicising to all Queenslanders how the Newman leadership team wants to lead Queensland and govern this state.

A government member: Don't you want to lock up paedophiles?

Mr Molhoek: Do you want to let them out?

Mr Malone: So you're going to let the paedophiles out?

Mr DEPUTY SPEAKER (Dr Robinson): Order! Members.

Mr WELLINGTON: Can I say I find those comments offensive. I do not support paedophiles. I think it is obscene to suggest that I do.

Mr DEPUTY SPEAKER: Order! Who—

Mr WELLINGTON: I do not know who made the interjection.

Mr DEPUTY SPEAKER: I did not hear any particular interjection. If a member has made an interjection that is inappropriate and you can identify—

Mr WELLINGTON: I do not know who made the interjection. I support the intent of the legislation. As I said last night, what I am opposed to is the process this government is using to push through legislation without allowing important matters to be considered by important committees when members are willing and prepared to be involved in considering these matters. As the Leader of the Opposition just said, there is no reason why this bill could not have been introduced yesterday and referred to a parliamentary committee. I am on a committee and we met today. We met for one hour.

Mr Dillaway: Two.

Mr WELLINGTON: Sorry, it was two hours. Then we went back to our offices in the annex and did other parliamentary work. There is no reason why this matter could not have been referred to the Legal Affairs and Community Safety Committee for consideration so we could have gathered some independent material and presented a report to the parliament. Last night we sat in this chamber until half past three this morning. So what we have seen is the capacity of parliament to sit later than 10 o'clock at night. There is a willingness from the opposition, crossbenches and government members

to be involved in the committee process, to consider important legislation. I am just very disappointed on behalf of all Queenslanders that this government has not given a committee the chance to consider these important changes to laws in Queensland which no doubt will go through because the government simply has the numbers. I certainly do not support paedophiles, as was suggested earlier. What I am opposed to is the abuse of power that we are seeing here today by the Newman leadership team.

Hon. JW SEENEY (Callide—LNP) (Deputy Premier and Minister for State Development, Infrastructure and Planning) (3.56 pm): I just wanted to put on record some facts that belie some of the emotive nonsense that we have heard in the last 15 or 20 minutes. Committees that consider legislation have only existed in this House for a very short time. For 150-odd years this parliament operated without those committees.

Ms TRAD: Mr Deputy Speaker, I rise to a point of order. I fail to see how this is connected to the urgency motion. That is what we are debating.

Mr DEPUTY SPEAKER: Resume your seat. The Deputy Premier has barely begun. He has started to address the topic of committees which has been discussed by other speakers. The Deputy Premier has the call.

Mr SEENEY: Thank you, Mr Deputy Speaker. The crux of the debate is about whether this bill should be declared urgent. The provision to declare bills urgent was included in the legislation that set up the committees. Those committees were set up with bipartisan support by a committee of which I was part. Both sides of the House that were represented on that committee recognised full well that there would be a range of bills that would be declared urgent and would not go to the committees.

This afternoon we have heard a succession of people stand up in here and with a great deal of emotion, a great deal of noise and not much knowledge talk about somehow or other it is an affront or it is a disgrace or it is any of those things because a bill is being declared urgent within the provisions that were always anticipated for the operation of this House.

It is a fair point to make first of all that the process of committees considering legislation is a relatively new process in this parliament. The Leader of the Opposition, who waxed lyrical, was a member of a government that governed for 11½ years—close to 12 years—without one single piece of legislation being considered by a committee. Not one single piece of legislation went to a committee in those 11½ years because that provision for committees to consider legislation did not exist. It did not exist until it was put in place three or four months before the change of government. It was put in place by a bipartisan committee of senior members of the then government and the then opposition, and I was one of them. We put in place the new committee system to allow committees to consider legislation but it was never intended—it was never intended—that every piece of legislation would or should go to the committees.

It was always recognised that bills would be declared urgent, just as this motion seeks to declare this bill urgent. So let us have none of the hysterical nonsense that we have seen from members in the back corner who may not know better. But the Leader of the Opposition and her colleagues should know better, because their colleagues in the former government—senior members such as the member for Rockhampton, the former Leader of the House and the member for Yeerongpilly—sat on that committee and recognised full well the need for this type of motion that the House is considering today.

Indeed, even before that there was a range of examples where the former government, believing that particular pieces of legislation were urgent, used its numbers in the House to ensure that those things were dealt with on a particular day. The famous one is the Gordon Nuttall issue. They did not just ram it through the parliament on a particular day; they recalled parliament from holidays so they could come back and deal with an issue on a particular day. The exact same thing happened a number of times with vegetation management legislation because the government of the day believed that issue was urgent enough. I disagreed with them, but the remnants of that same government are suggesting that this mechanism is outrageous. There is a range of such examples in the history of their government that shows that when they believed something was urgent they used this very same mechanism. Members who have been here can list them off—civil partnerships, asset sales and a range of issues that were important.

Mr Langbroek: Buying land for Yeppoon Hospital.

Mr SEENEY: Exactly.

Mr Langbroek: That had to be done after an election—straightaway.

Mr SEENEY: That is exactly right. I am sure members can recite the list. This afternoon the Attorney-General has introduced into the House a bill that is obviously important. It is clearly a bill that satisfies the need for that urgency provision. It is only the politically desperate who would suggest that this bill should be referred off and deferred for a couple of weeks. The people who suggest that that is an appropriate course of action for this particular bill have quite clearly not been watching the media reports over the last couple of weeks and are certainly not in touch with their communities, I would suggest.

I think it is important to put that on the record, because there will be many more times in the future when bills will be declared urgent in the House. That is a provision that exists for the government and it is a provision that was always anticipated. It is right and proper that there can be a debate about whether or not a particular bill is urgent, as we are debating now, but that debate should be on whether or not it is urgent, not whether it is an assault on democracy, to use the overinflated words of the Leader of the Opposition. The provision of declaring bills urgent is an essential part of the democracy of this House. The member's colleagues who sat on the committee and who designed this committee system fully recognised that.

I think we should move on with the business of the House and consider the bill in the way that the Attorney-General has suggested. Therefore, I move—

That the question be now put.

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

AYES, 71—Barton, Bates, Bennett, Berry, Bleijie, Boothman, Cavallucci, Choat, Cox, Crandon, Cripps, Crisafulli, Cunningham, Davies, C Davis, T Davis, Dempsey, Dickson, Dillaway, Dowling, Elmes, Emerson, Flegg, France, Frecklington, Grant, Grimwade, Gulley, Hart, Hathaway, Hobbs, Holswich, Johnson, Kempton, King, Krause, Langbroek, Latter, Maddern, Malone, Mander, McArdle, McVeigh, Millard, Minnikin, Molhoek, Newman, Nicholls, Ostapovitch, Powell, Pucci, Rice, Rickuss, Ruthenberg, Seeney, Shorten, Shuttleworth, Smith, Sorensen, Springborg, Stevens, Stewart, Stuckey, Symes, Trout, Walker, Watts, Woodforth, Young. Tellers: Kaye, Menkens

NOES, 13—Byrne, Douglas, Hopper, Judge, Katter, Knuth, Mulherin, Palaszczuk, Pitt, Trad, Wellington. Tellers: Miller, Scott

Resolved in the affirmative.

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

AYES, 71—Barton, Bates, Bennett, Berry, Bleijie, Boothman, Cavallucci, Choat, Cox, Crandon, Cripps, Crisafulli, Cunningham, Davies, C Davis, T Davis, Dempsey, Dickson, Dillaway, Dowling, Elmes, Emerson, Flegg, France, Frecklington, Grant, Grimwade, Gulley, Hart, Hathaway, Hobbs, Holswich, Johnson, Kempton, King, Krause, Langbroek, Latter, Maddern, Malone, Mander, McArdle, McVeigh, Millard, Minnikin, Molhoek, Newman, Nicholls, Ostapovitch, Powell, Pucci, Rice, Rickuss, Ruthenberg, Seeney, Shorten, Shuttleworth, Smith, Sorensen, Springborg, Stevens, Stewart, Stuckey, Symes, Trout, Walker, Watts, Woodforth, Young. Tellers: Kaye, Menkens

NOES, 13—Byrne, Douglas, Hopper, Judge, Katter, Knuth, Mulherin, Palaszczuk, Pitt, Trad, Wellington. Tellers: Miller, Scott

Resolved in the affirmative.

Debate, on motion of Palaszczuk, adjourned.

VOCATIONAL EDUCATION, TRAINING AND EMPLOYMENT (SKILLS QUEENSLAND) AND ANOTHER ACT AMENDMENT BILL

Resumed from 15 October (see p. 3186).

Consideration in Detail

Clauses 1 to 28, as read, agreed to.

Schedule, as read, agreed to.

Third Reading

Hon. JH LANGBROEK (Surfers Paradise—LNP) (Minister for Education, Training and Employment) (4.19 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. JH LANGBROEK (Surfers Paradise—LNP) (Minister for Education, Training and Employment) (4.20 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.

NATURE CONSERVATION (PROTECTED PLANTS) AND OTHER LEGISLATION AMENDMENT BILL

Resumed from 21 May (see p. 1566).

Second Reading

Hon. AC POWELL (Glass House—LNP) (Minister for Environment and Heritage Protection) (4.20 pm): I move—

That the bill be now read a second time.

At the outset, please allow me to table the government's response to the Agriculture, Resources and Environment Committee's report No. 27.

Tabled paper: Agriculture, Resources and Environment Committee: Report No. 27—Nature Conservation (Protected Plants) and Other Legislation Amendment Bill 2013, government response [3779].

Native plants are an integral part of Queensland's natural capital and are vital to the health and diversity of ecosystems and ecosystem services across the state. Queensland has the most diverse array of native flora in Australia with more than 12,800 known species and more being discovered each year. Of these, 198 are listed as endangered, 390 are listed as vulnerable, 461 are near threatened and 23 are considered extinct in the wild. The remaining plant species are classified as least concerned plants. Least concerned plants are plants that may be relatively common or do not face particular threats at this time.

Queensland also has some of the most unique and highly sought after plant species in the country and, therefore, it is not just clearing pressures, but also the taking of protected plants from the wild for harvesting, propagation or cultivation purposes and also for trade, which places pressure on their conservation. The protected plants legislative framework was established under the Nature Conservation Act in the 1990s with the stated intent to provide for the effective management and use of protected plants in Queensland to manage these aforementioned threatening processes and conserve biodiversity whilst allowing for the clearing, harvesting, growing and trade of plants.

The framework is made up of a suite of statutory and nonstatutory instruments including: the Nature Conservation (Protected Plants) Conservation Plan 2000; the Nature Conservation (Administration) Regulation 2006; the Nature Conservation (Wildlife Management) Regulation 2006; the Nature Conservation (Wildlife) Regulation 2006; and the Nature Conservation (Protected Plants Harvest Period) Notice 2013. The framework differs from other vegetation legislative regimes in that it provides for the specific protection of individual plant species listed under the Nature Conservation Act. It does not regulate broadscale land clearing or clearing of remnant vegetation or regional ecosystem which is managed under other processes, most of which have come into play since the protected plant framework.

In its current form the framework is overly complicated and places a significant regulatory impost on business and on government. There are a number of specific issues with the existing framework recognised by both those it purports to regulate and those involved in implementing it. Most of these relate to the convoluted and burdensome nature of the legislative framework. Estimates indicate that based on the assumption of full compliance, the current regulatory burden imposed on business and government is approximately $52.8 million and $705,000 respectively per annum.

It is particularly complex. Proponents currently need to refer to up to six statutory instruments to know how to comply. Provisions are also ambiguous in the detail and are dispersed throughout the act and subordinate legislation. It is also highly restrictive and onerous, as whilst there are a number of exemptions, the framework operates from the principle that all individual plants everywhere are regulated with limited consideration of the level of risk or consequence. This is unrealistic and also inefficient; for example, the currency period of a clearing permit is only six months, therefore, if

clearing has not commenced within this time—which is often the case with petroleum and gas or development projects—proponents need to resurvey the land and reapply for a clearing permit, adding unnecessary costs and delays to business. Added to this is that a clearing permit authorises the clearing of plants identified, not the clearing of the impact area. This has meant that if other plants are identified on site after the clearing permit has been issued, proponents need to apply to amend the existing clearing permit to include this new plant. This further adds to uncertainty and delay costs for business.

Compliance with this framework has been historically low in some sectors. In part, the complexity and ambiguity of existing regulatory requirements has meant that communication and subsequent awareness of regulatory requirements has been poor. This is particularly the case with the rural sector; however, it must be said that one of the biggest issues is that the framework has been set up in such a way that it is almost impossible for the Department of Environment and Heritage Protection—and, might I add, its predecessors—to enforce, as it protects on the basis of what plants could be found on that site and not what is known to be there. What this means is that the government has been hard-pressed to prosecute, monitor or even know of illegal activities because how do you prove that something was there after it has been cleared if no record of it existed in the first place?

The review of the protected plants legislative framework was initiated to overcome the suite of issues that I have just identified and specifically to reduce the burdensome nature of the framework, simplify legislative provisions and provide clarity for regulatory requirements, streamline assessment processes and improve efficiency for both business and government, while at the same time maintaining a high level of protection for our most threatened plant species. The review looked at both the Nature Conservation Act and the suite of subordinate legislation which make up a protected plants legislative framework.

The Nature Conservation (Protected Plants) and Other Legislation Amendment Bill 2013 delivers the first stage of the legislative review. The bill sets out the changes necessary to primary legislation, including the NCA, the Sustainable Planning Act 2009 and the Vegetation Management Act 1999. Extensive amendments will be required to subordinate legislation to complete the legislative review which will follow passage of the bill. For this reason, the bill itself contains relatively few amendments; however, it will set up the overarching framework and lay the foundations for the required amendments to subordinate legislation.

I will now highlight the key elements of the bill and how this will facilitate a new and simplified protected plants framework on which the department has widely consulted. As a whole, the regulatory reforms are forecast to reduce regulatory burden and compliance costs to government and business by $15.5 million per annum. This will be achieved by overhauling the existing framework to streamline assessment processes, remove unnecessary administrative and regulatory burdens and simplify the permit and licence requirements. A risk based approach to regulation will be adopted so that a regulation will only capture activities that pose a high risk to plant biodiversity. All low-risk activities will be exempt under the framework and will not require a permit or licence.

Regulatory, educational and compliance efforts will consequently be focused on high-risk activities. A high-risk area will be defined as an area that contains a known record of an endangered, vulnerable or near threatened plant or is an area mapped by government as having a strong likelihood of supporting such species due to its high biodiversity features. Notably, for clearing this will mean the requirement to undertake flora surveys will be removed except where the proposed clearing activity is in a high-risk area.

A flora survey trigger map will be publicly available and provided to potential applicants which will identify those high-risk areas where a flora survey will still be required. The mapping will also be able to be interrogated down to property level, and I understand that was an issue raised during some the committee's consideration. This is expected to reduce the number of flora surveys currently required by 97 per cent and will not only provide significant cost savings, but will also provide greater certainty for applicants in that they will know which areas are high risk and when a clearing permit is required. Perhaps most importantly, they will also know which areas should be avoided so that due consideration can be given in the early design and planning stages of projects. The flora survey trigger mapping will be able to be amended over time as new information becomes available regarding the presence of endangered, vulnerable or near threatened—otherwise known as EVNT—plant species. Modelling will be conducted to identify areas to target for improving information.

The clearing of least concern plants, except where these plants form part of the immediate supporting habitat of an EVNT species, will be defined as low risk and will be exempt from permit and regulatory requirements. This is expected to reduce the number of clearing permits required by 50 per cent. Again, this is not only a significant cost saving for business, but it will also free up resources within the DEHP to enable its efforts to be focused on activities that pose the highest risk.

Protection for our protected plants: I would like to tackle this perception head on, as it is far from the truth. The current framework is structured in such a way that in almost all circumstances a plant identification survey is required to be conducted to even determine eligibility for an exemption whenever anyone wishes to clear native plants. As I have already mentioned, the cost of undertaking such surveys under a full compliance scenario is estimated at around $48 million a year, which is an enormous impost on business. This model has, not surprisingly, proven unrealistic, and compliance with the legislation has been limited, particularly across the rural sector.

As I stated earlier, the capacity for EHP to enforce compliance is limited. Ironically, this is for the very reason that those opposed to these reforms put forward as their reasoning—that for much of Queensland there is insufficient knowledge of the distribution of protected plants. This is undeniably the case. However, the current framework is not capable of the universal protection it purports to deliver. As I have said, it is nigh on impossible for EHP to prove that a survey was reasonably required and, hence, that a plant was illegally cleared unless the clearing is occurring in proximity to a known record of a protected plant species. And this assumes that the department is aware of the clearing activity, which it regularly is not, particularly for smaller rural clearing activities that require no other approvals. The current model does not even require that survey information be provided to EHP and, hence, provides no avenue for systematically increasing knowledge of plant distribution. In other words, the current system is deeply flawed and is not delivering the protection that those who oppose these reforms would claim.

Whilst the VMA has been able to utilise satellite and aerial imagery and modelled data to fill knowledge gaps and provide extensive mapping of woody vegetation across the state, the same application cannot be made for plants because they are often small and cryptic and sparsely located across the landscape. Detailed recording and mapping requires on-ground surveying and verification of samples by accredited experts. The government's reforms acknowledge these realities and will put in place a realistic and logical framework which will allow for educational and compliance efforts to be focused on the areas of known highest conservation risk and not place an excessive onus on proponents to fill knowledge gaps.

The new framework will be able to be expanded or contracted over time as new plant distribution information becomes available, be it through the efforts of proponents, government or others. There is, of course, a logic in proponents taking responsibility for assessing environmental values their activities may impact on, but in this case the bar for landholders in particular is set unrealistically high, and this has led to a system that is not delivering what it was established to do.

The risk based approach will also be applied to harvest and growing activities. Regulation will be focused on the sustainability of the activity rather than the purpose of the activity. Least concern plants will be exempt from requiring a harvest and growing licence, except where they have been identified as special least concern plants.

I would also like to make the point that the term 'special least concern plants' is not being introduced to create a new category of a protected plant but rather to simplify existing restrictions and regulatory provisions relating to restricted least concern plants. To be clear, the current framework places various harvesting restrictions on EVNT and certain least concern plants listed under schedule 1 of the conservation plan, in the harvest period notice or as type A and type B plants in the regulations. The restrictions are in place because these plants face particular pressures from harvesting, largely because they are commercially valuable and often have unique traits or they are difficult to propagate and/or replace in the wild.

The current framework deals with these harvesting pressures by totally restricting whole-plant harvest of these species from the wild for commercial purposes. This regime is limiting in that it does not allow industry to develop long-term, sustainable and innovative approaches to harvesting whole plants from the wild. Under the new framework, existing blanket restrictions will be removed from these plants and proponents will be able to harvest whole plants from the wild under a harvesting licence where sustainability can be demonstrated. This will apply for all EVNT plants and special least concern plants. Special least concern plants are those restricted least concern plants of which the taking and use are at risk of not being ecologically sustainable, primarily due to their high commercial demand or the particular biological traits of the plant, such as that they are slow growing. These

plants will be regulated in the same way as EVNT plants for harvesting purposes. However, as they generally do not face particular clearing pressures they will continue to be exempt from a clearing permit in almost all circumstances.

The bill aims to simplify the framework by removing regulatory provisions that are no longer necessary or are better placed in the subordinate legislation. For example, exemptions are currently spread across a number of legislative instruments and are proposed to be consolidated within the Wildlife Management Regulation. I know that the transfer of exemption provisions from the act into the subordinate legislation has raised some concerns and that the report of the committee sought further clarification about whether it adversely affects a person's rights or liberties or has sufficient regard to the institution of parliament. I will address this point specifically.

This amendment will not change an individual's rights or liberties under the act, and an affected person will not be adversely affected by the delegation. It is a reasonable and appropriate way of handling this policy framework, as the exemptions will be located in subordinate legislation and will be subject to parliamentary scrutiny, as per the requirements under the Statutory Instruments Act 1992. Section 89(1)(h) of the Nature Conservation Act already provides the power to delegate an exemption to a regulation. In fact, that is where the majority of exemption provisions are currently located.

The bill does not seek to change this existing power. Some exemptions are, however, currently included in the act, and it is intended that these be consolidated in a single regulation along with all other existing exemptions. Retaining these exemptions in the act may provide for more visibility in limited circumstances so that a person need only refer to the NCA to know if they are compliant. However, for most circumstances this will not be the case, as all other exemptions are contained in the subordinate legislation, within three different instruments. Currently, affected persons have to refer to multiple statutory instruments to know if they are in breach of their regulatory requirements. Locating all exemption provisions into one consolidated statutory instrument, which also contains provisions relating to how persons who are not exempt can comply with the act's requirements, is currently provided for under the primary legislation and will actually enhance a proponent's ability to clearly determine their obligations under the framework and make the legislation easier to understand and comprehend.

Moving to other features of the new framework, two pieces of subordinate legislation, including the conservation plan and the harvest period notice, will also be repealed. This will further simplify the framework and reduces the number of statutory instruments that proponents need to refer to. The permit and licensing system will also be simplified, and the number of permits and licences currently applying to the clearing, harvesting and growing of protected plants will be reduced from 11 to three. There will be three standardised permits and licences for protected plants including a clearing permit, a harvesting licence and a growers licence.

The bill also provides a clear head of power for the chief executive to make assessment guidelines. This will provide for consistency and transparency in decision making and will be made publicly available so that applicants are provided with clear and consistent information on how their application will be assessed. This is expected to reduce the number of information requests relating to clearing permits received by the department because applicants have not understood the clearing permit application requirements. New fees will be introduced that are proportionate to the departmental resources required to assess a permit or licence application to enable government to adequately resource the framework and process applications in an efficient and timely manner, resulting in reduced delay costs to business.

I would now like to provide an overview of how the new regulatory framework will benefit each of the key sectors captured by this framework. The mining sector will benefit significantly from these reforms. While mining leases granted under the Mineral Resources Act 1989 are currently exempt from protected plant clearing permits, all other mining tenures, including coal and mineral exploration permits, mineral development licences and mining claims, are not currently eligible for any exemptions. That means they are captured to the fullest possible extent. Under the new framework it is proposed that the existing exemption applying to mining leases will be removed. Instead, there will be a consistent approach applied which will be based on the risk of the clearing. Under this proposal, adopting a risk based approach will remove highly restrictive and onerous regulation on all other mining tenures and ensure that the department applies consistent and fair standards across all land tenures. This is expected to result, as I said earlier, in a 97 per cent reduction in flora surveys for mining tenures currently captured by the framework. Incredibly, this equates to an area of approximately 766,000 square kilometres for mining exploration permits that will no longer require extensive surveying under the NCA.

Under this proposal also, all pre-existing leases would retain the exemption under the new framework. This will cover all current and future mining activities on that lease irrespective of the levels of approvals held under the NCA or any other act. For example, companies with an existing environmental authority, or EA, applying for a new EA or applying for an amendment to an existing EA on an existing lease will all be exempt.

Other resource industries, particularly the petroleum and gas industry, will be among the biggest beneficiaries of these reforms. With the exception of mining and petroleum leases, which are exempt currently, the resources sector is particularly burdened by the onerous flora survey and clearing permit requirements and the limited terms of permits. Flora surveys are required prior to any exploration and feasibility work on site that may impact a protected plant for the entire impact area. For some projects such as coal seam gas, which are linear in nature and therefore can cover vast stretches of land, this is particularly costly and, because they are a relevant development activity, any clearing of least concern plants on state land requires a clearing permit or needs to be undertaken under a class exemption that includes mitigation and reporting requirements. A number of the key changes proposed will reduce burden on this sector. For example, there will be greater certainty over which areas are high risk and where flora surveys will be required, which, as I have just identified, is a particular problem for linear projects such as gas pipelines. Clearing permits will only be required for clearing of EVNT species which cannot be avoided in high-risk areas.

As the clearing of least concern plants will now be exempt in almost all circumstances, the resources sector will no longer be required to apply for clearing permits or class exemptions to clear least concern plants and, accordingly, will not be required to mitigate or even report back to government on least concern plants that have been cleared, as they currently are required to do. Clearing permits will now assess and authorise, subject to impact management strategies, the clearing of the impact area at the point of survey. No longer will applicants have to amend their clearing permit application and subsequent mitigation and offset requirements if an additional EVNT plant is found after the clearing permit has been issued. This can be a costly delay and also adds to the administrative burden and assessment load of the department.

The development and infrastructure sector is also captured under the framework, as it is generally assessable development under the Sustainable Planning Act, and is therefore not eligible for any existing exemptions applying to the clearing of least concern plants. Therefore, this sector also has to apply for class exemptions or a clearing permit for any clearing of least concern plants. Development and infrastructure projects will benefit in particular from the extension of the currency period of clearing permits from six months to two years, as this provides more realistic time frames in which to complete clearing activities, particularly for staged development and large linear infrastructure projects. Projects will no longer be held up due to clearing permits expiring and waiting for permits to be reissued, which adds uncertainty and delay costs to these projects.

Projects will also be provided with upfront information for high-risk areas and, accordingly, can be designed and planned to minimise impacts to protected plants where possible. In addition, clearing being undertaken to maintain existing infrastructure and/or clearing in an area which has been legally cleared under a clearing permit within the preceding 10 years will now be exempt under the new framework. This will provide greater certainty to applicants and will ensure that routine clearing activities which had already been assessed and appropriately mitigated and/or offset do not continually come back to the department for assessment.

Moving to the agriculture sector, under the current framework any clearing undertaken by landholders and graziers and for any agricultural purpose such as fodder harvesting or weed management is legally required to undertake a plant identification process, such as a flora survey, prior to the clearing being undertaken. The risk based approach will mean that the agriculture sector will now only be required to undertake surveys if the clearing is proposed in a high-risk area. A clearing permit will only be required if impacts to EVNT plants cannot be avoided. There will also be a number of exemptions provided for land management activities, including maintaining existing infrastructure such as fence lines and watering points and in some circumstances for fodder harvesting and weed management purposes. Fee concessions will also be available for clearing that is necessary to establish essential property infrastructure.

Moving to the horticulture sector, for many years the native plant industry, particularly growers, harvesters and retailers, has been tied up in red tape and has had particularly onerous licencing and trade restrictions to meet in order to grow, buy, sell or export any protected plants. This has significantly stifled the industry to the point where it is now very hard to source native plants and many nurseries are no longer in the business of buying or selling them. This sector will benefit significantly

from changes proposed to harvesting and growing, as regulation will now be focused on the sustainability of the activity rather than purpose. Trade will be deregulated and buyers and sellers of native plants will no longer be required to apply for trade licences, removing an unnecessary cost and restrictions faced by this industry. The simplification of the permitting and licensing system will now allow EVNT plants to be harvested for seeds and plant parts for large scale growing purposes where sustainability can be demonstrated. This, coupled with the new exemptions for least concern plants and increased opportunities to access whole plants, is also expected to encourage growth in the native plant horticultural industry.

The reforms will also mean that the government will no longer be attempting to provide comprehensive protection for all plants across Queensland, which is not feasible or enforceable, and this will be a gain for the conservation sector. However, this does not mean that the government will be reducing protection of our threatened plants. Rather, the reforms will enable the department to redirect resources to adequately assess high-risk activities in an efficient and more effective manner and focus our compliance and enforcement efforts on activities which provide the greatest risk. All in all, we believe that this will result in better conservation outcomes for protected plants, and I want to explain this in more detail.

Under these reforms we will be making clear what activities will be captured under the framework and how activities will be assessed. Applicants will now be required to undertake a flora survey for any high-risk activity and flora survey guidelines will be made available to the public to ensure that these are consistently undertaken and in accordance with an agreed methodology. While flora surveys are currently required for all clearing activities, the government has never specified how these should be undertaken and nor—and this is rather ironic—has it ever even required that results of the surveys be provided to EHP or its predecessors to provide evidence of the plants found. This has meant that many flora surveys currently undertaken are potentially of varying quality or do not actually provide any conservation benefit at all. Under these reforms, results of flora surveys will now be required to meet a standard endorsed by the Queensland Herbarium and are to be supplied to EHP for verification. This will be used to fill knowledge gaps and improve monitoring of emerging threats to plants.

In addition, loopholes will be closed, including those around illegal harvesting of whole plants such as sandalwood and the permitting and licensing system simplified so that proponents will know clearly their regulatory requirements. Accordingly, proponents will now be expected to comply with the framework and the education and enforcement effort will be improved by EHP to support this. The introduction of new fees to recover assessment costs to government will mean that the assessment of applications can be adequately resourced rather than the department having to stretch its resources to assess all activities regardless of level of risk or sustainability of activity. This will ensure that activities can be effectively assessed and monitored and will also mean resources will be freed up to focus compliance and enforcement, further improving outcomes for protected plants. In summary, this bill sets the foundation for reforms that take a sensible, risk based approach to regulation that supports sustainable economic development and land use whilst ensuring protection of Queensland's unique flora. I commend this bill to the House.

Ms TRAD (South Brisbane—ALP) (4.47 pm): I rise to make a contribution to the debate on the Nature Conservation (Protected Plants) and Other Legislation Amendment Bill 2013. The opposition has significant concerns in relation to the intent and the efficacy of this bill and, accordingly, we will not be supporting it in its current form. Notwithstanding Labor's opposition to the bill, I do want to thank the secretariat of the Agriculture, Resources and Environment Committee for its work in ensuring that the bill had sufficient scrutiny and that key stakeholders were consulted. Before I leave the issue of consultation though, I do want to note that from the time the department commenced consultation on the regulatory impact statement in February this year to the consultation on this bill some five months later the number of engaged stakeholders in this matter reduced significantly from 102 to 21, which is essentially an 80 per cent disenchantment factor, I would suggest, or merely it is a reflection of what is being felt right across-the-board here in Queensland—that is, that Queenslanders know that this government has stopped listening and they know that the LNP is just in it for itself.

This week, we have seen quite a bit of the LNP using its massive majority and ignoring the democratic institutions of this state, ramming through legislation and not talking to Queenslanders or listening to Queenslanders. A number of significant concerns about this bill have been expressed that have just been ignored.

Mr Rickuss interjected.

Ms TRAD: I am sure the member for Lockyer will have his opportunity, if only he could be patient and wait. I know that it is a little bit hard after the long hours that we put in last night, but he is an adult and he should behave like one.

This government has two methods of consultation. One is that it either ignores the need for consultation altogether, as we have seen with the Attorney-General's shopping list of urgent legislation this week as I just alluded to, or it engages in consultation and then promptly ignores the feedback and concerns expressed by Queenslanders. This bill falls into the latter category. I acknowledge that significant consultation has been undertaken, mostly because it was started by Labor back in 2011. But at the end of months of consultation, the majority of stakeholders are disappointed with the results of this bill.

It is quite clear that they are not the only ones who are disappointed. Queenslanders who care about the Queensland environment are disappointed and are not listened to. People in Queensland who care about biodiversity and our environment are disappointed and are not listened to. In relation to the bill, it is quite clear—and the minister has made this statement as have many people in relation to the consultation on this bill—the government has identified that Queensland has a vast and precious array of native flora that is integral and important to our state's environmental wealth. With more than 12,800 species of native flora, Queensland has the most diverse range of plant species in the country, with more than 1,000 species identified under the current Nature Conservation Act as being protected, vulnerable or near threatened.

When introducing the Nature Conservation Bill some 21 years ago, the then Labor minister for environment and heritage, the Hon. Pat Comben, stated—

> This Bill ... has as its purpose conserving nature in the broadest sense over the whole of Queensland, not just in national parks, and not just for certain species of animals and plants. It stresses for the first time the need to protect habitats and recognises the essential role that private individuals can make to the conservation of nature.

In essence, the Nature Conservation (Protected Plants) and Other Legislation Amendment Bill, as tabled in the House, abandons the primary principle of protection and conservation of Queensland's native flora all in the pursuit of reducing what those opposite consider to be a significant regulatory or administrative burden. At the outset, let me make it very clear: the Labor opposition has no issue with the objective of reducing complicated or cumbersome regulation, nor do many stakeholders who have made submissions during the committee's consultation on this bill. In that respect, it was the former Bligh Labor government that developed, consulted, drafted and introduced into this House the Environmental Protection (Greentape Reduction) and Other Legislation Amendment Bill 2011, which was adopted by the Newman government and dishonestly presented as its own achievement. Further, it was, in fact, the previous Labor government that in 2011 initiated the review into the protected plants legislative framework for the purpose of simplification. However, what is now manifestly apparent is that, under the stewardship of the Newman LNP government and this particular environment minister, statutory simplification has become the catchcry for revoking important protections for our environment. Rather than list them all for the members here, it is better for me to note that the international community has taken note and Queensland's reputation has once again been tarnished by the Queensland Liberal National Party's damaging and backward focused stewardship.

Mr Powell interjected.

Ms TRAD: I will take that interjection from the minister. The one shining light in the UNESCO report was the Paddock to Reef program initiated by Labor, funded by Labor and being wound back by the minister's government. So through this legislation—

Honourable members interjected.

Mr DEPUTY SPEAKER (Dr Robinson): Order! The member for south Brisbane has the call.

Ms TRAD: Mr Deputy Speaker, I understand that we are all a bit cranky with limited sleep. Perhaps if there were Bex on hand we could distribute them for those members opposite and maybe they would calm down a little bit.

Honourable members interjected.

Mr DEPUTY SPEAKER: Order! The member for South Brisbane has the call.

Ms TRAD: Who would have thought that protected plants could initiate such a hysterical response from those opposite. Through this legislation the Newman LNP government has once again shown its credentials as a government that slashes and burns—in this case quite literally—

environmental protections for Queensland's native flora. This government's cruelty towards Queensland public servants and front-line services in the community sector was extended to the environment and now it is extended to Queensland's plants.

This bill erodes environmental protection in two ways: firstly, through eroding fundamental parliamentary principles by decreasing the legislative scrutiny available to members of this House, particularly in relation to exemptions to the offence of the unlawful taking of protected plants; and, secondly, through the direct erosion of the current protections of Queensland's native flora and the dismissal of science and evidence in decision making in relation to land clearing by removing the need for flora surveys prior to land clearing in 97 per cent of cases. It is really clear that the minister has done a very good job at trying to rubbish and demonise flora surveys. But, quite frankly, nothing can justify the fact that this government is taking out of the equation, before land clearing is conducted, flora surveys—audits of native plants. Such plants could, in fact, be one of the very many new species that are uncovered every year that should be protected. Therefore, there really needs to be a different approach to the broadscale tree clearing and land clearing that this government seems so intent on embracing, that this government seems so intent on enabling in taking the axe to tree clearing laws in Queensland and enabling broadscale land clearing without any sort of flora survey to perhaps protect, conserve or manage any of the native plants that are contained in that area. This government is an absolute disgrace.

This bill seeks to end section 89 of the Nature Conservation Act by removing the list of exemptions to the offence of taking a protected plant—an offence that carries with it the maximum penalty of two years imprisonment—and placing them into regulations that are yet to be finalised. This government is very good at taking big slabs of legislation and putting them into regulations that are yet to be consulted on, regulations that are yet to be drafted, regulations that are yet to be put before the House. When it comes to legislation, when it comes to drafting and enforcing laws that carry with it criminal penalties, this is an erosion of the scrutiny that this parliament has a responsibility to acquit.

This was an issue discussed in detail by many stakeholders who made oral submissions during the public hearing and also those who provided written feedback on the bill. Consequently, the committee quite rightly sought clarification and better information from the minister as to the delegation of the offence and exemption provisions into subordinate legislation. The committee also sought clarification that an affected person would not be adversely affected due to this delegation. In response to the second point of clarification requested by the Agriculture, Resources and Environment Committee I note that the minister tabled for the benefit of the House an erratum to the explanatory notes this week. With all due respect, the explanation tabled by the minister is not an explanation, it is a nonchalant dismissal of the very real and important concerns that have been expressed by the Queensland Resources Council, the Queensland Law Society and a number of other submitters to the process of taking the offence and the exemptions and putting them into regulation.

Section 89, as the offence provision, is central to the Nature Conservation Act. Removing the exemptions to the offence and placing them in subordinate legislation appears to be nothing but a blatant tactic to circumvent the highest level of parliamentary scrutiny when making, amending or repealing these exemptions and highlights the arrogance of this government and its disregard for parliamentary and legal principles—something that has been on show this week in full force.

The Queensland Law Society, in its appearance at the public hearing into this bill, clearly articulated its significant concern and disbelief at this government's reckless actions. The Queensland Law Society does not believe these exemptions fall within the types of matters that should be included in subordinate legislation as defined in section 4 of the Legislative Standards Act. Specifically, Mr Michael Connor, deputy chair of the Queensland Law Society's Planning and Environment Law Committee, stated at the public hearing—

> It just defies logic if you have an offence-creating provision that is as wide as section 89 which does not contain within the same provisions exemptions or defences to that same provision. In my submission, it breaches the Legislative Standards Act, it defies common sense, and at the end of the day it makes this legislation more difficult to navigate for lawyers, courts, regulatory entities and, most importantly, members of the community who might take an interest in this.

The Queensland Law Society provides the warning that the movement of these exemptions into subordinate regulation raises concern about it becoming a Henry VIII clause because what the government is doing is transferring power and control of the offence and exemptions away from the scrutiny of the parliament to the executive—again something that we have seen this government pursue this week in this House. The minister suggests in his erratum that exemptions already exist under the Nature Conservation Wildlife Management Regulation 2006, which is true, but in the

regulations the maximum penalty attributed—and there are not that many penalties attributed in the regulations currently—to the using and moving of protected plants is 165 penalty units maximum. That is $18,000. That is what the regulations carry. That is the biggest penalty issued under the regulations currently. This government wants to transfer into the regulations the offence and the maximum penalty which is two years imprisonment. Taking it out of the legislation, coupled with the exemptions, and putting it all into the regulations actually defies logic and, what is more, it actually takes responsibility away from members in this House to properly scrutinise laws that are made and amended which carry with it an imprisonment and a taking away of liberty.

Additionally, the Queensland Law Society flags that the removal of the exemptions from section 89 to subordinate legislation defeats the purpose of the bill to simplify the framework. I support this position. Instead, the removal of the exemptions from the act increases the complexity, inefficiency and imposition on business and community, yet the government has insisted on this approach. What is happening here is that the government is staying true to its form as an arrogant government that thumbs its nose at the community, the experts and the law so that it can enforce its policies without being subject to independent scrutiny—again something that we have seen in detail this week repeatedly, day in, day out. This is a government that ignores accountability and ignores proper transparency of its policy decisions. This is a government that would not think twice about diluting protection of Queensland's native flora. This government does not have the conviction to stand up in this House and to be upfront with the Queensland people about its disregard for the environment, its disregard for the process and its disregard for expert independent opinion from groups like the Queensland Law Society, the Wildlife Preservation Society and even the Queensland Resources Council. This is a government led by a Premier who at the election would give every commitment to the people of Ashgrove to maintain environmental protections in this state and then as soon as he gets his seat embarks upon one of the most radical windbacks of environmental protections in this state. This bill is no different than that agenda.

In addition to the erosion of legal principles by this bill, it also erodes current protections of Queensland's native plant species. It does this in a number of ways. The bill winds back the need for flora surveys, which are an essential tool in understanding ecosystems when making a comprehensive assessment about what species exist and the appropriate response for those undertaking clearing. It was clear from the minister's statements earlier during this debate that the minister's view was, 'Well, I don't think we were getting much use out of the flora surveys so let's do away with them altogether and instead let's give people who have an interest in making lots of money from the land the ability to clear when they like. We will remove the administrative burden for them, but we will increase the burden on the native plants and vegetation of our state.'

Mr Powell: How many flora surveys did the previous government collect? You didn't even require them to be submitted.

Ms TRAD: The minister has had his opportunity. Maybe he would like to take some notes and come back to it when he concludes the debate later on this afternoon.

Mr Powell: You took that interjection.

Ms TRAD: I take that intervention.

Government members interjected.

Ms TRAD: Oh, it is so funny. I will take that interjection.

A government member interjected.

Ms TRAD: No, in fact I am not precious. I am very happy to stand up here and put the Labor case for why we need to retain flora surveys in this state. I am very happy to get up in this place and outline why Labor is happy to stand on its record when it comes to protecting native vegetation. I am very happy to stand up in this place and talk about why Labor is the only party in this country that is prepared to take action on climate change, why Labor is the only party in this state that is prepared—

Mr POWELL: I rise to a point of order. The legislation is very specifically around protected plants and I would ask that you make a ruling on relevance given that the member seems to be straying from that.

Mr DEPUTY SPEAKER (Mr Watts): Order! I remind the member to talk to the bill and I remind those who might wish to interject to interject on the topic of the bill.

Ms TRAD: It appears that I struck a bit of a raw nerve when I mentioned climate change. The environment minister is yet to be convinced by the science of climate change.

An honourable member interjected.

Ms TRAD: I take that interjection. I know that he has a science degree. Seriously, what worries me the most is that he has a science degree and he is yet to be convinced by the science of climate change. However, I digress.

Present at the public hearing into the bill was Mr Des Boyland, who is the policies and campaigns manager with the Wildlife Preservation Society of Queensland. He has many years of experience in undertaking floristic studies. He pulled no punches during the hearing. Frankly, this parliament needs to recognise and pay tribute to the decades of service that Mr Boyland has given to Queensland and to the preservation of wildlife in Queensland. I take a moment to recognise all of his efforts on behalf of the Wildlife Preservation Society of Queensland. The society has been going for over 50 years now and has done much to identify important environmental concerns in Queensland. It has done much to get governments of the day, whatever their political persuasions, to take action in relation to protecting our important environment and the species that live in our state. During the hearing, Mr Boyland said that this bill significantly weakens the environmental protections for Queensland's native flora, which is also articulated in the society's written submission to the committee. He said that through such a dramatic reduction in flora surveys, there is a risk that threatened species will be lost. He went on to say that we do not know enough about flora in Queensland to establish emphatically what species are exactly where.

This bill worsens that lack of knowledge of flora species, because it relies on self-assessment of species identification. For the environment minister, who is a minister with a science degree, to remove from the equation of decision making evidence based and scientifically rigorous information in relation to the assessment process before land clearing can be undertaken is of significant concern. It is of significant concern that this government thinks that it is okay to remove out of the equation any sort of audit of native flora before sending in the bulldozers. It is outrageous, but I have to say that it is at least consistent. This is the government that took the axe to tree clearing laws in Queensland. It is the government that decided that saving native vegetation was a secondary order issue, or maybe it was a 20th order issue for this government. It was another example of the Premier saying to the people of Ashgrove, quite clearly, 'We will not reduce statutory protections when it comes to vegetation management in this state', yet this bill seeks to further reduce environmental protections for native flora, that is, native vegetation, in this state. It is a complete breach of the commitment that the Premier gave at the election and it is a complete and utter broken promise. The people of Ashgrove will be made aware of this. I can guarantee the members of the House that this broken promise, the dishonouring of this commitment, as well as many others, will be made very clear to not only the people of Ashgrove but also those of many other electorates who take a very keen interest in making sure that the Queensland environment is protected and conserved for their children and their children's children.

An honourable member: What about green preferences, Jackie?

Ms TRAD: That old warhorse! The bill worsens this lack of knowledge of flora species, because it relies on self-assessment of species identification. For anyone who is not a professional botanist, the self-assessment process is completely unreliable and unrealistic because of the complexity and diversity of almost 13,000 flora species in Queensland. The requirement for self-assessment shows what a farce is this government's commitment to the environment.

The floriculture industry has advanced several concerns throughout the consultation process and has highlighted the effects those changes will have on scientific discovery and possible commercialisation, stating—

> Low Risk Clearing Activities will be exempt from flora survey and permitting requirements. This may impede the discovery of new species with commercial potential as vegetation clearing may be conducted without adequate flora auditing beforehand.

In addition to the cutting of environmental protection for flora through the slashing of flora surveys and the requirement of self-assessment, this bill asks us to trust this government to do the right thing and put in place subordinate legislation that provides guidelines that will help conservation. I am not willing to trust a government that says, 'Trust us, we will not cut any public sector jobs' and then cuts over 14,000 jobs. I am not willing to trust a government that says, 'Trust us, we will not cut health services' and then cuts essential health services affecting thousands of vulnerable Queenslanders.

Mr Rickuss: 'Trust us, we won't sell assets.'

Ms TRAD: I take that interjection. In my electorate of South Brisbane there are three Queensland education and TAFE sites that are being sold by this government. Was there any mandate from the government?

A government member interjected.

Ms TRAD: I am taking an interjection, Minister. Perhaps you could let the member for Lockyer know that he should keep his mouth shut during my contribution.

Mr DEPUTY SPEAKER (Mr Watts): Order! I remind the member for South Brisbane to remain parliamentary in her language. I remind members to look to the title of the bill when interjecting.

Ms TRAD: Every time this government says, 'Trust us', what does it do? I can tell the House that this arrogant government does whatever it wants because it can. It has a massive majority in this House and it does not tolerate or consider anything but its own cruel and self-serving agenda.

Mr Nicholls: Here's one: Yungaba, sold under Labor.

Ms TRAD: This government does not care about services for Queenslanders. It does not care about our environment. It cares about its own interests and the special interest groups that it serves.

I will take that interjection from the Queensland Treasurer, who mentioned Yungaba. I say to the Queensland Treasurer that it was he, his party and his Premier who went to the last election saying, 'We won't do this unless we have a mandate'. On Monday, the Queensland Treasurer put out a press release saying, 'I think we should sell the Queensland electricity generators. Yes, I think we should. We do not have a mandate, but we will concoct a mandate at the next election.' What I will do—

Government members: Ha, ha!

Ms TRAD: The Treasurer could make it his No. 1 election policy. We will make the sale of the electricity generators the campaign issue at the next state election. I reassure the Queensland Treasurer that he will get his wish. We will assure him that his privatisation agenda will be the basis of the election campaign at the next state election. He just needs to rest assured and not increase his blood pressure here this afternoon, because we will give him what he wants. I assure him of that.

Mr Nicholls: Is that a threat or a promise?

Ms TRAD: That is a promise. I promise the Treasurer.

Mr Nicholls: We look forward to it, every day of the week.

Ms TRAD: So do we.

Mr DEPUTY SPEAKER: Order! Members, I remind you to direct your comments through the chair.

Ms TRAD: Of course, Mr Deputy Speaker. I hope that regional members are looking forward to it as much as the member for Clayfield, because I can assure them that it will be a bigger issue in the bush than it is here in South-East Queensland.

Let me tell members from the bush that the Treasurer's wish, the member for Clayfield's wish to make electricity privatisation the No. 1 issue at the next state election will be just that out in the regions. I am not sure whether the member for Chatsworth poking out his tongue at me was an interjection, but I am not prepared to take it.

I will get back to the bill now that I have reassured the Queensland Treasurer that he will get exactly what he wants at the next state election. These erosions of environmental protection for Queensland's native flora species created through this bill are made by this government with blatant disregard of the Queensland community's wishes, blatant disregard of experts and data and facts and blatant disregard of the effect it will have on Queensland's environment.

The Queensland Mycological Society made two salient points on this issue, stating in their submission to the committee—and I note that the member for Lockyer is not interjecting now because it is a significant concern that they expressed—

Mr Hopper: Just bait him; keep going.

Ms TRAD: I will take that advice, thank you member for Condamine. The Queensland Mycological Society said—

The legislative changes proposed will have the effect—

Government members interjected.

Ms TRAD: I will wait until they are quiet, Mr Deputy Speaker. I think given the society has made a contribution members in this House should listen to it.

Mr Powell: It's the fact that it has been channelled through you that's the problem.

Ms TRAD: I assume that the Minister for the Environment is saying that the Mycological Society does not have a right to contribute to this debate. I hope that Hansard has noted his contribution. They stated—

The legislative changes proposed will have the effect of allowing clearance of large areas of land for agriculture or development without any scientific assessment or opportunity for public scrutiny.

We know how much this government hates public scrutiny. We know how much this government hates science. This shows the lack of respect this government has for evidence based policy despite their constant protestations. We know for a fact that there was no scientific, rigorous analysis before they introduced amendments to the native vegetation act. We know for a fact that the department had not conducted any independent assessment before drafting the changes at the minister's direction. We know for a fact that when it comes to the environment this government does not care for independent assessment. It does not care for scientific analysis. It does not bring any rigour to the process of ensuring that development and environmental protection can co-exist.

Further the Mycological Society also stated—

Government members interjected.

Ms TRAD: I hope all of the members interjecting have an opportunity to speak in this debate. They are so passionate about protecting Queensland's native flora. I hope that they are somewhere on the speaking list. I would love to hear what their thinking is rather than their base interjections.

The Mycological Society also stated—

It follows that the legislative changes proposed will lower levels of protection and may well rob future generations of important biological resources through ignorance.

We know that the last time the Liberal National Party were in government in this state for any period of time that one of the key descriptors of Queensland was a constant state of ignorance. They were in a state of ignorance about all the corruption that was happening underneath and around them.

Government members interjected.

Ms TRAD: They knew nothing. Again they continue in blissful ignorance. There is yet another way this bill will hurt environmental conservation and floriculture businesses. The floricultural industry has pointed out that by making it easier to take whole plants from the wild businesses that have invested time, energy and money in domesticating and cultivating native species will be at a disadvantage. Make no mistake, this government will allow forests to be opened up and for people to go in and take whatever plants they want. This will significantly disadvantage those people in the floricultural industry who have spent so much time, energy and money setting up their businesses, doing the right thing, paying for permits and trying to conserve the environment at the same time as building a business. That is an absolute disgrace.

This goes to show the emptiness of so much of the government's red-tape reduction rhetoric. They do not understand that regulations can help businesses and help the environment at the same time. At the Queensland Plan summit last week in one of the discussion groups I was struck that a member of the public who was invited along said to the whole group, 'I'm not sure why this government is so anti regulation? Why do they hate regulation so much? Every time they reference regulation it is in the negative.' This woman was saying, 'Don't they understand it can actually help as well?' This is a very clear example of where regulation has assisted the establishment and growth of an industry and of small businesses. This government will basically make them hit the wall.

In conclusion—because I know how much those members who have been interjecting want to get up and have their say about how best to protect Queensland's native flora—this government clearly does not understand, does not care that conserving the environment is complex. They want to make it simple and have a slogan like 'cutting green tape' and make it a two second sound bite on the six o'clock news. But conserving our environment requires greater thought and understanding of the balance between—

Government members interjected.

Ms TRAD: It actually does take a little bit more intellectual application, a little bit more concentration than three seconds to understand the complicated issue of the balance between fiscal bottom lines and the long-term strategies and objectives of ensuring that our economy keeps growing and that our environment is protected and conserved not only for us but for future generations and for other members of our planet who choose to come to Queensland not to visit some swanky six-star resort with a big casino but to see the incredible environmental assets that we have in the state. One of the five World Heritage areas is in this state. That is why people come to Queensland. That is why we have a multibillion dollar tourism industry in this state. It is not because people come to Queensland to go to a casino. That is one of the most disgraceful things I have heard from this government in such a long time, and particularly in antipoverty week.

Quite frankly, what is clear is that the majority of stakeholders think that this bill is an abject failure—not just conservation groups but also the Queensland Resources Council. This bill does not meet its objective. This bill will inhibit Queensland maintaining its reputation as the most biodiverse state in Australia.

What we have through a regulatory approach to protecting native plants is the tool kit necessary to protecting our biodiversity, protecting precious native plants. What this government is doing is throwing that out the window in order to deliver to its mates, to the big end of town. I cannot commend this bill. In fact, if anyone has any sort of affection for the environment or any concern for the environment that they will give to their children, then they will vote against this bill.

Mr RICKUSS (Lockyer—LNP) (5.30 pm): I rise to make a brief contribution to the Nature Conservation (Protected Plants) and Other Legislation Amendment Bill. I would also like to thank the committee that was involved in examining this bill and the staff who do a great job supporting the committee. This just goes to show how the committee process actually does work appropriately. We had a large list of submitters from Queensland Rail to the Mycological Society, the Resources Council, AgForce and the Wildlife Preservation Society—quite a number of groups.

It is important that I get up to speak after that irrelevant, delusional contribution we have just heard. It was very loose with the truth. I understand the member for South Brisbane is taking advice from the member for Condamine, so you can imagine how good that advice is, too.

Mr Minnikin: Brains trust in action.

Mr HOPPER: Mr Deputy Speaker, I rise to a point of order. I find that offensive and I ask it to be withdrawn.

Mr DEPUTY SPEAKER (Mr Watts): Order! I ask the member to withdraw.

Mr RICKUSS: No. It was the brains trust comment that he is referring to.

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

Mr RICKUSS: Which one?

Mr DEPUTY SPEAKER: The comment that the member for Condamine has found offensive.

Mr RICKUSS: Is that my comment or his?

Mr HOPPER: Mr Deputy Speaker, I rise to a point of order. That should be withdrawn unreservedly immediately.

Mr DEPUTY SPEAKER: Member for Lockyer, I ask you to withdraw your comment.

Mr RICKUSS: I withdraw. The member for South Brisbane was taking advice from the member for Condamine. I realise that that was probably badly received advice but that is just a fact of life. It happened while I was here in the chamber. I did not realise the brains trust issue had come from behind me. That was something totally different I think.

The member for South Brisbane was extremely loose with the truth. She used issues that really were out of context and without any realistic rationale. She spoke about the Mycological Society having concerns. The report states—

The department notes the concerns raised by the Queensland Mycological Society.

The proposed framework will be adopting a risk based approach, and all clearing activities impacting on plants that are endangered, vulnerable and near threatened ... and their supporting habitat will be regulated ...

This is good, common-sense legislation and I congratulate the minister on this. The flora surveys were never submitted. Get a piece of paper and write your name on it—that was virtually what a flora survey was. They were never submitted. This was just regulation for the sake of

regulation. The plant industry and the native plant harvesting industry is a great, quiet industry that goes about its business. We all benefit from some of the magnificent plants we see in nurseries and gardens all over the state. It really is an industry that does need looking after. I am sure the minister and this side of the House has no intention of seeing those sorts of industries harmed. We have no intention of that.

Mr Powell: Most of them are in my electorate.

Mr RICKUSS: That is right. I have some major nurseries in my area that harvest some of these plants. In terms of a project clearing permit only lasting six months, how ridiculous was that! This is common-sense legislation. Let's face it: it will benefit agriculture, it will benefit horticulture, it will benefit the mining companies, it will benefit the Queensland economy. That is what it is really about—it will benefit the Queensland economy.

The committee made a number of recommendations and I am glad to see that the minister has picked up most of those recommendations and supported of them. I think the committee worked extremely hard on some of these issues. Some of them were fairly complex issues in terms of getting your head around the description of some of the plants and their vulnerability and how it all works. Overall, I think it is a great piece of common-sense legislation that really does need to be supported. I congratulate the minister and I congratulate the environmental team who have put this piece of legislation together.

Mr HOPPER (Condamine—KAP) (5.35 pm): What a lot of dribble we have just heard from the member for Lockyer, the chair of the committee—

Mr RICKUSS: Mr Deputy Speaker, I find that offensive and ask it to be withdrawn.

Mr HOPPER: I withdraw. He is the chair of the committee and he spoke for 3½ minutes. He never even had any notes. He just looked at his book. He pulled apart what the member for South Brisbane had to say and he made absolutely no contribution to this legislation whatsoever. I ask the minister and the Premier to seriously look at his position. When you have people like that holding those positions and getting—how much?

Ms Trad: $40,000.

Mr HOPPER: $40,000; is that right?

Ms Trad: For that speech.

Mr HOPPER: That is disgraceful.

Mr DEPUTY SPEAKER (Mr Watts): Order! I ask members to direct their comments through the chair please and not debate across the chamber.

Mr HOPPER: Look at the amount of money this man is being paid and the contribution that we have just heard—

Mr RICKUSS: Mr Deputy Speaker, I would like to know the relevance to this bill of what the member is talking about.

Mr HOPPER: I will tell you about the relevance. Mr Deputy Speaker, the relevance is that—

Mr DEPUTY SPEAKER: Could you please take your seat for a moment, member for Condamine. I remind members that they should be referring to other members by their title or their position and, if they do not, they will be asked to withdraw and they should withdraw unreservedly. Before I call the member for Condamine, I would like to welcome Ruthy Heagney from St John Vianney's Catholic Primary School, Manly.

Mr HOPPER: This bill does have some very good parts to it and it also has some parts that I would like to express some concerns to the minister about, especially in the EIS area in relation to fast-tracking. He will understand what I am saying as I get into my speech. I understand and appreciate that there is a considerable amount of red and green tape involved with government approval processes, planning development approvals, timeframes for decision making on the development application process, transparency of performance for development application process and environmental impact statements.

In other regards, I also acknowledge that there is reason and logic which underpins the development and implementation of the government processes. These processes are implemented to ensure that there is compliance and transparency from industry which operates within Queensland. Ultimately, the government processes are there to ensure the present and future wellbeing of the Queensland community and their environment.

The Queensland Commission of Audit's final report, volume 2, C5.3.2, pages 324 to 328, discusses these issues in detail in relation to the recommendations which the commission put forward to address long-term systemic reform. The recommendations the commission advocated can be found on page 328, which states—

The regulatory burden on industry be reduced by significantly shortening timeframes for all major government approval processes (such as Environmental Impact Statement approvals and planning development approvals), without requiring additional government resourcing, including by:

- reducing the number of steps in the approval process
- reducing maximum allowable times for particular steps in the process
- streamlining consultation processes with government agencies and other stakeholders

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

Mr DEPUTY SPEAKER (Mr Watts): Order! Member for Condamine, take your seat. What is your point of order?

Mr POWELL: Mr Deputy Speaker, notwithstanding the member for Condamine's concerns around the EIS process, which I am very happy to discuss outside this chamber, this bill is about receiving permits for protected plant clearing. It is very specific. I am happy to discuss the other matter with the member and therefore would ask that you rule on relevance.

Mr DEPUTY SPEAKER: Order! I remind the member for Condamine to talk to the title of the bill. The member for Condamine has the call.

Mr HOPPER: The government conducted a review of the protected plants legislation framework under the Nature Conservation Act 1992. The regulatory impact statement was published in April 2013. The review presented three regulatory options: option 1, maintaining the current framework; option 2, green-tape reductions; and option 3, co-regulation. The government decided to adopt option 2, green-tape reduction and regulatory simplification. The government's decision to use option 2 is also in line with the independent Commission of Audit report's recommendations. Members of the House should question the validity of the regulatory impact statement review, because the review was based on fiscal assumptions. I would like to remind members that the previous federal Labor government based its budget spending on a mining tax fiscal assumption. Fiscal assumptions are misleading and are not based on evidence, only on possibilities. The government's option 2 is based on possibilities and has failed to acknowledge the facts.

The Agriculture, Resources and Environment Committee, in questioning the consultation process that the government has conducted relating to the formation of the bill, stated—

It would appear that no formal consultation has taken place in relation to the Bill itself with the department relying on the submissions received in relation to the RIS.

A number of stakeholders raised concerns with the committee that the subordinate legislation was not available for consideration together with the Bill given the crucial importance of these provisions to the regime provided for in the Bill. At the committee's public hearing, Powerlink submitted that further consultation with interested stakeholders was necessary given that a majority of the framework is still to be introduced through subordinate legislation.

Mr Powell: Exactly. So we will consult on the subordinate legislation when it is ready.

Mr DEPUTY SPEAKER: Order! I remind members to direct their comments through the chair and not enter into debate across the chamber.

Mr HOPPER: If the minister could address that, I will certainly be listening to his speech at the end. I thank the minister. The devil is in the detail and the detail is in the independent Commission of Audit report, otherwise known as the 'government's bible'. The detail of this bill will be introduced through subordinate legislation, and this should be a real concern for every member of this House. The government continually exhibits disdain for the fundamental legislative principles contained within the Legislative Standards Act 1992 and, in particular, regard for the institution of this parliament and the requirement that rights and liberties are subject to appropriate review.

In relation to the simplification of government processes, members of the House should consider the cost and benefits of a simplified environmental impact statement process. The EIS is one of the main focuses of the government's regulatory reform agenda, as stated in the response to the independent Commission of Audit's final report on page 16. I encourage members to ask themselves why the government wants to simplify an EIS process that ensures the wellbeing of Queensland communities and their environment.

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

Mr DEPUTY SPEAKER: What is your point of order?

Mr POWELL: This piece of legislation does not impact on the EIS process at all. It is a separate approvals process for the potential clearing of protected plants. I would ask that you rule on relevance.

Mr DEPUTY SPEAKER: Order! I remind the member for Condamine to keep his comments relevant to this bill.

Mr HOPPER: Thank you very much.

Mr Rickuss: Somebody wrote the speech and he did not understand it.

Mr DEPUTY SPEAKER: I call the member for Thuringowa.

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

Mr DEPUTY SPEAKER: Member for Thuringowa, take your seat. Member for Condamine, what is your point of order?

Mr HOPPER: Last night we saw the member for Lockyer kicked out of this House for an hour for continually abusing me. Once more I find his comments offensive. I ask you to address that situation and I ask that you ask the member for Lockyer to withdraw his comments.

Mr DEPUTY SPEAKER: Order! Member for Condamine, take your seat. Member for Lockyer, please withdraw your comments.

Mr RICKUSS: I withdraw the comment about the member not understanding—

Mr DEPUTY SPEAKER: Thank you.

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

Mr DEPUTY SPEAKER: What is your point of order?

Ms TRAD: Environmental impact assessments are entirely appropriate to be debated here. The other legislation that is being amended is the Sustainable Planning Act, under which environmental impact assessments actually take place.

Mr DEPUTY SPEAKER: Order! I have ruled on the point of order previously and I have asked the member to keep to the title of this bill. The member has chosen to take his seat. I call the member for Thuringowa.

Ms Trad interjected.

Mr Powell interjected.

Mr DEPUTY SPEAKER: Order! I remind members not to enter into debate across the chamber or they will be leaving this chamber.

Mr COX (Thuringowa—LNP) (5.44 pm): Mr Deputy Speaker, I will try to stick to the title of the bill, which some members do not seem to wish to do. Firstly, I would like to thank my fellow committee members, especially the chairman, the member for Lockyer, for their work on this important piece of legislation. I also thank the research team for their assistance.

This bill introduces significant changes in the management of Queensland's flora. They are changes that are needed. While we are fortunate enough to have an environment that offers an abundant, diverse and often unique plant life, it is also in many ways fragile. Our goal through this legislation is to protect and conserve threatened plant species. That is the underpinning principle of this bill.

Let us look at what is at stake. With more than 12,800 known species, Queensland has the most diverse range of native flora in Australia. Of these, 198 have been identified as endangered, 390 as vulnerable and 461 as near threatened. Twenty-three of our plant species are extinct in the wild. These figures are of concern, but we also need to consider that 11,000 species are classified as least concern plants. What we need is a conservation based but common-sense approach where all stakeholders, including interest groups, industry bodies, landholders and conservation groups, participate in the ongoing care and management of our environment.

The review of our protected plants framework had to be done so that we could assess its currency and its effectiveness in achieving the conservation and preservation of protected plants. Queensland has had to carry the huge weight and cost of the regulatory burden imposed by Labor-Green governments for two decades. What we found when we reviewed the previous government's policies and practices in this area was that they were complicated, burdensome, costly

and overly prescriptive. The protected plants framework stifled industry. Businesses, landholders and other parties operating under the framework said that it was difficult to interpret and therefore difficult to implement and administer in any meaningful way. Even more alarming, the complexity meant that there was a lack of compliance with its regulations. In fact, the actual result was therefore negative conservation outcomes for protected plants. The protectionist culture that we saw under Labor-Green governments did not produce good environmental outcomes. It quickly became outdated and it showed a complete lack of consideration for sustainable landscapes, which was identified at the recent Queensland Plan summit as one of the six outcomes that Queenslanders wanted to see. I hope the member for South Brisbane took note of that.

The Newman government is committed to consultation, and carried out a formal consultation process in relation to both the proposed policy directions and the options for the regulation of protected plants under this legislation.

Ms Trad interjected.

Mr DEPUTY SPEAKER: Order! I remind the member for South Brisbane to address members by their title. The member for Thuringowa has the call.

Mr COX: We are pretty close in our committee, Mr Deputy Speaker.

Mr Dillaway: That is Jackie's dream.

Ms TRAD: Mr Deputy Speaker, there is only a certain level of sexism that should be tolerated in this chamber. That is a completely offensive remark and I ask for it to be withdrawn.

Mr DEPUTY SPEAKER: Order! I ask the member for Bulimba to withdraw.

Mr Dillaway: I withdraw.

Mr DEPUTY SPEAKER: Order! I remind members to conduct themselves appropriately in this chamber. The member for Thuringowa has the call.

Mr COX: We have also undertaken extensive informal consultation with interested parties including native plant harvesting, growing and trading businesses, interest groups and businesses, and industry bodies with an interest in clearing native vegetation. In its submission to the committee, the Queensland Farmers Federation confirmed the problems with compliance and supported the proposal to reduce green tape and simplify regulatory requirements.

At the public hearing, AgForce said that education and communication for its members was crucial for the protected plants framework to work effectively, and recommended an education and communication campaign. AgForce represents landholders with generations of experience and knowledge of working with the land, and their advice is worth noting here. They said, in part—

Our experience with talking to landholders for that 10-year period and travelling to those small towns and remote communities has been that, if we tell them they have something on their property that is sacred and that they need to protect and it forms a fundamental part of the way their system or property operates ecologically, they will by and large support that and go out of their way to protect those areas. We have seen that on property time and time again with people fencing out water and fencing out rugged country that has some ecological benefit. What we had thought is that, if it was truly a risk based strategy, even if we could identify the top 20, 30 or 40 species that were significantly under threat and communicate those, run an awareness campaign rather than a regulatory tool to talk to people about what these species are and how they had to manage them, then potentially we would see better outcomes on ground and better engagement by our producers of the need to protect these species.

I thank those two peak bodies that represent the agricultural sector for their contribution to the development of this legislation. I am sure they must feel relief now to have a government and a Minister for Environment who understand that they are the true custodians of our native flora and fauna and have the ability to get the balance right. I notice the member for South Brisbane did not mention them in her speech. I am pleased to say that this legislation will bring a fresh approach to managing and protecting native plants. In his introductory speech, the minister said—

This bill sets the foundation for reforms and takes a sensible risk based approach to regulation that supports sustainable economic development and land use while ensuring protection of Queensland's unique flora.

So while the Newman government is committed to protecting and conserving our flora, we will do so in a way that actually works. By removing green-tape restrictions—not regulation for regulation's sake—we will engage landholders in meaningful and practical conservation work. It is, after all, conservation that the bill is intended for, and I believe in conservation through sustainable use. The aims of this bill are pretty simple: it maintains or improves the current conservation status of all protected plant species in Queensland. This is necessary not only to protect the unique flora of this state, but also to ensure that agriculture, one of this government's four pillars, is sustainable. It

facilitates the sustainable take, use and trade of protected plants. This may only be a small industry in the wider scheme of Queensland's revenues, but it is nonetheless important to the underlying concept of conservation through sustainable use, a concept about which those opposite obviously have no idea. It is efficient and effective.

We know that a diverse array of native flora will continue to play an integral role in maintaining the health and diversity of ecosystems across the state, and this act provides for the protection of all native plants in Queensland. But under the full suite of proposed reforms, the government will no longer be attempting to comprehensively protect every plant everywhere. That is not feasible, it is not efficient and it is not enforceable. Rather, this legislation adopts a risk based approach to regulation, which means that permits and licences will only be required for activities that pose a high risk to plant biodiversity. It simplifies permit and licence requirements for the agriculture, property development, mining and exploration sectors, and for those who harvest and grow protected plants. Clearing permits will be valid for two years instead of the current period of six months, and the framework will be simplified with a reduction in the number of licence and permit types from 11 down to three.

This bill will also clarify when offsets can be required, which will be consistent with the requirements of the government's offset policy. 'Consistency' is not in the vocabulary of those opposite except when they kowtow to their green preferences. At the same time, Minister Powell has managed to ensure that there will be a high level of protection of our most threatened plant species. So while the harvesting of whole, least concern plants will be exempt from requiring a licence, it is still recognised that due to high commercial demand, for example, or the particular biological traits of the plant, the taking of certain least concern plants may not be ecologically sustainable. The bill, therefore, introduces a provision for a least concern plant to be prescribed as a special least concern plant if it may be at risk from unmanaged taking or use. This is a sensible approach and one that will benefit both our flora and the landholder.

We also anticipate that the reforms will result in improved data collection and will help to fill knowledge gaps in relation to our threatened and near threatened native plants. We will have better information about the location and distribution of plants, which will help to ensure that any impacts on protected plants will be managed appropriately. This will enable us to target impact management and conservation initiatives so that we can achieve good outcomes for our native plants and for biodiversity.

This bill, therefore, also supports the new vegetation management legislation, which is practical, proactive and overdue, that Minister Cripps has already brought into this House and will help all sectors of Queensland's four pillars: tourism, construction, resources and agriculture. Implementing the new protected plants framework will complement the Commonwealth's Environment Protection and Biodiversity Conservation Act which, among other things, provides a legal framework to protect and manage nationally and internationally important flora.

I congratulate Minister Powell on getting in and uncomplicating regulations relating to our native flora, while ensuring ongoing conservation and protection of threatened species. The outcome will be to create tens of millions of dollars in savings to industry and halving the cost burden to government or, to put it another way, your and my state debt. Through these reforms, we can go back to having regulations that Queenslanders accept as necessary to look after our environment but which decrease the government debt burden created by paper-shuffling jobs that serve no purpose. That will enable industries to generate profits and employ people. Clearly, this bill offers a common-sense approach that will engage and involve a range of stakeholders, including landholders, in the ongoing protection and preservation of our environment.

How refreshing it is for all Queenslanders to have a minister such as the member for Glasshouse, the Hon. Andrew Powell, who has not only the interests of this state's unique environment at heart, but also that of the landholders who have carved their livelihoods from the land and who continue to make such an important contribution to the economy of this state. It was a pleasure to be a member of the committee looking at such important legislation. I thank the minister and his staff for this bill and his consideration of the committee's recommendations.

Mrs CUNNINGHAM (Gladstone—Ind) (5.56 pm): I rise to speak to the Nature Conservation and Other Legislation Amendment Bill (No. 2) 2013. In doing so, I wish to ask a couple of questions in clarification and also to put on the record the concerns of at least one gentleman in my electorate who has some questions and comments to make in relation to the bill. Firstly, I think that there are many in our community who will welcome increased access to national parks and other public land. The retention and protection of national park areas is critically important. It is investing in the future. Our

parents did it and we are doing it for our children and our grandchildren. Access to those national park areas in a safe and appropriate manner is also good. It encourages our kids to have an understanding of the wealth of plant—

Ms TRAD: I rise to a point of order. I just wonder if the honourable member is addressing the next nature conservation amendment bill and not the current one. I do not think access to national parks is the issue here. It is about protected plants.

Mr DEPUTY SPEAKER (Mr Watts): Order! Thank you, member for South Brisbane. Member for Gladstone, I will remind you to speak to this bill.

Mrs CUNNINGHAM: Yes, I apologise. You are right, thank you. I will start again. The protection of flora and fauna is appropriate and that it is appropriately done is an important aspect of this piece of legislation. I understand that the legislation will retain protection for at-risk plants. I would seek clarification from the minister in relation to a comment that the member for South Brisbane made—and I may not be quoting it verbatim—that people will be able to go in and take whatever plants they want. I would seek an assurance from the minister that that is not the case. Quite a number of years ago it was. People, both legally and subsequently illegally, went in and took a lot of birds' nests, ferns and other things from Kroombit Tops. It was illegal. They would go in and remove these plants to the extent that, in some instances, the plants became either endangered—certainly not extinct—or at risk. One of the other requirements to ensure this protection—and I am sure it is something that the minister will have at heart—is an increase in the number of workers to protect these areas. Whilst there is a streamlining of the permit process, the number of staff needs to be increased so they can properly apply these new requirements.

I was concerned when the member for Condamine raised the EIS issue, because there was a statement by the Deputy Premier in relation to simplifying EIS statements, in particular, social infrastructure. But I am assured that the simplification—which is not directly contained in this legislation, but implied—is the simplification of permits required by EIS proponents. I would seek your confirmation that by simplifying and streamlining the process required to obtain permits there will still be adequate protection not only for the flora and the fauna involved, but also for landowners who may be affected by such projects. I look forward to your comments.

Mrs MADDERN (Maryborough—LNP) (5.59 pm): I rise to make a contribution to the debate on the Nature Conservation (Protected Plants) and Other Legislation Amendment Bill 2013.

Before I go on, I would like to say that the largest area of my electorate is rural. I have a lot of lovely people who work in that rural area, and they are not out to rape and pillage the land of flora and fauna. They look after their land, they love it and they protect it, and if they know, they will conserve whatever is necessary.

It seems to me that under the previous legislation there was a lack of knowledge and there was a lack of compliance. If you have rules and you do not know about them or they are not enforced, they are not worth the paper they are written on. I believe that the member for South Brisbane is of the opinion that if you throw enough red tape at a problem, that will solve it. I do not necessarily agree with that.

This bill paves the way for a suite of reforms to streamline and simplify how the harvest, use and trade of native plants are regulated in Queensland. There are two key elements: the effective conservation of threatened native plant species and the implementation of a framework which supports compliance; and, secondly, a reduction in green tape with the resulting reduction in the cost of the regulatory burden on business and government. When fully implemented, the proposed reforms will open up a range of new opportunities for the various sectors and individuals interested in the harvest, growth and trade of Queensland's diverse native plant species.

This bill will introduce a protected plants framework to provide a legal framework that primarily seeks to protect and manage plants which either are—or are at risk of—becoming endangered or near threatened. The framework will adopt a risk based approach to regulation, and under the framework permits and licences will only be required for activities that pose a high risk to plant biodiversity. All other activities will be exempt; for example, under the proposed reforms harvesting of many least concern species—which are subject to lower levels of threat—will be exempt from licensing requirements. However, it is recognised that the pressures on certain least concern species due, for example, to high commercial demand or particular biological traits may be such that the regulation of harvest is necessary to ensure the species does not become threatened. To this end this bill amends the Nature Conservation Act to allow for particular least concern plants to be prescribed as special least concern and for harvest to be regulated accordingly.

Importantly, this does not create a new category of protected plants; rather, it simplifies the existing categorisation system for least concern plants subject to particular harvest restrictions. Effectively, there will now be only two categories of plants that harvesters need to be aware of: endangered, vulnerable and near threatened—known as EVNTs—and special least concern plants. In addition, for communication purposes and to support transition to the new framework these plants will be identified as type A and type B, utilising terminology that is already familiar to the harvesting sector. The department will also provide plain English fact sheets to improve understanding and support implementation.

The grass tree—and there are many in my area—an iconic Australian plant species in high commercial demand, both in Australia and overseas, is a good example of one such species that will be identified as a special least concern plant. Under the current framework, whole grass trees can be harvested only from areas that will be cleared as part of an approved development with applicable vegetation clearing permits. However, under the wider reforms the harvest of whole grass trees and other commercial popular species such as cabbage tree palms will be allowed where long-term sustainability of harvest for conservation benefits can be demonstrated.

The regulations for the harvesting and growing of protected plants will be focused on the sustainability of the activity rather than the purpose of the activity or the end use of the plants. The framework proposed under this bill will simplify the number of licence and permit types, with the number of licenses and permits being reduced from 11 down to three. The maximum allowable currency periods for permits and licences will be increased so that industry will no longer need to keep reapplying throughout the course of a project. In the case of a clearing permit, the time frame will move from six months to two years. As anyone who has been involved in the development of a project of any type would know, time frames are often extended for various reasons. Extending the time frame for the clearing permit means one less hassle for the developer, who has many others to contend with.

The bill will remove the requirement to undertake costly flora surveys for all but high-risk clearing activities. This will significantly reduce the cost to business and government. I note the minister's comments about the fact that a lot of these flora surveys were never utilised in an appropriate manner. The consultation process has raised some concerns that the removal of the requirement to undertake extensive flora surveys may lead to reduced knowledge gaps and reduced confidence on the data available. But if the flora surveys were not being used, the data was not there anyway. Departmental staff advised that flora survey requirements will be part of subordinate legislation, and flora survey guidelines will be developed and will include expert advice from the Herbarium and other accredited professionals.

It became fairly clear throughout the consultation process that the previous regime for conservation of protected plants was complicated, complex, poorly understood and generally not complied with. The implementation of the simplified protected plants framework will assist in greater understanding and compliance; however, for this to occur there needs to be a significant program of education. While there are many peak bodies for agriculture, development and the nursery industry to disperse this information, there still remains a larger body of people who may be subject to the provisions of the act but are unaware of their obligations. That has happened in the past, and I am referring to those who have rural residential properties which are often 20 to 50 hectares in size and who do not earn a living from this land. They have little to do with peak bodies. The second group of concern are the hobby gardeners. They are not nursery businesses but they do propagate plants for sale, often at local markets, and sometimes specialise in certain types of plants. I was pleased to be advised that the propagation and cultivation of Queensland's native plants, whether for commercial or recreational purposes, will continue to be supported under the proposed reforms.

The committee sought advice from departmental staff as to how they proposed to address the issue of alerting these groups to their responsibilities under the act. In my former professional life I was well aware of the Vegetation Management Act but, despite all of my professional development, I had no knowledge of the legislation covering protected plants. It is so very easy to miss legislation with which you must comply. Submissions to the committee also referred to the fact that the Vegetation Management Act as amended and the proposed plant protection framework were not linked, and we did discuss this matter with departmental staff and I do believe that that is going to be looked at in the future.

I am very pleased to support this bill, as it is designed to meet the LNP government's commitment to reduce red and green tape, reduce costs to business and put in place a framework which will encourage greater compliance for the protection and sustainable use of our diverse native flora and fauna. I commend the minister for his work, and I thank the committee for their support in this process.

Mr KNUTH (Dalrymple—KAP) (6.07 pm): I rise to speak to the Nature Conservation (Protected Plants) and Other Legislation Amendment Bill. I support the minister and commend him for this bill. There is an opportunity to save $50 million by the reduction of unnecessary red and green tape, and those funds will be able to benefit the community in some other way.

I believe that the protection of Australian native plants is very important, and there is a threat posed by the takeover of noxious weeds not just on grazing land but also public land, national parks and river systems. It is a massive problem which costs this country millions of dollars in lost production.

It is important that we protect our native plants. Our native wildlife has over generations lived, bred and developed by being able to survive on our native plant life for feed and habitat. There is a wildlife corridor in the Malanda area. It is very important for the sustainability of that region. I refer to the recent opening of the information centre. Last week 8,000 people went through that information centre. One of the main attractions was the tree kangaroo. At present I am working with the minister to develop strategies to raise awareness of the crossing of the tree kangaroo in that region. The tree kangaroo attracts many tourists. Those tourists put so much into the economy of that town.

Earlier I spoke about noxious weeds. Lantana is an example. Cattle eat lantana, they get sick and die. It takes over that country. It has taken over many of our state forests. Likewise, parthenium is doing the same. So native plants are competing against noxious weeds. There is always an opportunity to use noxious weeds. For example, prickly acacia can be used as a feedstock for power generation.

Mr Rickuss: Weeds are just plants in the wrong place.

Mr KNUTH: I know. In the end, I think this is good legislation. It removes red tape but, at the same time, ensures the protection of plants. We need to address the problem of noxious weeds as they compete with native plants.

I refer to feral pigs. Feral pigs can carry weeds with their feet from one rainforest to another and throughout the river system. Coordination is required in terms of reducing the number of feral pigs. There is an estimated 20 million feral pigs in North Queensland. If we want to protect plants, we also have to look at getting rid of the vermin.

Ms BATES (Mudgeeraba—LNP) (6.13 pm): I rise to speak in support of the Nature Conservation (Protected Plants) and Other Legislation Amendment Bill 2013. First, I acknowledge the minister and his actions. The way our protected plants framework is managed, as an important area of legislation, is something that needed to be addressed. The goals of the legislation, including the goal to increase efficiency and reduce the regulatory and administrative burden on the community, business and government, are admirable.

To illustrate the current inefficiencies—a legacy of the previous government—I would like to relay a practical application of this legislation that occurred in my electorate in 2010. The residents of Springbrook are regularly a focus of my speeches in this place. It is not coincidental: this community has suffered more than any other in the electorate as a result of, we well know, grubby deals, poorly thought out legislation and a lack of compassion for their future by the previous government. Being a relatively remote community, in comparison to the suburban bulk of the rest of my electorate, damage to, and delays in the repair of, one of the few access points to the mountain can have a dramatic effect.

In 2010 Springbrook Road required some substantial repairs. Springbrook Road, of course, is a heritage listed road and is a vital piece of transport infrastructure for the Springbrook community. Indeed, even in its current state, much improved on 2010, it really should be much further improved in the interests of that community. There were potholes, surface areas were poor, and Transport and Main Roads were committed to carry out repairs. TMR got to work but then mysteriously stopped. In the meantime, substantial rains had caused the problems to be exacerbated, creating an unsafe road surface for locals and tourists alike. In fact, I think the *Gold Coast Bulletin* likened it to the Kokoda Track. I am sure that the difficulties experienced by tourists did not bother the previous government too much. They had already spent nearly $40 million in the previous couple of years trying to make Springbrook less attractive for visitors in the name of environmental protection.

Of course, I have touched on these issues before—the shady deals, the lack of transparency, the blatant disregard for the livelihoods of Springbrook based businesspeople. So why was construction vital to community safety placed on hold? TMR told me that it was partly the rain but also due to environmental concerns. The nature of these environmental concerns soon became evident. It is my understanding that the concerns had their root in a single phone call. Endangered plant species which were not there the night before had suddenly been discovered. They were under threat. They had to be protected at all costs. Interestingly enough, an email from Transport and Main Roads at the time had a portion redacted. The part of the email that was redacted was that Aila Keto had made one phone call to the director-general of Transport and Main Roads and had my $400,000 worth of roadworks stopped because of an endangered species, which apparently she can see through binoculars all the way from Brisbane—

Ms TRAD: Mr Deputy Speaker, I rise to a point of order. These are unsubstantiated slurs and allegations against a member of the public which the member should substantiate if—

Mr DEPUTY SPEAKER: That is not a point of order. The member for South Brisbane will take her seat.

Ms BATES: If the member for South Brisbane went back and looked at *Hansard* she would see that that email was actually tabled in the House a number of years ago.

TMR was obligated to consult with the then department of environment and resource management. DERM—the 'department of no'—commenced their development of a vegetation management plan. Construction was shut down as the bureaucracy went through the motions, which they were obligated to do. The community were outraged, and they certainly expressed their feelings to their local member. Concerns raised included reduced access for emergency services, threat of landslides and threat of fatal car accidents.

This so-called endangered plant life was subsequently found to be common in the area. However, months had passed when the only species in danger was the Springbrook motorist. It is only by chance that no-one was killed while the roadworks were put on hold and the primary entry and exit point to the mountain was reduced to a potential deathtrap.

Red-tape reduction in relation to environmental protection has a demonstrable effect on communities like Springbrook. The previous example is but one demonstration of how poor practice can have a real and detrimental effect. I congratulate the minister for what he has been doing up in Springbrook. He has been actively listening to the concerns of residents of Springbrook, as has the Minister for Natural Parks, unlike the former minister for the 'department of no', 'Carbon' Kate.

Mr TROUT (Barron River—LNP) (6.18 pm): I rise to speak in support of the Nature Conservation (Protected Plants) and Other Legislation Amendment Bill 2013. The bill provides the first stage of amendments that are required to facilitate the implementation of a new legislative framework for protected plants. Specifically, this bill delivers on the government's commitment to streamline legislation and remove the onerous and unnecessary administrative burden for government, industry and individuals. It is good conservation outcomes that are important, not onerous and unnecessary administrative and regulatory requirements.

This bill is a good example of what can be achieved and the savings that can be made when legislative requirements are made as clear and concise as possible. For example, we estimate that the savings to business as a result of these reforms are in the order of approximately $50 million per annum. This will largely be achieved by adopting a risk based approach and removing the onerous flora survey requirements for all but high-risk activities.

Clearing permits will only be required where activities actually pose a risk to protected plants rather than the current situation which has different requirements for different land tenures and activities but which does not correspond with the level of risk or duplication with other processes. In addition, the new framework is a more consistent and equitable approach to managing impacts of clearing. Savings to government are estimated at approximately $320,000 per year through removing unnecessary administrative requirements and assessment burden. Fees will also be introduced to recover costs of assessment, meaning that government will now be able to adequately resource the management of this framework. These reforms will also lead to a more efficient government, as assessment, education and enforcement effort will be focused on activities that pose the highest risk rather than being stretched to regulate all activities. I commend the minister, who has proven he gets the balance right between the environment and common sense. To staff in the Agriculture, Resources and Environment Committee, it was great to play a part in inquiring into these amendments to the Nature Conservation (Protected Plants) and Other Legislation Amendment Bill.

Hon. AC POWELL (Glass House—LNP) (Minister for Environment and Heritage Protection) (6.20 pm), in reply: This evening it gives me great pleasure to rise at the conclusion of the debate of the second reading to reflect on some of the statements and contributions made by members. I start by firstly thanking government members for their very thoughtful and relevant contributions this evening, particularly the members for Lockyer, Thuringowa, Maryborough, Mudgeeraba and Barron River. They have certainly caught on to the intent of this bill in terms of continuing our focus on green-tape reduction that will drive sustainable economic development whilst ensuring that we continue to manage what is most precious in this state—that is, our environment and our biodiversity, and that is certainly what this bill achieves.

I want to take the opportunity to address some of the genuine concerns raised by members of the crossbenches and opposition and also address what are clearly complete and utter mistruths when it comes to interpreting both the intent and the actual detail of the bill that we are debating this evening. I will start with the genuine concerns. The member for Condamine, as did a number of other members, sought confirmation that the extensive subordinate legislation as part of this new protected plants legislative framework will be consulted on, and I give the assurance that it will. It is literally the case that we wanted to ensure that the primary legislation was passed prior to us commencing drafting of the subordinate legislation. We do agree that it is substantial and, as such, there will be opportunities for consultation with the relevant stakeholders at the appropriate times in that process.

I want to pick up the comments made by both the member for Condamine and the member for Gladstone regarding environmental impact statements, and I think they were referring to the part of the regulatory impact statement that was done on this first part of the framework. The integration that was proposed as an option within the RIS with the Environmental Protection Act that would have had an impact on the environmental impact statements is being considered to further reduce duplication but as a future option. It is not part of this regulatory review. I certainly take on board the concerns that, in trying to remove duplication, in trying to improve administrative processes, we ensure that we continue to provide opportunity for the community to have input, and it is certainly our intent to protect the environment. I can assure both the member for Condamine and the member for Gladstone that if that does occur it will be part of future reform work, that that will be significantly consulted on, and that it will be consistent with the work that we are doing both in my department and the Deputy Premier's department around streamlining environmental approval processes and balancing the need for the approval with our protection of the environment. However, we are also very mindful that we are currently in a period where we are negotiating an environmental one-stop shop with the new federal government and we are very conscious that what we are doing needs to work hand in glove with those efforts to again remove what is clearly the most significant duplication—that is, duplication of legislation at the state level with legislation at the federal level.

As I often say, we are all for setting a very high environmental standard when it comes to project approval, but we want one standard, one hurdle—not two hurdles, not three hurdles and we certainly do not want to set them alight at the last minute so that proponents have to jump over multiple hurdles and be surprised by sudden changes at the end. We want a high standard that is agreed to, one process that is agreed to. As I have said before, if it requires Commonwealth officers being embedded in my department and in the Deputy Premier's department, then so be it. If it requires—which I suspect it will—annual audits of our processes and our approvals, then we certainly welcome that as well. There was one other concern raised by the member for Gladstone regarding concerns that there would be some form of free-for-all in terms of accessing protected plants and harvesting protected plants. I can assure the member for Gladstone that any harvesting approvals will require a sustainability plan. It certainly will not be open season on these species and they will continue to be monitored through the work of this framework and through the work of my department.

That brings me to some of the more ludicrous claims—factually incorrect claims, hysterical claims, as the member for South Brisbane herself used—around the process to which we have arrived this evening and also some of the elements of the legislation. This evening it is very important that before we conclude this debate we actually correct the record on some of the outrageous statements made by the member for South Brisbane. First of all, the member for South Brisbane spent significant amounts of time talking about a perceived lack of consultation. I can assure members that there was significant consultation throughout the development of this framework. I take on board, as I have already said, a number of stakeholders' concerns that there is detail yet to be seen and that that will be seen in the subordinate legislation. But as the subordinate legislation has not been drafted because we have been awaiting the finalisation of the primary legislation, those stakeholders will have an opportunity to see that as it is developed in the coming months once, hopefully, this House passes this bill this evening. So there has been extensive consultation.

There are two other elements that the member for South Brisbane needs to be aware of. Firstly, the extensive consultation has potentially led to what I would consider to be a relatively small number of submissions to the committee on this bill. That is indicative of the fact that all through this process my department and I have engaged those interest groups and those individuals—whether they be from industry or whether they be from the conservation sector—in the development of this bill. The member for South Brisbane suggested that we have ignored the consultation. The member for South Brisbane was actually part of a committee that made a number of recommendations and sought a number of points of clarification—all of which we have agreed to with the exception of one, and that is the exemptions being put into the regulation. However, I am happy to address that issue specifically shortly. Any suggestion that this has not been very openly and transparently consulted is factually incorrect. They are hysterical claims. They are out there to try to paint a picture that is not the truth. In fact, we will continue to consult with interested parties as we continue to develop this framework over the coming months.

I now turn to the concept of flora surveys. I find the claims made by the member for South Brisbane mind boggling. She is clearly barking up the wrong tree on this one, because what she is referring to in terms of flora surveys under the existing legislative framework were never even required to be submitted to the department of the day. So the legislative framework that we are replacing this evening had a requirement for flora surveys, but there are two things to consider. Firstly, it never had a requirement that they actually be submitted to the department in making decisions. On that same point, I would actually challenge the member for South Brisbane to ask some of her party colleagues who perhaps were in government previously to answer this question: how many surveys were actually received? How many surveys under the existing legislative framework, which we are addressing this evening, were actually received by predecessors of the EHP department? The answer is that we do not know. We suspect that there were none, but because there was no requirement there was nothing done with them if they did come in. The second element—and this goes to the accusations that we have not taken a scientific approach to this—is that the current legislative framework does not have a scientific approach to it. The flora surveys could be done in any form that the proponent decided. The member for Lockyer said the idea of just putting a name on a piece of paper and making a few remarks would have sufficed. There was no scientifically robust methodology for the development of that survey nor, given it was not submitted, was there any verification of that survey. This new process has a scientifically robust approach to the flora surveys in that they will be developed in conjunction with the Queensland Herbarium and verified, once submitted, to the department.

Sitting suspended from 6.30 pm to 7.30 pm.

Debate, on motion of Mr Stevens, adjourned.

MOTION

Order of Business

Mr STEVENS (Mermaid Beach—LNP) (Leader of the House) (7.30 pm), by leave, without notice: I move—

That, notwithstanding standing and sessional orders, general business notice of motion, disallowance of statutory instrument, be postponed to a later day.

Question put—That the motion be agreed to.

Motion agreed to.

NATURE CONSERVATION (PROTECTED PLANTS) AND OTHER LEGISLATION AMENDMENT BILL

Second Reading

Resumed, on motion of Mr Powell—

That the bill be now read a second time.

Hon. AC POWELL (Glass House—LNP) (Minister for Environment and Heritage Protection) (7.31 pm), continuing in reply: It is with pleasure that I rise to continue my concluding remarks on the second reading of this bill this evening. Prior to the dinner break, I was speaking at length about flora

surveys and the accusations and the hysteria from the member for South Brisbane that a process that had no rigorous scientific structure compared to how flora surveys were established and no compulsion for those surveys to be provided to the department is somehow better than a scientifically robust methodology prepared in conjunction with the Queensland Herbarium and verified upon submission to the EHP. I just present that to all Queenslanders and to members of this House for what it is—the facts. There is a scientific basis to the flora survey process that we are proposing under this new framework.

I now turn to the moving of the exemptions in particular into the regulation. Again, that seems to have caused some consternation. I am inclined to again read what I said in my second reading speech. I will, just for the sake of it being recorded in *Hansard* again, so that people are very clear. I stated—

The bill aims to simplify the framework by removing regulatory provisions that are no longer necessary or are better placed in the subordinate legislation. For example, exemptions are currently spread across a number of legislative instruments and are proposed to be consolidated within the Wildlife Management Regulation. I know that the transfer of exemption provisions from the act into the subordinate legislation has raised some concerns ... about whether it adversely affects a person's rights or liberties or has sufficient regard to the institution of parliament. I will address this point specifically. This amendment will not change an individual's rights or liberties under the act, and an affected person will not be adversely affected by the delegation. It is a reasonable and appropriate way of handling this policy framework, as the exemptions will be located in subordinate legislation.

I point out here that, contrary to what was suggested by the member for South Brisbane, the exemptions being in subordinate legislation will make them subject to parliamentary scrutiny, as per the requirements under the Statutory Instruments Act 1992. I stated further—

Section 89(1)(h) of the Nature Conservation Act already provides the power to delegate an exemption to a regulation. In fact, that is where the majority of exemption provisions are currently located.

At this point it might be salient to point out who put that clause in that act and who put those exemptions in those regulations. It was the former Labor government. So for the member to come in here tonight and suggest that somehow we are being frivolous with the fundamental privileges of not only Queensland but of people who are particularly concerned about protected plants is just completely and utterly misleading given that the same intent was delivered by the previous Labor government through section 89 of the Nature Conservation Act and through putting the exemptions into those regulations. All we are seeking to do is to consolidate those exemptions into one regulation so that it is simpler for any interested party to understand their responsibilities under this framework and to be able to act upon it.

Also, contrary to the comments made by the member for South Brisbane—she certainly was on a roll this evening—under the legislation it is still an offence to take a protected plant. Any suggestion otherwise is erroneous. Let me say that again. Under the legislation, it is still an offence to take a protected plant.

The member for South Brisbane also made the suggestion that businesses would be disadvantaged. The suggestion was that a person who had invested in a nursery industry or who had invested in plants, improvements and sales would somehow be disadvantaged by allowing plants to be removed from the wild. I remind the member for South Brisbane that this legislation is actually a conservation act, not a trade act. This legislation is about ensuring that we continue to have sustainable populations of our most endangered, vulnerable, near-threatened species and some special least concern species in the wild. Again, I go back to what I said about the comments of the member for Gladstone. Any harvesting must demonstrate that there is a sustainability plan. This legislation is about conserving those protected plants. It is not about structuring a trade or an industry.

Another concern that the member for South Brisbane raised erroneously was that somehow this green-tape reduction activity, this improvement in the legislative framework, was an abandonment of protection for protected plants. It is quite the opposite. I like to liken the old legislative framework for protected plants to something like communism. It might have sounded great in theory but we all know that the examples of it in practice, despite the best efforts of the communist member for South Brisbane perhaps, have been rather—

Ms TRAD: Mr Deputy Speaker, I rise to a point of order. I find the remarks offensive. I am actually not a communist and I ask that the member—

Honourable members interjected.

Mr DEPUTY SPEAKER (Mr Watts): Order!

Ms TRAD: Mr Deputy Speaker, I find the remarks offensive and I ask that they be withdrawn.

Mr DEPUTY SPEAKER: They were personally offensive?

Ms TRAD: Yes, they were.

Mr DEPUTY SPEAKER: I ask the minister to withdraw.

Mr POWELL: I withdraw. I will go back to the analogy. The current legislative framework for protected plants is like communism. It might have sounded great in theory—the ideals, the principles behind communism—but it never worked in theory. The vast reams of red and green tape encompassed in the six different pieces of legislation and subordinate legislation and regulations that are the current framework for protected plants in this state is like communism. It is all smoke and mirrors. There is only a perceived level of protection because, in practice, the framework simply is not complied with. No-one can understand it. No-one can put it into practice. No-one, even if they did a flora survey, would know whether it was up to scientific standards and then rarely, if ever, submitted it to the department. It is a perception of protection. Added to that, because of the complexities, the framework is also incredibly hard to enforce, to monitor and check for compliance and make the relevant enforcement.

We are moving to a streamlined approach that focuses our attention on endangered, vulnerable, near threatened species and a number of special least concern species. That means that not only industry but the conservation sector and the EHP as the regulator can focus their attention on those high-risk species and make sure that we have a robust system that not only delivers on their protection but also allows us as a regulator to ensure that we check and monitor for compliance and, if necessary, take the relevant enforcement. These changes will allow us to do this. These changes will deliver far better environmental outcomes, as I said, than the current paper trail that is the legislative framework for protected plants in this state.

That corrects the record when it comes to the claims made by the member opposite. This framework is about producing a better outcome for industry, be that the agricultural industry, the horticultural industry itself in terms of harvesting, selling and trade, the resources industry, the conservation sector and the plant species themselves. This is a better outcome for everyone. It produces significant dollar savings. It produces significant time savings for industries not only involved in undertaking flora surveys but also getting their permits. It provides significant time and dollar savings for EHP when receiving the flora surveys to verify those and make use of the data we receive. And it will produce a better outcome for this state when it comes to protected plants.

In summing up, I would like to thank a number of departmental staff who have worked on the preparation of this framework and who still have much work to do in preparing the subordinate legislation that will sit under it. In particular I thank Jacqui who was here this evening assisting, Helena, Caroline, Phillippa, Sally, Andrew, Wade and Geoff for their work and their tireless efforts in consulting with all interest groups to make sure that tonight we have the best package to offer to the parliament for its consideration. I commend the bill to the House.

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

Motion agreed to.

Bill read a second time.

Consideration in Detail

Clauses 1 to 8, as read, agreed to.

Clause 9—

Ms TRAD (7.42 pm): Clause 9 refers to the removal of the offence and the exemption of the offence from the actual legislation and places it in the subordinate legislation, into the regulations, which we are yet to see. This is a critical issue in relation to the responsibilities in this House of members of parliament to ensure that they have adequate and responsible discharge of their duties in relation to scrutinising and reviewing legislation and laws that come before this House that deprive Queenslanders of their liberty in certain circumstances.

This week we have seen quite an extraordinary approach by this government in relation to the deprivation of liberty and in relation to the deprivation of adequate democratic consultation around significant pieces of legislation. This is yet another example of where the government has sought to put into subordinate legislation or to, let us be clear, transfer from this House—transfer from the Queensland parliament—adequate scrutiny of laws and place them into subordinate legislation which

is more under the control of the executive arm of government. Not only is the LNP satisfied with 84 per cent of the Queensland parliament, they want to remove as much scrutiny as possible from this place and place it into the executive arm. Quite frankly, I think it is a reflection on how insignificant they view their own back bench. They actually do not trust them to contribute to the debate. They actually do not trust them to contribute to the scrutiny of laws that do in fact have the effect of imprisoning Queenslanders for two years as a maximum penalty. I am not sure about those members present, but I think it is a complete nonsense to come into this House and say 'We are removing this offence, we are removing the exemptions and we are going to put it into subordinate legislation that we are yet to draft, that we promise you we will consult you on, that is somewhere in the pipeline, we are not entirely sure where, but it will only happen when we actually pass this legislation.' Would it have been a surprise to the minister that bill this got up here tonight? With 85 per cent of the parliament he was hedging his bets. He did not fire the starting gun in terms of drafting the subordinate legislation. He did not take a punt. I think it is completely ridiculous that we should be considering this without the actual subordinate legislation.

Mr POWELL: I am a bit flabbergasted. I do not know where the member for South Brisbane has been for this entire evening. I addressed both matters that the member has raised in my second reading speech. To be doubly sure that the member for South Brisbane heard them, I did it again at the end of the debate. I explained very clearly what is occurring. Let me make it explicitly clear: the offences remain in the act. Let me say that again: the offences that the member is referring to remain in the act. The exemptions, rightly pointed out by the member for South Brisbane, are moving into the regulation and that subordinate legislation is being prepared at the moment. Under the Statutory Instruments Act that subordinate legislation is available for parliamentary scrutiny, as it has always been. I wonder where the member for South Brisbane was when her colleagues in the former Labor government put the capacity within the Nature Conservation Act to delegate these matters into regulation and, indeed, put a number of exemptions in the regulation.

Ms Trad interjected.

Mr POWELL: I have said it twice. The delegation sits under section 89(1)(h) of the Nature Conservation Act to delegate exemptions to a regulation. The previous Labor government put a number of the exemptions into regulation, as is proposed by this legislation. In fact, we are consolidating the exemptions into one regulation to make it easier for interested parties, be they the department as a regulator or proponents who are trying to access clearing permits for protected plants. It makes it simpler and easier for everyone to have them in the one place. To suggest this is not open to parliamentary scrutiny is erroneous. It is false. It is misleading. To suggest that the offences are going into regulation is false and misleading. Queenslanders and members in this House need to be clear that what the member is saying is untrue and has been addressed on three separate occasions to date.

Division: Question put—That clause 9, as read, stand part of the bill.

AYES, 66—Barton, Bates, Bennett, Berry, Bleijie, Boothman, Cavallucci, Choat, Cox, Crandon, Cripps, Crisafulli, Cunningham, Davies, C Davis, T Davis, Dempsey, Dillaway, Douglas, Dowling, Elmes, Flegg, France, Frecklington, Gibson, Grant, Grimwade, Gulley, Hart, Hathaway, Hobbs, Hopper, Judge, Katter, Kaye, Kempton, Knuth, Krause, Latter, Maddern, Malone, Mander, McArdle, McVeigh, Millard, Minnikin, Molhoek, Ostapovitch, Powell, Pucci, Rice, Rickuss, Robinson, Ruthenberg, Shorten, Shuttleworth, Smith, Springborg, Stevens, Symes, Trout, Wellington, Woodforth, Young. Tellers: Menkens, Sorensen

NOES, 7—Byrne, Mulherin, Palaszczuk, Pitt, Trad. Tellers: Miller, Scott

Resolved in the affirmative.

Clause 9, as read, agreed to.

Clauses 10 to 25, as read, agreed to.

Third Reading

Hon. AC POWELL (Glass House—LNP) (Minister for Environment and Heritage Protection) (7.58 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. AC POWELL (Glass House—LNP) (Minister for Environment and Heritage Protection) (7.58 pm): I move—

That the long title of the bill be agreed to.

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

Motion agreed to.

DIRECTORS' LIABILITY REFORM AMENDMENT BILL

Resumed from 28 November 2012 (see p. 2865).

Second Reading

Hon. JP BLEIJIE (Kawana—LNP) (Attorney-General and Minister for Justice) (7.59 pm): I move—

That the bill be now read a second time.

I thank the Legal Affairs and Community Safety Committee for its report on the Directors' Liability Reform Amendment Bill 2012 and for its consideration of the submissions received. I also thank the stakeholders who contributed to the committee process by providing their thoughtful submissions: the Australian Institute of Company Directors, Minter Ellison Lawyers and the Queensland Law Society. Directors liability offences are those for which executive officers of corporations, such as directors, can be liable as a result of offending by their corporations.

The bill, which I introduced on 28 November 2012, proposed a substantial reduction in the number of directors liability provisions from approximately 3,800 offences to approximately 260 offences across the acts amended. The bill provided various levels of liability for executive officers: type 1 liability where the prosecution has the onus of proving that the executive officer failed to take all reasonable steps to prevent the commission of the offence by the corporation; type 2 liability reverses the evidential onus of proof for executive officers; and type 3 liability reverses the legal onus of proof for executive officers. The bill also provides for 'deemed liability' where the officer has authorised or permitted the corporation's conduct constituting the offence or was, directly or indirectly, knowingly concerned in the corporation's conduct. This liability applies not just because of corporate offending but because of the executive officer's own actions in that offending.

The bill was introduced to comply with the Council of Australian Governments, that is, COAG, required time frame of introduction by the end of December 2012. In the time that has elapsed since the bill's introduction, a further whole-of-government review has been undertaken to determine if further reductions in the number of remaining directors liability provisions and the level of their liability are appropriate.

Significantly, as part of that review, the government has decided that directors liability provisions should generally not be included in state legislation and where included the case for the provision will need to be appropriately justified. Further, the government has decided that where an exception is agreed to and a directors liability provision is to be included in legislation, it will not reverse the onus of proof.

Under this policy, there are only two types of liability for executive officers, type 1 and deemed liability, rather than the four currently provided for in the bill. Type 2 liability and type 3 liability are removed. Type 1 liability will be retained for just over 100 offences. This means executive officers will only be liable for these offences where the corporation commits the offence and the prosecution proves that the officer did not take all reasonable steps to ensure the corporation did not engage in conduct constituting the offence. There will be no reversal of the onus of proof.

Type 1 liability will be retained for offences in the areas of food safety; public safety, for example, public health, building safety, fire safety, water safety and reliability and explosives use; public and environmental safety in mining, gas, petroleum and nuclear activities; child protection; environmental and heritage protection; animal welfare; and revenue protection. The number of remaining directors liability offences compares favourably with reforms undertaken in other Australian jurisdictions.

Additionally, deemed liability will be retained where an officer has authorised or permitted the corporation's conduct constituting the offence, or was, directly or indirectly, knowingly concerned in the corporation's conduct. It will apply to approximately 30 acts but, in the interests of certainty and transparency, its application will also be confined to nominated offences. Deemed liability is in addition to the potential liability of executive officers as a party to an offence pursuant to the Criminal Code.

Deemed liability is proposed to be retained including for offences concerning child protection, public safety—for example, food safety, transport of dangerous goods and water reliability—animal welfare, revenue protection, environmental protection, publication of certain protected information concerning proceedings and petroleum and mining safety. General deemed liability provisions are only retained as a temporary measure for the Property Agents and Motor Dealers Act 2000 and the Health Act 1937 pending replacement legislation.

The committee in its report on the bill made reference to the need for an urgent review of five acts which were inadvertently omitted from the original review of Queensland's directors liability provisions. These acts have now been considered as part of the recent whole-of-government further review and the directors liability provisions in each of these acts is proposed for repeal.

During consideration in detail I will be moving a significant number of amendments to the bill to give effect to the outcomes of the further whole-of-government review. It is the government's expectation that the resulting amendments will ensure that the correct balance is achieved between reducing red tape and the regulatory burden placed on executive officers and maintaining appropriate accountability measures for serious offences committed by corporations.

The committee in its report also recommended that the Minister for Energy and Water Supply progress a review of the directors liability provision of the national electricity law through the Standing Council on Energy and Resources. As noted in the government response, the Standing Council on Energy and Resources is currently conducting a review of the enforcement regimes under the national energy legislation—the national electricity law, national gas law and national energy retail law. Section 85 of the national electricity law has been expressly identified for inclusion in this review process which is being led by the Commonwealth on behalf of all jurisdictions.

I would also like to update the House on some other legislation containing directors liability provisions which are not addressed in the bill. Broadly speaking, these acts were excluded from the COAG directors liability review due to the applicability of COAG exemptions or because they are the subject of other national or legislative reviews. Reform of the directors liability provisions in the Agricultural Chemicals Distribution Control Act 1966 and the Chemical Usage (Agricultural and Veterinary) Control Act 1988 is under consideration for inclusion in a suitable bill. The Child Care Act 2002 is proposed to be repealed by a bill currently before the Legislative Assembly. The Coal Mining Safety and Health Act 1999 and the Mining and Quarrying Safety and Health Act 1999, which were excluded from the COAG directors liability review, are currently the subject of a public consultation regulatory impact statement. The directors liability provision in the Cooperatives Act 1997 will be removed by amendments during consideration in detail of the bill. A directors liability provision in the Electrical Safety Act 2002 is not amended by the bill because of its imminent repeal under amendments in the Work Health and Safety Act 2011. The Environmental Protection Act 1994, the Marine Parks Act 2004, the Nature Conservation Act 1992, the Recreation Areas Management Act 2006 and the Vegetation Management Act 1999 were excluded from the initial review on the basis that they relate to environmental protection which were exempted from COAG's review. Despite this, the government is currently considering its options for moving forward with regard to directors liability and environmental regulation. The Exotic Diseases in Animals Act 1981, the Plant Protection Act 1989, and the Stock Act 1915 are proposed for repeal in legislation expected to be progressed in the near future. The Fair Trading Act 1989, which has been part of a national review, will be considered for directors liability reform as a matter of priority for an upcoming bill. The Sustainable Planning Act 2009 is subject to substantial review and the resulting legislation will need to comply with current directors liability policy.

During consideration in detail I will also be moving unrelated amendments to the bill to make amendments to the Crime and Misconduct Act 2001. Existing section 346A of the Crime and Misconduct Act 2001, which provides protection to certain confidential Fitzgerald Commission of Inquiry documents that were or were potentially accessed between 1 February 2012 and 5 March 2013 following incorrect classification by the Crime and Misconduct Commission, will have no protective effect after 8 November 2013. The government in its response to recommendations 13 and 14 of the Parliamentary Crime and Misconduct Committee report No. 90, titled *Inquiry into the Crime*

and Misconduct Commission's release and destruction of Fitzgerald Inquiry documents, committed to amend section 346A subject to advice from the CMC about whether the section's protection needs to apply to all of the documents that were accessed during the relevant period being 1 February 2012 to 5 March 2013.

Following discussions with the CMC, the agreed approach is to amend section 346A of the Crime and Misconduct Act so that it only applies while the documents that were accessed or potentially accessed between 1 February 2012 and 5 March 2013 are subject to a restricted access period under the Public Records Act 2002. The amendments will also apply a statutory restricted access period, which can be varied in the future by the CMC, of 65 years to Fitzgerald inquiry records held at Queensland State Archives and validate past archival action in respect of these records. I commend the bill to the House.

Mr PITT (Mulgrave—ALP) (8.08 pm): I rise to make a contribution to the Directors' Liability Reform Amendment Bill 2012. I wish to put on the record from the outset that I have listened to the Attorney-General's remarks this evening and from what I can gather this process has gone on for a long time. I think the original process began in November last year. We are 11 months down the track. We have had a significant number of changes. I will say from the outset that this is the first we have actually heard of the number of amendments to be moved.

Mr Bleijie interjected.

Mr PITT: Attorney-General, I am not being combative here. The opposition was not aware of the number of amendments. There was a statement of reservation in the original committee report tabled in March that talked about the fact that there could be possible amendments. We were advised in June that there were going to be amendments to this bill. As the Attorney-General has indicated, this is based largely on a COAG process that has been going on for a period of time. We were hoping to see those amendments earlier than this.

Mr Bleijie: They went at three o'clock.

Mr PITT: Attorney-General, with respect, three o'clock today is not what we meant by 'early'.

Mr Bleijie: You said you don't have them at all. Everyone has got the amendments.

Mr PITT: Attorney-General, given our in-principle support for the bill, as we indicated from the outset, it was indicated in June that there would be amendments and it has been quite a few months since June of this year when those amendments could have been circulated. It is disappointing that they have only come today.

We will be supporting our original position, which was the original bill. Of course, we were always going to reserve the right to have a very close look at what was put up by way of amendments. I am taking a leap of faith here and assuming that, because this process has been one that has been done in good faith through the COAG process from the outset, there will be hopefully no hidden surprises in these amendments. But we will be looking at these amendments in detail and obviously reserving our right to look at some of those amendments at a later stage.

This government has really set new ground in terms of its consultation process. We know that when we looked at this bill in its original form there were many concerns. Many concerns were raised, including by the Australian Institute of Company Directors and others, who wanted to put on the record the grave issues they had with the bill, and principal amongst those was that this government has again shown that it has shortened its consultation time frames and has not treated this place in the way that it should—that is, ensuring that people had the opportunity to get their say on the record and to be a very big part of actually value-adding to whatever changes may be made. We do know that in this sitting week we have seen, I think, five bills presented, three of which—

Mr BLEIJIE: Mr Deputy Speaker, I rise to a point of order on relevance. The five bills introduced this week have nothing to do with the honourable member's contribution to this debate on this particular bill this evening.

Mr PITT: Well, don't worry, Attorney-General, I will not be—

Mr DEPUTY SPEAKER (Mr Watts): Order! If I might just get a word in between the both of you—thank you, Attorney-General—I will ask the member to look to the content of the bill and stay relevant to it.

Mr PITT: Thank you, Mr Deputy Speaker. I would like to point out that what I am talking about right now is the consultation process for this bill. I think that is quite relevant to this bill. What I am trying to put forward is to demonstrate a pattern of behaviour that the Newman government has

brought to this chamber. There have been five bills presented, including three that were debated in cognate—those three happened to be introduced one day and debated the same day; the other two bills were introduced earlier in the week and will be debated tomorrow. We have concerns.

I heard the Deputy Premier speaking earlier today about the fact that until the new committee system was put in place there was no real scrutiny of legislation. I am not sure whether it slipped his mind but we did have a Scrutiny of Legislation Committee for many years. Of course, that function then ticked over to the Scrutiny of Legislation Secretariat, which looks at, for all of the portfolio committees, the fundamental legislative principles. What is disappointing about the way that the LNP are approaching the introduction of legislation to this House is that on many occasions, particularly on rushed bills, they are, I think, ignoring those FLPs. That should be of great concern to people.

I do not intend to speak at length at all given that we will be looking at the amendments. We were providing our support for this bill in its earlier form. We will be looking at the amendments, and from that point on we will make our determination, listening to this debate, as to what areas we will be supporting and what areas we will not.

Mr DEPUTY SPEAKER (Mr Watts): Order! I call the member for Ipswich.

Mr Bleijie: Ian, can you do me a favour? Can you actually talk about the bill?

Mr DEPUTY SPEAKER: Attorney, I ask you to refer to people using their title in this place, if you would please, and direct your comments through the chair.

Mr Bleijie: Mr Deputy Speaker, can the member for Ipswich talk about the bill because the Deputy Leader of the Opposition did not.

Mr DEPUTY SPEAKER: Member for Ipswich, you have the call.

Mr BERRY (Ipswich—LNP) (8.13 pm): Thank you, Mr Deputy Speaker. It is with a good deal of pleasure that I rise to speak on the Directors' Liability Reform Amendment Bill 2012. I might just make an opening statement to the effect that I am really quite happy about these amendments. It is always the case with these sorts of legislative bills that it is about balance and that balance needs to be weighed. On the one hand, you have directors liability. And what do I mean by directors liability, because I think it is a little bit of a misnomer. The definition in the act is 'executive officer'. Effectively, you could be a CFO, a CEO, a director or a manager yet you could come in under the definition of 'executive officer'. What needs to be made very clear to people listening to this debate or reading it subsequently is that, if they want an overview of this legislation, the net effect of what it is trying to do is balance the liability, the harm that could be caused by not following management ideals or risk management, as opposed to executive officers who in a lot of instances do these jobs for little or no remuneration. So it is a matter of balance.

We do not want on the one hand to discourage, to dissuade, executive officers from taking their proper role in corporate Australia because we must remember that on occasions we have corporations that are in fact charitable where the remuneration is very small indeed. So on the one hand we have to balance those directors' responsibilities, those executive officer responsibilities, with that of the protection of the community.

It was certainly heartening for me to listen to the Attorney-General and to hear of all the categories involved where you need to assume liability. We must remember, of course, that this is almost like a vicarious liability, a liability where if the corporation does wrong then the management team assumes a responsibility. That is not to take away from and not to be confused with an executive officer who does either an act or omission which is a breach of a duty which is a primary liability. So this is a vicarious liability, a secondary liability, which an officer will incur just by the mere fact that he is in a management team—he is there, with others who are in control of a corporation, to accept responsibility for ensuring that harm does not come to the public generally.

Of course, it is heartening for me in particular to hear that there has been an amelioration of the types of categories, that in fact we are not reversing the onus of proof, that we are basically sticking to type 1. I am heartened by that because the balance has always been very difficult. How do you decide between type 1, type 2 and type 3? It is always a very difficult case, particularly when the legislation from state to state will vary. One state might decide a type 2 or 3 for a certain category of activity, whereas another state might choose something different. This, I believe, brings about some common sense and I am certainly in favour of it, as I am in favour of the notion that it ought to be a Commonwealth responsibility in the long term.

It is always a very difficult matter. Since the days when I first started out as a solicitor, the companies act and regulations was actually controlled by the state and there has been an evolution of corporate Australia, an evolution where we have gone from a state based framework to a hybrid and

now of course to the ASIC, which controls corporations generally. So this is all part of a framework which is evolving to the point now where the Commonwealth would seem to be having a hand in ensuring that there is a consistency, that there is a uniformity in relation to this legislation.

It is always very difficult when it comes to corporate fault or organisational fault—and what I mentioned before about balance. However, these amendments are appropriate and I believe satisfy what corporate Australia really requires. We have had a number of contributions from the Law Society and Minter Ellison. Quite frankly, I think there has been an appropriate contribution. I know that when we discussed this at the committee level there certainly was a consensus, and I think it has only been enhanced by these amendments to date.

I join with the Attorney-General in supporting the passage of this bill through the parliament. I note that this was a Howard initiative. This goes back to the days of the Corporations and Markets Advisory Committee, as far back as 8 September 2006 when the inquiry effectively looked at this whole question. I think Peter Costello was the Treasurer at the time. That was the important catalyst. Of course it has been rolled into COAG since then, but effectively that was the impetus—the rolling effect from this acorn that started back in 2006. I thank my committee. I think its contribution has been great. The debate has been robust and clearly one of consensus. I think the formula is right. I certainly support the passage of this legislation through the House.

Mr DILLAWAY (Bulimba—LNP) (8.20 pm): I rise today to speak to the Directors' Liability Reform Amendment Bill 2012. I congratulate the Attorney-General for the introduction of this bill, my colleagues on the Legal Affairs and Community Safety Committee for their work in examining the bill and also the research team.

This bill amends over 80 separate acts of parliament, making minor and consequential amendments to just over half of these acts. The objectives of this bill are threefold: firstly, to reduce the number of provisions that hold executive officers personally and criminally liable for offences committed by their corporations, unless there is adequate justification to do so; secondly, to reduce red tape and open up Queensland for business—

Mrs Frecklington: Hear, hear!

Mr DILLAWAY: I take that interjection. The third objective is to coordinate a greater consistent approach with other Australian jurisdictions. These reforms have come about due to the growing burden on company directors, the increasing number and complexity of provisions, the impact on businesses, productivity and economic growth, and the need to improve consistency between Australian jurisdictions.

This scheme is part of the national reform under the Council of Australian Governments' National Partnership Agreement to Deliver a Seamless National Economy. The main reason behind this reform is to reduce the number of legislative provisions making directors automatically liable for criminal conduct of the company—an outcome that is inappropriate and disproportionate given that the acts of the corporation can be carried out by a large range of individuals without the directors' knowledge or involvement. Consequently, this hinders productivity because directors tend to make suboptimal business decisions and take an overly cautious approach to decision making, and focus their minds excessively on risk avoidance rather than on ways to improve value, competitiveness and, ultimately, profitability.

As part of the national reform program, COAG agreed on six principles in 2008 which are to be applied when imposing personal liability on directors and other corporate officials for corporate fault. By applying the six principles, audits of legislation were conducted by all Australian jurisdictions including Queensland. Currently, in Queensland alone the audit found over 80 acts and over 3,800 provisions for which directors or other corporate officers could be found to be automatically liable.

This bill reduces those 3,800 provisions to approximately 260, thereby clearly demonstrating our commitment to reducing executive liability provisions consistent with the COAG reform agenda. To achieve a reduction in the number of provisions that hold executive officers liable for offences, all provisions and individual offences were identified, assessed and then determined an appropriate level of liability. Therefore, in accordance with the guidelines set out by COAG, there are three levels of liability which may be attached to a director of a company. The liability test for this approach will now see directors have the same legal rights as other citizens and will no longer see them denied a presumption of innocence.

During the committee's submissions, Minter Ellison lawyers stated to the Legal Affairs and Community Safety Committee that current legislation impacts on business activity undertaken by directors and officers and affects entrepreneurialism and economic growth as directors adopt an

overly cautious approach. Since the election, the Newman government has been committed to reducing the regulatory burden on businesses to allow them maximum ability to prosper. I commend all ministers, particularly the assistant minister, for working towards our goal of a 20 per cent reduction in red tape.

Mrs Frecklington interjected.

Mr DILLAWAY: She is doing very well. I take that interjection by the assistant minister. There is nothing like self-promotion.

Mrs Frecklington: I said 'we'.

Mr DILLAWAY: Okay. These amendments, as part of the reform, will reiterate that Queensland is once again open for business. The Newman government is committed to building a four-pillar economy based on tourism, agriculture, resources and construction, and reducing regulation for business through reforms such as those contained in this bill is just another example—a very clear example—of how we are well on our way to achieving this.

Consistency in this legislation across the country will curb the previous confusion and complexity that have been present for directors operating interstate companies like many of the companies which operate in the Bulimba electorate. We are supporting competitiveness and profitability of Queensland businesses because their performance contributes to the economic growth of our state. Our government is working hard to support Queensland businesses in every way we can. Their energies should be focused on creating jobs and growth, not on trying to keep their heads above all the red tape that has been imposed on them under the years of the previous Labor governments.

Queensland will be a better place to do business, and these amendments will also ensure that it is a fairer place to be a company director and focus on maximising business outcomes. Queensland is a great state with great opportunity. I congratulate the Attorney-General for introducing these reforms into Queensland legislation as they will be welcomed across businesses in the Bulimba electorate. I commend the bill to the House.

Mr CHOAT (Ipswich West—LNP) (8.26 pm): Mr Deputy Speaker, it is always great to be in the House with a like-minded man from a great part of Queensland. I rise this evening to make my contribution to the debate on the Directors' Liability Reform Amendment Bill 2012. As a member of the Legal Affairs and Community Safety Committee, I am pleased to see the bill now pass through to this stage of debate before the House. I say to the Attorney-General that he can expect nothing more from me than to stay on message and be particularly relevant to the bill.

Once passed, the bill will certainly reduce the number of provisions which impose personal and criminal liability on executive officers for corporate fault and only provide for such liability where there is sufficient justification. It will also work towards the reduction of red tape as part of this government's drive to secure the business and the economy it represents is unshackled from such needless impairment. Importantly, it will foster greater consistency of approach to the liability of executive officers of corporations within other Australian jurisdictions.

The bill was developed following an audit of Queensland's existing directors liability provisions against nationally agreed guidelines and principles. These guidelines provide a practical guide as to how the principles are to be applied. The bill certainly ensures that the principles are clearly and properly upheld, and it makes provisions for situations of director liability under a single type of liability, removing both ambiguity and complication.

This is about certainty and confidence in business, something that this government certainly stands for, and for those who are responsible for decision making in governments within corporations. The bill is an expression of confidence in the corporate sector whilst providing that breaches are appropriately dealt with. I know there are a lot of people following this debate this evening, particularly Mrs Karen Spain of Ipswich, who has expressed sincere and very real interest in the matter. In closing, I wish to express my support for the bill and, in particular, for the Attorney-General's amendments.

Miss BARTON (Broadwater—LNP) (8.28 pm): It gives me great pleasure as a member of the Legal Affairs and Community Safety Committee to rise this evening to speak in support of the Directors' Liability Reform Amendment Bill. At the outset I want to thank the committee secretariat for the great work that it does. We have been a particularly busy committee, as I am sure the Attorney is

well aware, thanks to the ever-increasing workload that he imposes. While we are eternally grateful for that workload, our secretariat does a fantastic job of making sure that we are able to respond to the workload in a timely fashion and that we put together fantastic reports that really do address the issues that have been raised.

I would like to thank my colleagues for their work on this particular report into this bill. We did receive a number of detailed submissions and I would like to acknowledge those who took the time to make submissions on this particular bill. I want to highlight a couple of things this evening. This amendment bill will achieve three things. We will be reducing the number of provisions that impose a personal and criminal liability on directors, we will be cutting red tape and we will be providing and ensuring that there is greater consistency when it comes to criminal and personal liability for directors across the jurisdictions of Australia. I will start by looking at the limits of personal criminal liability.

At the outset it is really important to note that we believe that there have to be compelling public policy reasons for the imposition of a personal criminal liability. When we talk about compelling public policy reasons, we really talk about where there is a significant risk of public harm. Whilst at this late hour—although compared to last night it is not late—nothing immediately comes to mind, there are circumstances in which it is important for public policy reasons that we impose liability. We have also said that we believe that there should be personal liability where the corporate liability that is imposed on the corporation itself does not sufficiently encourage compliance with the rules and regulations, and I think that that is entirely appropriate. It is effectively a catch-all to make sure that people are not relying on loopholes in other pieces of legislation.

The other thing to point out is that we have said that it has to be reasonable in the circumstances. That means there has to be a clear obligation on the director. They have to have had a capacity to influence the actions and the conduct of the corporation. There have to have been available to them reasonable steps that would have ensured compliance. I apologise for being a little bit tongue tied. I am a little bit weary after last night's marathon sitting, as I am sure all other members of this House are. Ultimately, what is important to note is that we are looking to make it fair for directors and businesses in Queensland. Where it is justified we believe that they should only be personally liable if they have encouraged or assisted the commission of an offence, and I think that is really important to note. We are not looking to persecute people who have not done the wrong thing; we are looking to catch people who have specifically made sure that they do not stop other people doing the wrong thing or that they have gone out of their way to do the wrong thing themselves.

One of the important provisions of this legislation is that we are cutting red tape. One of the things that we have seen time and time again from the Newman government is a commitment to cut red tape in Queensland. It is one of the key things that we said we would do when we went to the people of Queensland ahead of the March 2012 election. I would like to note the great work of the assistant minister, the member for Nanango, because she has worked tirelessly with members of the government to ensure that we continually cut red tape. It is something of which we can all be incredibly proud. One of the things that we are particularly committed to, as I am sure you are aware, Mr Deputy Speaker, is making it easier for business to do business in Queensland and making it easier for people to lead their lives. Cutting red tape and reducing the regulatory burden is a key component of that. Again I would like to acknowledge the great work of the member for Nanango as she returns to the chamber.

Mrs Frecklington: Thank you.

Miss BARTON: You are welcome. One of the other important things to note is that we will see great consistency across jurisdictions in Australia. In the modern age we are increasingly seeing that businesses have different ways of doing things. Sometimes they are based in different states and they work across state borders. I think we run the risk of having confusing legislation and complicating the issue if we do not see consistency. That was one of the important things that came out of the COAG reforms that has led to a lot of the elements we are seeing in this particular reform. One of the things that I think we are going to be seeing a lot of in coming months and years is consistency across jurisdictions. That will make it easier for Queenslanders to be able to do business in not only Queensland but across Australia, and I think that that is particularly important.

I just want to address the statements of reservation that were lodged by both the member for Rockhampton and also the member for Nicklin. They highlighted in their statement of reservation what they perceived to be a lack of consultation. I would point out that a lot of the reforms that we are seeing come through this bill have come from the Council of Australian Governments meetings and those adjudications and deliberations. I have no doubt that there was significant discussion and

consultation at that particular time to ensure that the reforms that we are putting forward for the benefit of Queenslanders are ones that will truly help people. With regard to the amendments that the Attorney will move in consideration in detail in particular, I note that there was significant consultation with the Australian Institute of Company Directors. Obviously, when the statements of reservation were lodged with the committee secretariat, the members for Rockhampton and Nicklin were unaware that there would be amendments and that extensive consultation would occur there. I would like to point out that the government has made efforts to consult broadly there.

With regard to the amendments, we have seen that an executive officer will only be liable if the prosecution is able to prove that reasonable steps were not taken. I think that is particularly important, because there are some unfortunate circumstances where someone might be caught up in the terrible actions of another person and they were never in a position to know about it. What is really abhorrent is when someone does know about it and they turn a blind eye. I think it is particularly important that we note in those circumstances that they should be personally criminally liable because they have effectively turned a blind eye to someone's criminal activities. The amendments that we will see there with regard to what the prosecution must be able to prove will be significant in terms of these reforms.

The other amendments that the Attorney will move in consideration in detail will also see further protection of confidential documents from the Fitzgerald commission of inquiry, and I think that is particularly important. I know that the chair of the Parliamentary Crime and Misconduct Committee, the member for Gladstone, has done great work with regard to the issue that came up a number of months ago. I know that she has worked with the Attorney and the government to make sure we are doing all we can to protect those particular documents. It would be a great tragedy if, after all of this time, an accidental error made by one person meant that people's identities were revealed. I think it is absolutely imperative that we do all that we can to ensure that those confidential documents are still protected.

Again, I would like to commend the Attorney on the great work that he is doing. Time and time again in this House we have seen that he is committed to cutting red tape and he is committed to making sure that the law reform we have in this state is positive law reform for the betterment of all of Queensland and for all Queenslanders. This particular reform will make it easier for business to be able to do business in Queensland. It will make it a lot clearer when it comes to the liability of individual directors so that they are aware of what their personal and criminal liability is and where the line is drawn between that liability and their corporate liability.

I thank all honourable members who have contributed to the debate and I again acknowledge my colleagues on the Legal Affairs and Community Safety Committee for the great work that they have done. I look forward to seeing this bill passed.

Mrs CUNNINGHAM (Gladstone—Ind) (8.37 pm): I rise to speak to the Directors' Liability Reform Amendment Bill 2012 and to the amendments that have been circulated under the minister's hand. This legislation, which will make more attractive the role of the director in a company and provide more opportunity for entrepreneurialism, certainly is welcome provided that what is retained is appropriate accountability mechanisms for directors, because in companies a lot of people rely on the credibility and the integrity of people who make these management decisions. The other area that I wish to speak to is contained in the amendments that have already been circulated under the minister's hand. I place on the record my appreciation to the Attorney-General for responding to the concerns of the PCMC and part of its report into the dissemination, release and destruction of the Fitzgerald inquiry documentation.

I believe that on a number of occasions the committee has had interaction with the Attorney-General in relation to the committee's concerns, and I thank you for that opportunity. I also thank you for the opportunity afforded to the committee to comment on the suggested changes, albeit within a short time frame, and we appreciate that willingness to listen to the committee's concerns.

What did become apparent during the PCMC hearings in relation to the destruction and release of Fitzgerald inquiry documents is that there was a huge amount of misunderstanding about the RAPs: who was responsible for setting the RAPs; the documents to which the various RAPs applied; and the fact that there were more than two structures within the restricted access process. The road that the Attorney-General has taken with these amendments is the road of greatest caution to allow for a proper consideration of these sensitive matters and the complexity of the documentation. That has been carried through in the amendments that the minister has included in this piece of legislation.

I did not want to take up a lot of time, but I wanted to place on the record my appreciation for these amendments. There are still people in the community whose peace of mind and personal safety is reliant on the protection of those records, and I very much appreciate the Attorney-General's action in responding to the concerns of the committee and its report.

Mrs FRECKLINGTON (Nanango—LNP) (8.40 pm): I rise in the House tonight to support the Directors' Liability Reform Amendment Bill 2012. I would like to congratulate and thank our wonderful Attorney-General for his hard work in relation to not only this bill but all of the bills that he has brought before the House this week which are certainly making Queensland a safer place for all Queenslanders. I would also like to thank the Legal Affairs and Community Safety Committee for considering the proposed changes to what is, in my opinion, a very important bill.

In regards to this bill I would particularly like to focus on one of its key objectives, and that is the reduction of red tape and regulation across Queensland and to promote Queensland as the best place to do business within Australia. In my role as assistant minister for regulatory reform, I am particularly pleased to see the Attorney-General embrace red-tape reduction reforms and the proposed amendments which address the concerns raised by the business community and legal profession about the number and complexity of provisions which impose personal liability on executive officers for corporate criminal fault.

The Attorney-General notes that the number of offences under the statute will be reduced from 3,800 to around 280. I spend quite a bit of time speaking to small, medium and large businesses all across this state in relation to regulatory reform. There has not been one director or future director that I have met that did not think that this is just fantastic legislation because it will reduce directors' liability and enable them to practice and do better business for Queenslanders.

This type of red-tape reduction is just so beneficial for all Queenslanders. This does not mean, however, that corporate criminals will be able to get away with wrongdoing. They will only be liable if they encourage or assist in the commission of an offence or are negligent. So what this means is that, as with our fellow governments around Australia, we have recognised the unsatisfactory nature of company directors being held liable for the actions taken by their company even if the director had no knowledge of the act. The Attorney-General has acted swiftly in relation to this bill mainly because of the business community's concerns in relation to these harsh laws.

We need good people as our company directors. As some of the other speakers here tonight have said, a lot of these companies are not for profit. It is not just the big money end of town. Prior to this legislation many good people have been scared off from being company directors of not-for-profit organisations due to the sheer fact that they could have been found liable for something when they did not even know that they had done something wrong. We need to encourage more good people—and especially females—to serve on these boards. We do need to encourage females particularly because that will help break the glass ceiling right down to the bottom of all these companies, and we really need this to happen. With the reduction of these offences from 3,800 to 280, I believe we will see more good people on boards. People like the Attorney-General will be able to recommend great people for boards because of the reduction of these offences.

I just would like to finalise by saying that this legislation supports the government's economic development agenda. It is supported by the business community, it is consistent with approaches taken by other Australian jurisdictions and it results in a significant reduction in the red tape and regulatory burden imposed on Queensland business. I would again like to thank the Attorney-General for continuing to work towards his target of a 20 per cent reduction in his department by reducing red tape and the burden on Queenslanders. This is common-sense legislation, there is adequate justification and I strongly support this bill.

Mr YOUNG (Keppel—LNP) (8.45 pm): I seek leave to have my speech incorporated into Hansard.

Leave granted.

Minter Ellison Lawyers in their submission to the Legal Affairs and Community Safety Committee in relation to this bill has noted that the concept of the limited liability company has been one the major drivers of economic prosperity in western countries over the past few centuries. In highlighting the need for reform in this area, they referred to findings by the Australian Institute of Company Directors that directors made overly cautious decision-making as a result of the risk of personal liability and that many people were hesitant to accept directorship roles as a result of the risk of this liability. Statutory reform is required so as to decrease ambiguity in relation to who can be found liable for criminal offences and breaches of various acts committed by corporations.

This bill will result in greater consistency with other Australian jurisdictions and cut red tape for Queensland businesses, which will lead to greater productivity and will boost the economy. This bill addresses the concerns expressed by the business community, legal experts and individuals that the existing legislation has a stifling impact on economic growth as a result of directors' concerns, which diminishes competitiveness, innovation and profitability.

Increased consistency of approach to 'directors' liability' across Australian jurisdictions is a priority of the Council of Australian Governments (COAG) so as to have a 'seamless' national economy. The need for consistency arises because many corporations operate nationally and have different legal obligations and responsibilities in different states.

Corporations, through section 9 of the Corporations Act are recognized as separate legal entities, however it can sometimes be appropriate for individuals to be held liable for the activity of a company where there is adequate justification.

COAG has provided that legislation should be based on established principles including that a 'designated officer' approach to liability, is not suitable for general application. Furthermore a director should only be found criminally liable for the misconduct of a corporation where it can be shown that there are compelling public policy reasons for doing so, or where it is necessary for compliance, and it is reasonable for the director to be liable, where they have the capacity to influence the conduct of the corporation in relation to the offending and they can ensure the corporation's compliance with the legislative obligation.

The Guidelines provided by COAG provide that directors' liability should be maintained where there is potential for significant public harm, such as death or disabling injury to individuals, serious damage to the environment and/or serious risk to public health and safety (e.g. offences concerned with preventing toxic contamination); undermining of confidence in financial markets (e.g. trading when insolvent); or otherwise highly morally reprehensible conduct (e.g. serious offences under child protection or animal welfare legislation).

This Bill records the legislative changes that have been identified as necessary across Queensland legislation to comply with these Principles and Guidelines. 3800 executive officer liability offence provisions in over 80 Acts were identified with this bill effectively reducing this number.

An example of an amendment is Part 25—Amendment of Guide, Hearing and Assistance Dogs Act 2009. Clause 62 replaces section 106 which is an existing executive liability provision with an executive (deemed) liability provision for the Act. The section that is to be replaced provides that the executive officers of a corporation must ensure the corporation complies with this Act and if they fail to do this, the corporation's executive officers are deemed to have committed an offence. An executive officer can use the defence that if they were in a position to influence the conduct of the corporation in relation to the offence, they did exercise this diligence or alternatively the officer could argue they were not in a position to influence the conduct of the corporation in relation to the offence.

The new section provides that an executive officer may have been taken to have committed an offence if a corporation commits an offence against a provision of this Act, each executive officer of the corporation is taken to have also committed the offence if the officer authorised or permitted the corporation's conduct constituting the offence or the officer was, directly or indirectly, knowingly concerned in the corporation's conduct. Furthermore, the executive officer may be proceeded against for, and convicted of, the offence whether or not the corporation has been proceeded against for, or convicted of, the offence.

This amendment is an example of how a more logical approach can be taken to determine if a director should be liable for an offence committed by a corporation.

The Legal Affairs and Community Safety Committee has received submissions relating to this bill from the Australian Institute of Company Directors, Minter Ellison Lawyers and The Queensland Law Society.

The AICD has recommended that different principles be applied in this statutory reform of imposing personal criminal liability on directors. They provide that directors should not be automatically liable for acts of the corporation. Furthermore they recommend that the imposition of personal criminal liability on a director for the misconduct of a corporation should be confined to situations where the obligation of the director is clear, the statute involved addresses a public policy issue of compelling importance and the harm or consequence of the company breaching the particular provision are serious.

I think it is important to consider here that whilst there should be limits as to imposing liability for directors for acts committed by a corporation so as to bolster economic activity, we also need to deter individuals from committing criminal acts and civil wrongs and then be able to hide behind the corporations they direct.

It is clear from these submissions however, that reform is both appropriate and necessary.

In my electorate and across Queensland and Australia I feel that economic activity without directors fearing they will be held liable for the acts of their company, except where it can appropriately be justified. Furthermore this bill achieves greater consistency across the nation so as corporations' obligations are more seamless across states. In conclusion I feel as though this bill appropriately balances the need for community protection on the one hand with the desire for bolstering economic activity.

Mr MOLHOEK (Southport—LNP) (8.45 pm): I rise to make a brief contribution to the debate on the Directors' Liability Reform Amendment Bill 2012. When the Newman government was elected by the people of Queensland in March 2012, we were given a mandate to slash regulatory burdens and red tape left over after a decade of Labor mismanagement. This legislation highlights why we were granted that mandate and highlights why Queensland businesses and the Queensland economy have been struggling under the heavy burden of Labor's red tape.

The Directors' Liability Reform Amendment Bill 2012 reduces the number of offences under the statute from 3,800 to around 280. For the benefit of my Labor colleagues, whose legacy we are still untangling today, I will repeat that incredible figure. The number of provisions that impose liability on directors for offences committed by their corporations will reduce from 3,800 to 280 should this bill

pass tonight. One can only imagine the cautious approach of a director in this state if there are some 3,800 different offences for which you can automatically be held liable. This represents a severe impact on the innovation, profitability and productiveness of corporations. Is it any wonder the Queensland economy was stalling under the former Labor government? The wheels of business were slowly grinding to a halt under the heavy regulatory burdens forced upon them.

In my role as the Assistant Minister for Planning Reform, it has been a great pleasure to build on the work of my predecessor, Ian Walker, as we have worked as a government to strip away many of the regulations and the overburden of regulation from the previous government. Just this evening we had the Property Industry Foundation here at Parliament House for an official launch of a new charity that the industry have created in Queensland, and it was very pleasing to hear Kathy MacDermott and others from the industry speak with confidence and a real sense of hope and enthusiasm about how things are starting to turn.

Just last week I had the privilege of addressing a group of business leaders at Springfield, and I was really surprised and encouraged to hear how positive they were about the reforms of our government and the impact that that is having now on the development industry and the flow on that is starting to have on new house starts and new homes in Queensland. I understand that the Property Council of Australia and the ANZ Bank will tomorrow release the latest figures on business confidence in Australia, and it will come as no surprise that when those figures are released tomorrow they will highlight a significant leap in consumer and business confidence in Queensland.

I have not seen the actual figures but I am told that they will reflect amongst the highest increase in business confidence of any state in Australia. That says that these reforms and the measures our government is undertaking are on the right track.

I congratulate the Attorney-General for his innovation and for his willingness to tackle some of these issues. He has demonstrated courage this week in making some very tough decisions and driving some very strong legislative reform in respect of sex offenders and serious criminal gangs.

This bill will cut red tape and bring Queensland into line with the national commitment to a more consistent approach to directors liability across Australian jurisdictions. Of course, this bill identifies the important categories of offences for which directors liability is retained, recognising that there will always be circumstances in which a director should be held to account. These include animal cruelty, child protection, fire and building safety, public health and safety, revenue protection, marine pollution, environmental and heritage protection and unauthorised mining activities.

A key component of this legislation is the principle that a director should only be personally liable for a corporation offending if they have encouraged or assisted in the commission of the offence or have otherwise being negligent or reckless with regard to its commission. However, the legislation provides for cases where it may be appropriate to ask directors to prove that they have taken reasonable steps to prevent the corporation's offending.

This is a sensible piece of legislation from the Attorney-General and I congratulate him on his consistent work to improve the productivity and profitability of Queensland businesses as we work to free them from the strangling red tape left over from the former government. I support the Directors' Liability Reform Amendment Bill 2012. It is my great pleasure to stand in the House and speak in support of it.

Mr SHUTTLEWORTH (Ferny Grove—LNP) (8.51 pm): I rise to make a brief contribution to the debate on the Directors' Liability Reform Amendment Bill 2012. A little over three years ago I sat in a room at the Hilton hotel in Brisbane with about 20 other people—studiously, attentively and often with a little bewilderment—as we were instructed and led towards a better understanding of directors' duties and responsibilities as part of the Australian Institute of Company Directors course. The module began with an explanation of the legal relationship between a director and the company, explaining that it is a fiduciary relationship; that is, where a person has undertaken to act in the interests of another—that is, the corporation—and not in their own interests. This relationship obliges the director to act honestly, in good faith and in the best interests of the organisation. Clearly, decisions accounting for conflicting interests, self-interests and personal advantage or disadvantage ahead of the corporation's interests contradict the legal relationship.

Currently, the overly onerous directors liability provisions mean that, in the course of making judgements that should be in the best interests of the company, directors are often impeded by the assessment of their own personal risks. Individuals are, generally speaking, more risk averse when

considerations involving their personal wealth are taken into account. The result of decisions made in this risk-averse fashion is often that inventiveness is stifled by companies reluctant to innovate in fear of shareholder backlash, company returns are limited through lower risk ventures and an economic environment of mediocrity is created. This bill aims to overturn all of those and aims also to achieve a level of consistency across Australian jurisdictions that reflects the decisions taken by the Council of Australian Governments. It is one of the 27 deregulation priorities of the national partnership agreement.

There are a number of nationally consistent standards and guidelines that outline in broad terms the segregation of liability between the corporation and the director. The imposition of personal criminal liability on a director should be confined to situations where: there are compelling public policy reasons, such as likely or potential risk of significant harm; the deterrent for reoffending or the rate of compliance is not likely to be achieved through corporation liability alone; factors of influence and a director's capacity to take action to modify a corporation's behaviour are reasonable and clear; and there are steps that a reasonable director could have taken to ensure corporate compliance. If, taking these factors into account, a directors liability is justified then the type of liability may be in one of three categories. The categories vary according to the level of executive liability provision.

None of this affects in any way the liability of a corporation. Earlier this evening in the debate some concern in that regard was expressed. I think it should be made fairly clear that the Attorney-General's bill certainly does not wish to reduce the effect of corporate liability, certainly in terms of criminality and negligence. Where directors could have reasonably known or an officer could have taken reasonable steps to circumvent any adverse reactions then obviously a liability can still be applied.

I think this is a very important piece of legislation in terms of ensuring that, through the reduction of red tape—that is a key mantra of this government—corporations return to a level of reasonable risk appetite, therefore driving innovation and advances in the marketplace throughout Queensland. It gives me great pleasure this evening to applaud the Attorney-General and the Legal Affairs Committee for their work in relation to this bill. I provide my complete support to this bill.

Mr RUTHENBERG (Kallangur—LNP) (8.56 pm): It was not that long ago that I sat in a boardroom, as chair of an organisation, having a discussion with our lawyers as to whether we should individually rearrange our own financial position so as to limit our liability in the event that something occurred in the organisation of which we had no knowledge but which left us on the wrong side of the law. That organisation oversaw 63 other organisations that had their own boards. It was a daunting prospect to sit in a boardroom having that discussion with legal counsel, knowing that the organisation offered to our community lots of not-for-profit activity. The benefit to the community was significant—in the billions of dollars—yet we were discussing whether we needed to advise our volunteers, who were sitting on these boards, to seriously consider rearranging their financial affairs so as to not put themselves at risk. This legislation is common sense. I thank cabinet and the Attorney-General for bringing this legislation before the House and the assistant minister for leading it. This is truly good legislation.

In the not-for-profit sector it is often hard enough to find good board members let alone board members who are wealthy enough to arrange their financial positions such that if something should happen they are not held personally liable to the point that they lose the shirt off their back. I simply support this as common-sense, red-tape-busting legislation. What a fantastic outcome for Queensland. I simply want to say thank you to those who brought this forward.

Hon. JP BLEIJIE (Kawana—LNP) (Attorney-General and Minister for Justice) (8.58 pm), in reply: I thank all honourable members for their contributions to this debate. There is no question about it: this is about red-tape reduction for businesses in Queensland and about growing the four pillars of the economy. In this bill we have reduced the number of director liabilities from 3,800 to 100. I think that is a great result. I thank all honourable members for their support.

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

Motion agreed to.

Bill read a second time.

Consideration in Detail

Clause 1, as read, agreed to.

Clause 2 postponed.

Clauses 3 to 229—

Mr BLEIJIE (9.01 pm): I seek leave to move the following amendments en bloc.

Leave granted.

Mr BLEIJIE: I move the following amendments—

2 Clause 4 (Replacement of s 209 (Executive officers must ensure corporation complies with Act))

Page 23, lines 3 to 34 and page 24, lines 1 to 8—

omit, insert—

'(1) An executive officer of a corporation commits an offence if—

(a) the corporation commits an offence against an executive liability provision; and

(b) the officer did not take all reasonable steps to ensure the corporation did not engage in the conduct constituting the offence.

Maximum penalty—the penalty for a contravention of the executive liability provision by an individual.

'(2) In deciding whether things done or omitted to be done by the executive officer constitute reasonable steps for subsection (1)(b), a court must have regard to—

(a) whether the officer knew, or ought reasonably to have known, of the corporation's conduct constituting the offence against the executive liability provision; and

(b) whether the officer was in a position to influence the corporation's conduct in relation to the offence against the executive liability provision; and

(c) any other relevant matter.

'(3) The executive officer may be proceeded against for, and convicted of, an offence against subsection (1) whether or not the corporation has been proceeded against for, or convicted of, the offence against the executive liability provision.

'(4) This section does not affect—

(a) the liability of the corporation for the offence against the executive liability provision; or

(b) the liability, under the Criminal Code, chapter 2, of any person, whether or not the person is an executive officer of the corporation, for the corporation's offence against the executive liability provision.

'(5) In this section—'.

3 Clause 4 (Replacement of s 209 (Executive officers must ensure corporation complies with Act))

Page 24, lines 13 to 15—

omit.

4 Clause 4 (Replacement of s 209 (Executive officers must ensure corporation complies with Act))

Page 24, lines 22 and 23, 'provision of this Act'—

omit, insert—

'deemed executive liability provision'.

5 Clause 4 (Replacement of s 209 (Executive officers must ensure corporation complies with Act))

Page 24, line 30, after 'offence'—

insert—

'against the deemed executive liability provision'.

6 Clause 4 (Replacement of s 209 (Executive officers must ensure corporation complies with Act))

Page 25, line 2, after 'offence'—

insert—

'against the deemed executive liability provision'.

7 Clause 4 (Replacement of s 209 (Executive officers must ensure corporation complies with Act))

Page 25, line 5, after 'corporation,'—

omit, insert—

'for the offence against the deemed executive liability provision.

'(4) In this section—

deemed executive liability provision means any of the following provisions—

- section 15(3)
- section 19(1)
- section 19(2)
- section 21(1)
- section 30

- section 31
- section 32
- section 35
- section 36(1)
- section 36(2)
- section 37(1)
- section 161
- section 187.'.'.

8 Clause 5 (Amendment of schedule (Dictionary))

Page 25, line 11, after '208'—

insert—

', 209'.

9 Clause 7 (Replacement of s 115 (Executive officers must ensure corporation complies with Act))

Page 26, lines 3 to 35—

omit, insert—

'(1) An executive officer of a corporation commits an offence if—

(a) the corporation commits an offence against an executive liability provision; and

(b) the officer did not take all reasonable steps to ensure the corporation did not engage in the conduct constituting the offence.

Maximum penalty—the penalty for a contravention of the executive liability provision by an individual.

'(2) In deciding whether things done or omitted to be done by the executive officer constitute reasonable steps for subsection (1)(b), a court must have regard to—

(a) whether the officer knew, or ought reasonably to have known, of the corporation's conduct constituting the offence against the executive liability provision; and

(b) whether the officer was in a position to influence the corporation's conduct in relation to the offence against the executive liability provision; and

(c) any other relevant matter.

'(3) The executive officer may be proceeded against for, and convicted of, an offence against subsection (1) whether or not the corporation has been proceeded against for, or convicted of, the offence against the executive liability provision.

'(4) This section does not affect—

(a) the liability of the corporation for the offence against the executive liability provision; or

(b) the liability, under the Criminal Code, chapter 2, of any person, whether or not the person is an executive officer of the corporation, for the offence against the executive liability provision.

'(5) In this section—'.

10 Clause 7 (Replacement of s 115 (Executive officers must ensure corporation complies with Act))

Page 27, lines 9 to 26—

omit, insert—

'• section 53(1).'.

11 Clause 9 (Replacement of s 257 (Liability for corporation's default))

Page 28, lines 10 to 30 and page 29, lines 1 to 32—

omit, insert—

'257 Liability of executive officer—particular offences committed by corporation

'(1) An executive officer of a corporation commits an offence if—

(a) the corporation commits an offence against an executive liability provision; and

(b) the officer did not take all reasonable steps to ensure the corporation did not engage in the conduct constituting the offence.

Maximum penalty—the penalty for a contravention of the executive liability provision by an individual.

'(2) In deciding whether things done or omitted to be done by the executive officer constitute reasonable steps for subsection (1)(b), a court must have regard to—

(a) whether the officer knew, or ought reasonably to have known, of the corporation's conduct constituting the offence against the executive liability provision; and

(b) whether the officer was in a position to influence the corporation's conduct in relation to the offence against the executive liability provision; and

(c) any other relevant matter.

'(3) The executive officer may be proceeded against for, and convicted of, an offence against subsection (1) whether or not the corporation has been proceeded against for, or convicted of, the offence against the executive liability provision.

'(4) This section does not affect—

(a) the liability of the corporation for the offence against the executive liability provision; or

(b) the liability, under the Criminal Code, chapter 2, of any person, whether or not the person is an executive officer of the corporation, for the offence against the executive liability provision.

'(5) In this section—

executive liability provision means any of the following provisions—

- section 114A(2)
- section 115(1)
- section 231AL(6)
- section 232(1)
- section 245B(4)
- section 245L.'.

12 Clause 9 (Replacement of s 257 (Liability for corporation's default))

Page 30, lines 4 to 23—

omit, insert—

'person's position is given the name of executive officer.'.'.

13 Clause 11 (Replacement of s 123 (Liability for offence by body corporate))

Page 31, lines 7 to 32 and page 32, lines 1 to 15—

omit, insert—

'123 Executive officer may be taken to have committed offence against s 108(1)'.

14 Clause 11 (Replacement of s 123 (Liability for offence by body corporate))

Page 32, lines 16 and 17, 'a provision of this Act'—

omit, insert—

'section 108(1)'.

15 Clause 11 (Replacement of s 123 (Liability for offence by body corporate))

Page 32, line 24, after 'offence'—

insert—

'against section 108(1)'.

16 Clause 11 (Replacement of s 123 (Liability for offence by body corporate))

Page 32, line 27, after 'offence'—

insert—

'against section 108(1)'.

17 Clause 11 (Replacement of s 123 (Liability for offence by body corporate))

Page 32, line 30, after 'offence'—

insert—

'against section 108(1)'.

18 Clause 11 (Replacement of s 123 (Liability for offence by body corporate))

Page 32, line 32—

omit, insert—

'***executive officer***, of a body corporate, means a person who is concerned with, or takes part in, the body corporate's management, whether or not the person is a director or the person's position is given the name of executive officer.'.'.

19 Clause 13 (Replacement of s 170 (Executive officers must ensure corporation complies with Act))

Page 33, lines 12 to 30 and page 34, lines 1 to 15—

omit, insert—

'170 Executive officer may be taken to have committed offence against s 20'.

20 Clause 13 (Replacement of s 170 (Executive officers must ensure corporation complies with Act))

Page 34, lines 16 and 17, 'a provision of this Act'—

omit, insert—

'section 20'.

21 Clause 13 (Replacement of s 170 (Executive officers must ensure corporation complies with Act))

Page 34, line 24, after 'offence'—

insert—

'against section 20'.

22 Clause 13 (Replacement of s 170 (Executive officers must ensure corporation complies with Act))

Page 34, line 27, after 'offence'—

insert—

'against section 20'.

23 Clause 13 (Replacement of s 170 (Executive officers must ensure corporation complies with Act))

Page 34, line 30, after 'offence'—

insert—

'against section 20'.

24 Clause 15 (Replacement of s 33 (Executive officers must ensure corporation complies with Act))

Page 35, lines 11 to 30, page 36, lines 1 to 26 and page 37, lines 1 and 2—

omit, insert—

'33 Executive officer may be taken to have committed offence'.

25 Clause 15 (Replacement of s 33 (Executive officers must ensure corporation complies with Act))

Page 37, lines 3 and 4, 'provision of this Act'—

omit, insert—

'deemed executive liability provision'.

26 Clause 15 (Replacement of s 33 (Executive officers must ensure corporation complies with Act))

Page 37, line 11, after 'offence'—

insert—

'against the deemed executive liability provision'.

27 Clause 15 (Replacement of s 33 (Executive officers must ensure corporation complies with Act))

Page 37, line 14, after 'offence'—

insert—

'against the deemed executive liability provision'.

28 Clause 15 (Replacement of s 33 (Executive officers must ensure corporation complies with Act))

Page 37, line 17, after 'corporation,'—

omit, insert—

'for the offence against the deemed executive liability provision.

'(4) In this section—

deemed executive liability provision means any of the following provisions—

- section 8A(1)
- section 8B(1)
- section 8C(1)
- section 9(1)
- section 9(2)
- section 9(3)
- section 9(4)
- section 10(1)
- section 11(1)
- section 12(7)
- section 13(10).'.'.

29 After clause 16

Page 38, lines 1 and 2—

omit.

30 Clauses 17 and 18

Page 38, lines 3 to 30—

omit.

31 Clause 19 (Act amended)

Page 39, lines 7 and 8—

omit.

32 Clause 20 (Replacement of s 383 (Executive officers must ensure corporation complies with Act))

Page 39, line 9, 'Replacement'—

omit, insert—

'**Omission**'.

33 Clause 20 (Replacement of s 383 (Executive officers must ensure corporation complies with Act))

Page 39, lines 12 to 28, page 40, lines 1 to 28 and page 41, lines 1 to 17—

omit, insert—

'*omit*.'.

34 After clause 20

Page 41, after line 17—

insert—

'Part 9A Amendment of Community Services Act 2007

'20A Act amended

'This part amends the *Community Services Act 2007*.

'20B Amendment of s 32 (Compliance notice)

'Section 32(6)(b)(i), 'or for section 123'—

omit.

'20C Omission of s 123 (Executive officers must ensure corporation complies with Act)

'Section 123—

omit.

'Part 9B Amendment of Contract Cleaning Industry (Portable Long Service Leave) Act 2005

'20D Act amended

'This part amends the *Contract Cleaning Industry (Portable Long Service Leave) Act 2005*.

'20E Omission of ss 132 and 133

'Sections 132 and 133—

omit.

'Part 9C Amendment of Cooperatives Act 1997

'20F Act amended

'This part amends the *Cooperatives Act 1997*.

'20G Omission of s 454 (Offences by officers of cooperatives)

'Section 454—

omit.'.

35 Clause 23 (Replacement of s 12 (Liability of directors etc. of body corporate))

Page 42, lines 9 to 32 and page 43, lines 1 to 18—

omit, insert—

'12 Executive officer may be taken to have committed offence'.

36 Clause 23 (Replacement of s 12 (Liability of directors etc. of body corporate))

Page 43, lines 19 and 20, 'provision of this Act'—

omit, insert—

'deemed executive liability provision'.

37 Clause 23 (Replacement of s 12 (Liability of directors etc. of body corporate))

Page 43, line 27, after 'offence'—

insert—

'against the deemed executive liability provision'.

38 Clause 23 (Replacement of s 12 (Liability of directors etc. of body corporate))

Page 43, line 30, after 'offence'—

insert—

'against the deemed executive liability provision'.

39 Clause 23 (Replacement of s 12 (Liability of directors etc. of body corporate))

Page 44, line 3, after 'corporation,'—

omit, insert—

'for the offence against the deemed executive liability provision.

'(4) In this section—

deemed executive liability provision means any of the following provisions—

- section 6(3)
- section 6(4)
- section 7(3)
- section 7(4)
- section 10(1).'.'.

40 Clause 24 (Act amended)

Page 44, lines 8 and 9—

omit.

41 Clause 29 (Replacement of s 206 (Executive officers must ensure corporation complies with Act))

Page 45, line 5, 'Replacement'—

omit, insert—

'**Omission**'.

42 Clause 29 (Replacement of s 206 (Executive officers must ensure corporation complies with Act))

Page 45, lines 8 to 32 and page 46, lines 1 to 20—

omit, insert—

'*omit*.'.

43 Clause 32 (Replacement of s 95 (Executive officers must ensure corporation complies with Act))

Page 47, line 5, 'Replacement'—

omit, insert—

'**Omission**'.

44 Clause 32 (Replacement of s 95 (Executive officers must ensure corporation complies with Act))

Page 47, lines 8 to 25—

omit, insert—

'*omit*.'.

45 Clause 34 (Replacement of s 43S (Executive officers must ensure corporation complies with part))

Page 48, line 5, 'Replacement'—

omit, insert—

'**Omission**'.

46 Clause 34 (Replacement of s 43S (Executive officers must ensure corporation complies with part))

Page 48, lines 8 to 25—

omit, insert—

'*omit*.'.

47 Clause 35 (Replacement of s 113 (Executive officers must ensure corporation complies with part))

Page 48, line 26, 'Replacement'—

omit, insert—

'**Omission**'.

48 Clause 35 (Replacement of s 113 (Executive officers must ensure corporation complies with part))

Page 48, line 29 and page 49, lines 1 to 17—

omit, insert—

'*omit*.'.

49 After clause 35

Page 49, after line 17—

insert—

'Part 13A Amendment of Education and Care Services Act 2013

'35A Act amended

'This part amends the *Education and Care Services Act 2013*.

Note—

See also the amendments in schedule 1.

'35B Amendment of s 232 (Liability of executive officer—particular offences committed by corporation)

'Section 232(5)—

omit, insert—

'(5) In this section—

executive liability provision means either of the following provisions—

- section 19
- section 53(1).'.

'35C Amendment of s 233 (Executive officer may be taken to have committed offence)

'(1) Section 233(1), 'provision of this Act'—

omit, insert—

'deemed executive liability provision'.

'(2) Section 233(2), after 'offence', first mention—

insert—

'against the deemed executive liability provision'.

'(3) Section 233(3)(a) and (b), after 'offence'—

insert—

'against the deemed executive liability provision'.

'(4) Section 233—

insert—

'(4) In this section—

deemed executive liability provision means any of the following provisions—

- section 53(2)
- section 121
- section 122.'.'.

50 Clause 37 (Replacement of s 228 (Executive officers must ensure corporation complies with Act))

Page 50, lines 5 to 35 and page 51, lines 1 to 16—

omit, insert—

'228 Executive officer may be taken to have committed offence'.

51 Clause 37 (Replacement of s 228 (Executive officers must ensure corporation complies with Act))

Page 51, lines 17 and 18, 'provision of this Act'—

omit, insert—

'deemed executive liability provision'.

52 Clause 37 (Replacement of s 228 (Executive officers must ensure corporation complies with Act))

Page 51, line 25, after 'offence'—

insert—

'against the deemed executive liability provision'.

53 Clause 37 (Replacement of s 228 (Executive officers must ensure corporation complies with Act))

Page 51, line 28, after 'offence'—

insert—

'against the deemed executive liability provision'.

54 Clause 37 (Replacement of s 228 (Executive officers must ensure corporation complies with Act))

Page 51, line 31, after 'corporation,'—

omit, insert—

'for the offence against the deemed executive liability provision.

'(4) In this section—

deemed executive liability provision means any of the following provisions—

- section 76(2)
- section 77(2)
- section 78(2)
- section 82(1)
- section 82(2).'.'.

55 Clause 40 (Replacement of s 240A (Executive officers must ensure corporation complies with Act))

Page 52, lines 18 to 26, page 53, lines 1 to 33, page 54, lines 1 to 33 and page 55, lines 1 to 22—

omit, insert—

'240A Executive officer may be taken to have committed offence'.

56 Clause 40 (Replacement of s 240A (Executive officers must ensure corporation complies with Act))

Page 55, lines 23 and 24, 'provision of this Act'—

omit, insert—

'deemed executive liability provision'.

57 Clause 40 (Replacement of s 240A (Executive officers must ensure corporation complies with Act))

Page 56, line 2, after 'offence'—

insert—

'against the deemed executive liability provision'.

58 Clause 40 (Replacement of s 240A (Executive officers must ensure corporation complies with Act))

Page 56, line 5, after 'offence'—

insert—

'against the deemed executive liability provision'.

59 Clause 40 (Replacement of s 240A (Executive officers must ensure corporation complies with Act))

Page 56, line 8, after 'corporation,'—

omit, insert—

'for the offence against the deemed executive liability provision.

'(4) In this section—

deemed executive liability provision means any of the following provisions—

- section 87(1)
- section 88(1)
- section 88A(1)
- section 89(1).'.'.

60 Clause 41 (Amendment of sch 5 (Dictionary))

Page 56, lines 9 to 11—

omit.

61 Clause 43 (Replacement of s 5 (Executive officers must ensure corporation complies with Act))

Page 56, line 20, 'Replacement'—

omit, insert—

'**Omission**'.

62 Clause 43 (Replacement of s 5 (Executive officers must ensure corporation complies with Act))

Page 56, line 23 and page 57, lines 1 to 22—

omit, insert—

'*omit*.'.

63 Clause 45 (Replacement of s 117 (Executive officers must ensure corporation complies with Act))

Page 58, lines 7 to 33 and page 59, lines 1 to 19—

omit, insert—

'(1) An executive officer of a corporation commits an offence if—

(a) the corporation commits an offence against section 32(1); and

(b) the officer did not take all reasonable steps to ensure the corporation did not engage in the conduct constituting the offence.

Maximum penalty—the penalty for a contravention of section 32(1) by an individual.

'(2) In deciding whether things done or omitted to be done by the executive officer constitute reasonable steps for subsection (1)(b), a court must have regard to—

(a) whether the officer knew, or ought reasonably to have known, of the corporation's conduct constituting the offence against section 32(1); and

(b) whether the officer was in a position to influence the corporation's conduct in relation to the offence against section 32(1); and

(c) any other relevant matter.

'(3) The executive officer may be proceeded against for, and convicted of, an offence against subsection (1) whether or not the corporation has been proceeded against for, or convicted of, the offence against section 32(1).

'(4) This section does not affect—

(a) the liability of the corporation for the offence against section 32(1); or

(b) the liability, under the Criminal Code, chapter 2, of any person, whether or not the person is an executive officer of the corporation, for the offence against section 32(1).'.'.

64 After clause 45

Page 59, after line 19—

insert—

'Part 17A Amendment of Family Services Act 1987

'45A Act amended

'This part amends the *Family Services Act 1987*.

'45B Omission of s 29 (Liability for offences by bodies corporate and unincorporate)

'Section 29—

omit.'.

65 Clause 47 (Replacement of s 151 (Offence by body corporate))

Page 60, lines 6 to 33, page 61, lines 1 to 29 and page 62, lines 1 to 3—

omit, insert—

'(1) An executive officer of a corporation commits an offence if—

(a) the corporation commits an offence against an executive liability provision; and

(b) the officer did not take all reasonable steps to ensure the corporation did not engage in the conduct constituting the offence.

Maximum penalty—the penalty for a contravention of the executive liability provision by an individual.

'(2) In deciding whether things done or omitted to be done by the executive officer constitute reasonable steps for subsection (1)(b), a court must have regard to—

(a) whether the officer knew, or ought reasonably to have known, of the corporation's conduct constituting the offence against the executive liability provision; and

(b) whether the officer was in a position to influence the corporation's conduct in relation to the offence against the executive liability provision; and

(c) any other relevant matter.

'(3) The executive officer may be proceeded against for, and convicted of, an offence against subsection (1) whether or not the corporation has been proceeded against for, or convicted of, the offence against the executive liability provision.

'(4) This section does not affect—

(a) the liability of the corporation for the offence against the executive liability provision; or

(b) the liability, under the Criminal Code, chapter 2, of any person, whether or not the person is an executive officer of the corporation, for the offence against the executive liability provision.

'(5) In this section—

executive liability provision means any of the following provisions—

- section 69(3)
- section 104C
- section 104D(1).

executive officer, of a corporation, means a person who is concerned with, or takes part in, the corporation's management, whether or not the person is a director or the person's position is given the name of executive officer.'.'.

66 Clause 48 (Amendment of sch 6 (Dictionary))

Page 62, lines 4 to 10—

omit.

67 Clause 49 (Act amended)

Page 62, lines 15 and 16—

omit.

68 Clause 50 (Replacement of s 219A (Executive officers must ensure corporation complies with Act))

Page 62, line 17, 'Replacement'—

omit, insert—

'**Omission**'.

69 Clause 50 (Replacement of s 219A (Executive officers must ensure corporation complies with Act))

Page 62, lines 20 to 25, page 63, lines 1 to 33, page 64, lines 1 to 28 and page 65, lines 1 to 3—

omit, insert—

'*omit*.'.

70 Clause 52 (Replacement of s 260 (Executive officers must ensure corporation complies with Act))

Page 65, lines 14, 18 and 23 and page 66, lines 1, 5, 10, 14, 21 and 23, '(standard)'—

omit.

71 Clause 52 (Replacement of s 260 (Executive officers must ensure corporation complies with Act))

Page 66, line 12, 'any of the following'—

omit.

72 Clause 52 (Replacement of s 260 (Executive officers must ensure corporation complies with Act))

Page 66, line 14, after ';'—

insert—

'or'.

73 Clause 52 (Replacement of s 260 (Executive officers must ensure corporation complies with Act))

Page 66, lines 15 to 17—

omit.

74 Clause 52 (Replacement of s 260 (Executive officers must ensure corporation complies with Act))

Page 66, line 18, '(c)'—

omit, insert—

'(b)'.

75 Clause 52 (Replacement of s 260 (Executive officers must ensure corporation complies with Act))

Page 66, after line 24—

insert—

'• section 32
• section 33
• section 34(1)
• section 34(2)
• section 35(1)
• section 35(2)
• section 36(1)
• section 36(2)
• section 37(1)
• section 37(2)
• section 37(3)'.

76 Clause 52 (Replacement of s 260 (Executive officers must ensure corporation complies with Act))

Page 66, after line 26—

insert—

'• section 39(1)
• section 39(2)
• section 39(3)
• section 39(4)
• section 49
• section 99(1)
• section 123'.

77 Clause 52 (Replacement of s 260 (Executive officers must ensure corporation complies with Act))

Page 67, lines 1 to 34, page 68, lines 1 to 28 and page 69, lines 1 and 2—

omit, insert—

'260A Executive officer may be taken to have committed offence'.

78 Clause 52 (Replacement of s 260 (Executive officers must ensure corporation complies with Act))

Page 69, lines 3 and 4, 'provision of this Act'—

omit, insert—

'deemed executive liability provision'.

79 Clause 52 (Replacement of s 260 (Executive officers must ensure corporation complies with Act))

Page 69, line 11, after 'offence'—

insert—

'against the deemed executive liability provision'.

80 Clause 52 (Replacement of s 260 (Executive officers must ensure corporation complies with Act))

Page 69, line 14, after 'offence'—

insert—

'against the deemed executive liability provision'.

81 Clause 52 (Replacement of s 260 (Executive officers must ensure corporation complies with Act))

Page 69, line 17, after 'corporation,'—

omit, insert—

'for the offence against the deemed executive liability provision.

'(4) In this section—

deemed executive liability provision means any of the following provisions—

- section 50(1)
- section 51(1)
- section 86(1)
- section 86(2)
- section 114(5)
- section 124
- section 125
- section 126
- section 157(1)
- section 158(2)
- section 207
- section 209(7)
- section 214(1)
- section 221
- section 270(2)
- section 271(6).'.'.

82 After clause 52

Page 69, after line 17—

insert—

'Part 20A Amendment of Foreign Ownership of Land Register Act 1988

'52A Act amended

'This part amends the *Foreign Ownership of Land Register Act 1988*.

'52B Omission of s 26 (Offences by corporations)

'Section 26—

omit.'.

83 Clause 54 (Replacement of s 84 (Offence by corporation))

Page 69, line 22, 'Replacement'—

omit, insert—

'**Omission**'.

84 Clause 54 (Replacement of s 84 (Offence by corporation))

Page 69, line 24 and page 70, lines 1 to 22—

omit, insert—

'*omit*.'.

85 Clause 56 (Replacement of s 352 (Liability for offence by body corporate))

Page 71, lines 5 to 32 and page 72, lines 1 to 8—

omit, insert—

'352 Executive officer may be taken to have committed offence against s 325'.

86 Clause 56 (Replacement of s 352 (Liability for offence by body corporate))

Page 72, lines 9 and 10, 'a provision of this Act'—

omit, insert—

'section 325'.

87 Clause 56 (Replacement of s 352 (Liability for offence by body corporate))

Page 72, line 17, after 'offence'—

insert—

'against section 325'.

88 Clause 56 (Replacement of s 352 (Liability for offence by body corporate))

Page 72, line 20, after 'offence'—

insert—

'against section 325'.

89 Clause 56 (Replacement of s 352 (Liability for offence by body corporate))

Page 72, line 23, after 'offence'—

insert—

'against section 325'.

90 Clause 58 (Replacement of s 333 (Executive officers must ensure corporation does not commit particular offences))

Page 73, lines 8 to 32 and page 74, lines 1 to 4—

omit, insert—

'(1) An executive officer of a corporation commits an offence if—

(a) the corporation commits an offence against section 327; and

(b) the officer did not take all reasonable steps to ensure the corporation did not engage in the conduct constituting the offence.

Maximum penalty—the penalty for a contravention of section 327 by an individual.

'(2) In deciding whether things done or omitted to be done by the executive officer constitute reasonable steps for subsection (1)(b), a court must have regard to—

(a) whether the officer knew, or ought reasonably to have known, of the corporation's conduct constituting the offence against section 327; and

(b) whether the officer was in a position to influence the corporation's conduct in relation to the offence against section 327; and

(c) any other relevant matter.

'(3) The executive officer may be proceeded against for, and convicted of, an offence against subsection (1) whether or not the corporation has been proceeded against for, or convicted of, the offence against section 327.

'(4) This section does not affect—

(a) the liability of the corporation for the offence against section 327; or

(b) the liability, under the Criminal Code, chapter 2, of any person, whether or not the person is an executive officer of the corporation, for the offence against section 327.'.

91 Clause 58 (Replacement of s 333 (Executive officers must ensure corporation does not commit particular offences))

Page 74, lines 7 and 8, 'provision of this Act'—

omit, insert—

'deemed executive liability provision'.

92 Clause 58 (Replacement of s 333 (Executive officers must ensure corporation does not commit particular offences))

Page 74, line 15, after 'offence'—

insert—

'against the deemed executive liability provision'.

93 Clause 58 (Replacement of s 333 (Executive officers must ensure corporation does not commit particular offences))

Page 74, line 18, after 'offence'—

insert—

'against the deemed executive liability provision'.

94 Clause 58 (Replacement of s 333 (Executive officers must ensure corporation does not commit particular offences))

Page 74, line 21, after 'corporation,'—

omit, insert—

'for the offence against the deemed executive liability provision.

'(4) In this section—

deemed executive liability provision means any of the following provisions—

- section 198
- section 200(1)
- section 242(5)
- section 329
- section 330
- section 331(1)
- section 332(1)
- section 332(2).'.'.

95 Clause 60 (Replacement of s 393 (Executive officers must ensure corporation does not commit particular offences))

Page 75, lines 7 to 34 and page 76, lines 1 and 2—

omit, insert—

'(1) An executive officer of a corporation commits an offence if—

(a) the corporation commits an offence against section 386(1); and

(b) the officer did not take all reasonable steps to ensure the corporation did not engage in the conduct constituting the offence.

Maximum penalty—the penalty for a contravention of section 386(1) by an individual.

'(2) In deciding whether things done or omitted to be done by the executive officer constitute reasonable steps for subsection (1)(b), a court must have regard to—

(a) whether the officer knew, or ought reasonably to have known, of the corporation's conduct constituting the offence against section 386(1); and

(b) whether the officer was in a position to influence the corporation's conduct in relation to the offence against section 386(1); and

(c) any other relevant matter.

'(3) The executive officer may be proceeded against for, and convicted of, an offence against subsection (1) whether or not the corporation has been proceeded against for, or convicted of, the offence against section 386(1).

'(4) This section does not affect—

(a) the liability of the corporation for the offence against section 386(1); or

(b) the liability, under the Criminal Code, chapter 2, of any person, whether or not the person is an executive officer of the corporation, for the offence against section 386(1).'.

96 Clause 60 (Replacement of s 393 (Executive officers must ensure corporation does not commit particular offences))

Page 76, lines 5 and 6, 'provision of this Act'—

omit, insert—

'deemed executive liability provision'.

97 Clause 60 (Replacement of s 393 (Executive officers must ensure corporation does not commit particular offences))

Page 76, line 13, after 'offence'—

insert—

'against the deemed executive liability provision'.

98 Clause 60 (Replacement of s 393 (Executive officers must ensure corporation does not commit particular offences))

Page 76, line 16, after 'offence'—

insert—

'against the deemed executive liability provision'.

99 Clause 60 (Replacement of s 393 (Executive officers must ensure corporation does not commit particular offences))

Page 76, line 19, after 'corporation,'—

omit, insert—

'for the offence against the deemed executive liability provision.

'(4) In this section—

deemed executive liability provision means any of the following provisions—

- section 264
- section 334(3)
- section 392(1)
- section 392(2).'.'.

100 Clause 62 (Replacement of s 106 (Executive officers must ensure corporation complies with Act))

Page 77, line 1, 'Replacement'—

omit, insert—

'**Omission**'.

101 Clause 62 (Replacement of s 106 (Executive officers must ensure corporation complies with Act))

Page 77, lines 4 to 21—

omit, insert—

'*omit*.'.

102 Clause 71 (Replacement of s 91 (Executive officers must ensure corporation complies with Act))

Page 80, line 5, 'Replacement'—

omit, insert—

'**Omission**'.

103 Clause 71 (Replacement of s 91 (Executive officers must ensure corporation complies with Act))

Page 80, lines 8 to 25—

omit, insert—

'*omit*.'.

104 Clause 72 (Act amended)

Page 81, lines 5 and 6—

omit.

105 Clause 73 (Replacement of s 673 (Executive officers must ensure corporation complies with ss 138, 368, 406 and 666))

Page 81, line 7, 'Replacement'—

omit, insert—

'**Omission**'.

106 Clause 73 (Replacement of s 673 (Executive officers must ensure corporation complies with ss 138, 368, 406 and 666))

Page 81, lines 10 to 30 and page 82, lines 1 to 27—

omit, insert—

'*omit*.'.

107 Clause 75 (Replacement of s 247 (Executive officers must ensure corporation complies with Act))

Page 83, lines 13 to 28 and page 84, lines 1 to 19—

omit, insert—

'247 Executive officer may be taken to have committed offence against s 119(1)'.

108 Clause 75 (Replacement of s 247 (Executive officers must ensure corporation complies with Act))

Page 84, lines 20 and 21, 'a provision of this Act'—

omit, insert—

'section 119(1)'.

109 Clause 75 (Replacement of s 247 (Executive officers must ensure corporation complies with Act))

Page 84, line 28, after 'offence'—

insert—

'against section 119(1)'.

110 Clause 75 (Replacement of s 247 (Executive officers must ensure corporation complies with Act))

Page 84, line 31, after 'offence'—

insert—

'against section 119(1)'.

111 Clause 75 (Replacement of s 247 (Executive officers must ensure corporation complies with Act))

Page 85, line 3, after 'offence'—

insert—

'against section 119(1)'.

112 Clause 77 (Replacement of s 94 (Executive officers must ensure corporation complies with Act))

Page 85, line 8, 'Replacement'—

omit, insert—

'**Omission**'.

113 Clause 77 (Replacement of s 94 (Executive officers must ensure corporation complies with Act))

Page 85, lines 11 to 25 and page 86, lines 1 to 3—

omit, insert—

'*omit*.'.

114 Clause 80 (Insertion of new s 49A)

Page 86, lines 18 and 19, 'provision of this Act'—

omit, insert—

'deemed executive liability provision'.

115 Clause 80 (Insertion of new s 49A)

Page 87, line 2, after 'offence'—

insert—

'against the deemed executive liability provision'.

116 Clause 80 (Insertion of new s 49A)

Page 87, line 5, after 'offence'—

insert—

'against the deemed executive liability provision'.

117 Clause 80 (Insertion of new s 49A)

Page 87, line 8, after 'offence'—

insert—

'against the deemed executive liability provision'.

118 Clause 80 (Insertion of new s 49A)

Page 87, after line 9—

insert—

'***deemed executive liability provision*** means any of the following provisions—

- section 43(1)
- section 43(5)
- section 44(1)
- section 45(1)
- section 46(4).'.

119 Clause 85 (Replacement of s 226 (Executive officers must ensure corporation complies with Act))

Page 89, lines 5 to 33 and page 90, lines 1 to 6—

omit, insert—

'226 Executive officer may be taken to have committed offence against s 116(1)'.

120 Clause 85 (Replacement of s 226 (Executive officers must ensure corporation complies with Act))

Page 90, lines 7 and 8, 'a provision of this Act'—

omit, insert—

'section 116(1)'.

121 Clause 85 (Replacement of s 226 (Executive officers must ensure corporation complies with Act))

Page 90, line 15, after 'offence'—

insert—

'against section 116(1)'.

122 Clause 85 (Replacement of s 226 (Executive officers must ensure corporation complies with Act))

Page 90, line 18, after 'offence'—

insert—

'against section 116(1)'.

123 Clause 85 (Replacement of s 226 (Executive officers must ensure corporation complies with Act))

Page 90, line 21, after 'offence'—

insert—

'against section 116(1)'.

124 Clause 87 (Replacement of s 431J (Executive officers must ensure corporation complies with Act))

Page 91, lines 5 and 6, 'particular offences committed by corporation'—

omit, insert—

'**offence committed by corporation against s 214D(1)**'.

125 Clause 87 (Replacement of s 431J (Executive officers must ensure corporation complies with Act))

Page 91, lines 8 and 9, 'an executive liability provision'—

omit, insert—

'section 214D(1)'.

126 Clause 87 (Replacement of s 431J (Executive officers must ensure corporation complies with Act))

Page 91, lines 13 and 14, 20, 23, 28, 30 and 31 and page 92, lines 3 and 4, 'the executive liability provision'—

omit, insert—

'section 214D(1)'.

127 Clause 87 (Replacement of s 431J (Executive officers must ensure corporation complies with Act))

Page 91, line 29, 'any of the following'—

omit.

128 Clause 87 (Replacement of s 431J (Executive officers must ensure corporation complies with Act))

Page 91, line 31, after ';'—

insert—

'or'.

129 Clause 87 (Replacement of s 431J (Executive officers must ensure corporation complies with Act))

Page 91, lines 32 and 33—

omit.

130 Clause 87 (Replacement of s 431J (Executive officers must ensure corporation complies with Act))

Page 92, line 1, '(c)'—

omit, insert—

'(b)'.

131 Clause 87 (Replacement of s 431J (Executive officers must ensure corporation complies with Act))

Page 92, lines 6 to 13—

omit.

132 Clause 87 (Replacement of s 431J (Executive officers must ensure corporation complies with Act))

Page 92, lines 17 to 31 and page 93, lines 1 to 5—

omit, insert—

'person's position is given the name of executive officer.'.'.

133 Clause 90 (Replacement of s 32B (Executive officers must ensure corporation complies with Act))

Page 93, line 17, 'Replacement'—

omit, insert—

'**Omission**'.

134 Clause 90 (Replacement of s 32B (Executive officers must ensure corporation complies with Act))

Page 93, lines 20 to 25 and page 94, lines 1 to 12—

omit, insert—

'*omit*.'.

135 Clause 92 (Amendment of s 114 (Notice of intention to start providing legal services))

Page 94, lines 19 to 23—

omit, insert—

'Section 114(2), penalty, paragraph (a), 'or for section 702'—

omit.'.

136 Clause 93 (Amendment of s 116 (Notice of termination of provision of legal services))

Page 95, lines 3 to 7—

omit, insert—

'Section 116(1), penalty, paragraph (a), 'or for section 702'—

omit.'.

137 Clause 94 (Amendment of s 119 (Incorporated legal practice without legal practitioner director))

Page 95, lines 10 to 14—

omit, insert—

'Section 119(2) and (3), penalty, paragraph (a), 'or for section 702'—

omit.'.

138 Clause 95 (Amendment of s 121 (Professional indemnity insurance))

Page 95, lines 16 to 20—

omit, insert—

'Section 121(1) and (2), penalty, paragraph (a), 'or for section 702'—

omit.'.

139 Clause 96 (Amendment of s 129 (Disqualified persons))

Page 95, lines 22 to 26—

omit, insert—

'Section 129(1), penalty, paragraph (a), 'or for section 702'—

omit.'.

140 Clause 97 (Amendment of s 132 (Banning of incorporated legal practices))

Page 96, lines 3 to 7—

omit, insert—

'Section 132(6), penalty, paragraph (a), 'or for section 702'—

omit.'.

141 Clause 98 (Replacement of s 702 (Executive officers must ensure corporation complies with Act))

Page 96, line 8, 'Replacement'—

omit, insert—

'**Omission**'.

142 Clause 98 (Replacement of s 702 (Executive officers must ensure corporation complies with Act))

Page 96, lines 11 to 31 and page 97, lines 1 to 7—

omit, insert—

'*omit*.'.

143 Clause 100 (Amendment of s 4 (Definitions))

Page 97, lines 11 to 14—

omit.

144 Clause 101 (Amendment of s 128 (Liability of licensees in certain cases))

Page 97, lines 21 to 24—

omit, insert—

'by a corporation.'.'.

145 Clause 102 (Insertion of new s 229A)

Page 98, lines 1 to 20—

omit.

146 Clause 104 (Replacement of s 212 (Executive officers must ensure corporation complies with Act))

Page 99, lines 5 to 33 and page 100, lines 1 to 5—

omit, insert—

'212 Executive officer may be taken to have committed offence against s 99(1)'.

147 Clause 104 (Replacement of s 212 (Executive officers must ensure corporation complies with Act))

Page 100, lines 6 and 7, 'a provision of this Act'—

omit, insert—

'section 99(1)'.

148 Clause 104 (Replacement of s 212 (Executive officers must ensure corporation complies with Act))

Page 100, line 14, after 'offence'—

insert—

'against section 99(1)'.

149 Clause 104 (Replacement of s 212 (Executive officers must ensure corporation complies with Act))

Page 100, line 17, after 'offence'—

insert—

'against section 99(1)'.

150 Clause 104 (Replacement of s 212 (Executive officers must ensure corporation complies with Act))

Page 100, line 20, after 'offence'—

insert—

'against section 99(1)'.

151 Clause 106 (Replacement of s 139 (Executive officers must ensure corporation complies with Act))

Page 101, line 1, 'Replacement'—

omit, insert—

'**Omission**'.

152 Clause 106 (Replacement of s 139 (Executive officers must ensure corporation complies with Act))

Page 101, lines 4 to 21—

omit, insert—

'*omit*.'.

153 Clause 109 (Insertion of new ss 412A-412C)

Page 102, line 5, 'ss 412A-412C'—

omit, insert—

'**ss 412A and 412B**'.

154 Clause 109 (Insertion of new ss 412A-412C)

Page 102, lines 8 and 9, 'offence committed by company against s 403(1)'—

omit, insert—

'**particular offences committed by company**'.

155 Clause 109 (Insertion of new ss 412A-412C)

Page 102, line 11, 'section 403(1)'—

omit, insert—

'an executive liability provision'.

156 Clause 109 (Insertion of new ss 412A-412C)

Page 102, lines 16 and 17, 23, 26 and 31 and page 103, lines 2 and 7, 'section 403(1)'—

omit, insert—

'the executive liability provision'.

157 Clause 109 (Insertion of new ss 412A-412C)

Page 103, line 3, '412C'—

omit, insert—

'412B'.

158 Clause 109 (Insertion of new ss 412A-412C)

Page 103, line 4, '403(1)'—

omit, insert—

'404D(1)'.

159 Clause 109 (Insertion of new ss 412A-412C)

Page 103, after line 8—

insert—

'***executive liability provision*** means any of the following provisions—

- section 334C(1)
- section 402(1)
- section 403(1)
- section 404D(1).'.

160 Clause 109 (Insertion of new ss 412A-412C)

Page 103, lines 13 to 33 and page 104, lines 1 to 22—

omit, insert—

'412B Executive officer may be taken to have committed offence'.

161 Clause 109 (Insertion of new ss 412A-412C)

Page 104, lines 23 and 24, 'provision of this Act'—

omit, insert—

'deemed executive liability provision'.

162 Clause 109 (Insertion of new ss 412A-412C)

Page 104, line 31, after 'offence'—

insert—

'against the deemed executive liability provision'.

163 Clause 109 (Insertion of new ss 412A-412C)

Page 105, line 2, after 'offence'—

insert—

'against the deemed executive liability provision'.

164 Clause 109 (Insertion of new ss 412A-412C)

Page 105, line 5, after 'offence'—

insert—

'against the deemed executive liability provision'.

165 Clause 109 (Insertion of new ss 412A-412C)

Page 105, after line 12—

insert—

'***deemed executive liability provision*** means any of the following provisions—

- section 20(5)
- section 335C(1)
- section 404
- section 404D(1)
- schedule 1, part 2, division 1, section 5(1)
- schedule 1, part 2, division 1, section 5(2)
- schedule 1, part 2, division 1, section 5(3)
- schedule 1, part 2, division 2, section 10(1).'.

166 Clause 111 (Replacement of s 44 (Offence by body corporate))

Page 105, line 18, 'Replacement'—

omit, insert—

'**Omission**'.

167 Clause 111 (Replacement of s 44 (Offence by body corporate))

Page 105, lines 20 to 27 and page 106, lines 1 to 15—

omit, insert—

'*omit*.'.

168 Clause 113 (Replacement of s 22 (Executive officers must ensure corporation complies with Act))

Page 107, lines 3 to 35—

omit, insert—

'(1) An executive officer of a corporation commits an offence if—

(a) the corporation commits an offence against an executive liability provision; and

(b) the officer did not take all reasonable steps to ensure the corporation did not engage in the conduct constituting the offence.

Maximum penalty—the penalty for a contravention of the executive liability provision by an individual.

'(2) In deciding whether things done or omitted to be done by the executive officer constitute reasonable steps for subsection (1)(b), a court must have regard to—

(a) whether the officer knew, or ought reasonably to have known, of the corporation's conduct constituting the offence against the executive liability provision; and

(b) whether the officer was in a position to influence the corporation's conduct in relation to the offence against the executive liability provision; and

(c) any other relevant matter.

'(3) The executive officer may be proceeded against for, and convicted of, an offence against subsection (1) whether or not the corporation has been proceeded against for, or convicted of, the offence against the executive liability provision.

'(4) This section does not affect—

(a) the liability of the corporation for the offence against the executive liability provision; or

(b) the liability, under the Criminal Code, chapter 2, of any person, whether or not the person is an executive officer of the corporation, for the offence against the executive liability provision.

'(5) In this section—'.

169 Clause 113 (Replacement of s 22 (Executive officers must ensure corporation complies with Act))

Page 108, lines 4 to 21—

omit, insert—

'• section 13(4).'.'.

170 Clause 117 (Replacement of s 443 (Executive officers must ensure corporation complies with Act))

Page 109, lines 17 to 27 and page 110, lines 1 to 18—

omit, insert—

'(1) An executive officer of a corporation commits an offence if—

(a) the corporation commits an offence against section 38; and

(b) the officer did not take all reasonable steps to ensure the corporation did not engage in the conduct constituting the offence.

Maximum penalty—the penalty for a contravention of section 38 by an individual.

'(2) In deciding whether things done or omitted to be done by the executive officer constitute reasonable steps for subsection (1)(b), a court must have regard to—

(a) whether the officer knew, or ought reasonably to have known, of the corporation's conduct constituting the offence against section 38; and

(b) whether the officer was in a position to influence the corporation's conduct in relation to the offence against section 38; and

(c) any other relevant matter.

'(3) The executive officer may be proceeded against for, and convicted of, an offence against subsection (1) whether or not the corporation has been proceeded against for, or convicted of, the offence against section 38.

'(4) This section does not affect—

(a) the liability of the corporation for the offence against section 38; or

(b) the liability, under the Criminal Code, chapter 2, of any person, whether or not the person is an executive officer of the corporation, for the offence against section 38.'.

171 Clause 117 (Replacement of s 443 (Executive officers must ensure corporation complies with Act))

Page 110, lines 21 and 22, 'provision of this Act'—

omit, insert—

'deemed executive liability provision'.

172 Clause 117 (Replacement of s 443 (Executive officers must ensure corporation complies with Act))

Page 110, line 29, after 'offence'—

insert—

'against the deemed executive liability provision'.

173 Clause 117 (Replacement of s 443 (Executive officers must ensure corporation complies with Act))

Page 110, line 32, after 'offence'—

insert—

'against the deemed executive liability provision'.

174 Clause 117 (Replacement of s 443 (Executive officers must ensure corporation complies with Act))

Page 111, line 3, after 'corporation,'—

omit, insert—

'for the offence against the deemed executive liability provision.

'(4) In this section—

deemed executive liability provision means any of the following provisions—

• section 44

• section 123

• section 183

• section 259

- section 308
- section 385(1)
- section 385(2)
- section 391(1)
- section 404(3).'.'.

175 Clause 120 (Replacement of s 122 (Executive officers must ensure corporation complies with Act))

Page 111, lines 21 and 22, 'offence committed by corporation against s 52(2)'—

omit, insert—

'**particular offences committed by corporation**'.

176 Clause 120 (Replacement of s 122 (Executive officers must ensure corporation complies with Act))

Page 111, lines 24 and 25, 'section 52(2)'—

omit, insert—

'an executive liability provision'.

177 Clause 120 (Replacement of s 122 (Executive officers must ensure corporation complies with Act))

Page 112, lines 4 and 5, 11, 14, 19, 22 and 27, 'section 52(2)'—

omit, insert—

'the executive liability provision'.

178 Clause 120 (Replacement of s 122 (Executive officers must ensure corporation complies with Act))

Page 112, line 20, 'any of the following'—

omit.

179 Clause 120 (Replacement of s 122 (Executive officers must ensure corporation complies with Act))

Page 112, line 22, after ';'—

insert—

'or'.

180 Clause 120 (Replacement of s 122 (Executive officers must ensure corporation complies with Act))

Page 112, lines 23 and 24—

omit.

181 Clause 120 (Replacement of s 122 (Executive officers must ensure corporation complies with Act))

Page 112, line 25, '(c)'—

omit, insert—

'(b)'.

182 Clause 120 (Replacement of s 122 (Executive officers must ensure corporation complies with Act))

Page 112, after line 27—

insert—

'(5) In this section—'.

183 Clause 120 (Replacement of s 122 (Executive officers must ensure corporation complies with Act))

Page 112, lines 28 to 32 and page 113, lines 1 to 30—

omit.

184 Clause 120 (Replacement of s 122 (Executive officers must ensure corporation complies with Act))

Page 113, line 34 and page 114, lines 1 to 17—

omit, insert—

'• section 51(2).'.'.

185 Clause 122 (Replacement of s 814 (Executive officers must ensure corporation complies with Act))

Page 115, lines 7 to 34 and page 116, lines 1 to 15—

omit, insert—

'(1) An executive officer of a corporation commits an offence if—

(a) the corporation commits an offence against an executive liability provision; and

(b) the officer did not take all reasonable steps to ensure the corporation did not engage in the conduct constituting the offence.

Maximum penalty—the penalty for a contravention of the executive liability provision by an individual.

'(2) In deciding whether things done or omitted to be done by the executive officer constitute reasonable steps for subsection (1)(b), a court must have regard to—

(a) whether the officer knew, or ought reasonably to have known, of the corporation's conduct constituting the offence against the executive liability provision; and

(b) whether the officer was in a position to influence the corporation's conduct in relation to the offence against the executive liability provision; and

(c) any other relevant matter.

'(3) The executive officer may be proceeded against for, and convicted of, an offence against subsection (1) whether or not the corporation has been proceeded against for, or convicted of, the offence against the executive liability provision.

'(4) This section does not affect any of the following—

(a) the liability of the corporation for the offence against the executive liability provision;

(b) the liability, under section 814A, of the executive officer for the offence against the executive liability provision;

(c) the liability, under the Criminal Code, chapter 2, of any person, whether or not the person is an executive officer of the corporation, for the offence against the executive liability provision.

'(5) In this section—

executive liability provision means any of the following provisions—

- section 617C(1)
- section 696(2)
- section 696(3)
- section 733(1)
- section 800(1)
- section 813(1)
- section 813(2).'.'.

186 Clause 122 (Replacement of s 814 (Executive officers must ensure corporation complies with Act))

Page 116, lines 18 and 19, 'provision of this Act'—

omit, insert—

'deemed executive liability provision'.

187 Clause 122 (Replacement of s 814 (Executive officers must ensure corporation complies with Act))

Page 116, line 26, after 'offence'—

insert—

'against the deemed executive liability provision'.

188 Clause 122 (Replacement of s 814 (Executive officers must ensure corporation complies with Act))

Page 116, line 29, after 'offence'—

insert—

'against the deemed executive liability provision'.

189 Clause 122 (Replacement of s 814 (Executive officers must ensure corporation complies with Act))

Page 117, line 3, after 'offence'—

insert—

'against the deemed executive liability provision'.

190 Clause 122 (Replacement of s 814 (Executive officers must ensure corporation complies with Act))

Page 117, line 9—

omit, insert—

'known to be false or misleading in a material particular

'(5) In this section—

deemed executive liability provision means any of the following provisions—

- section 175C(1)
- section 175C(3)
- section 175H(2)
- section 175H(3)
- section 198
- section 207
- section 228(1)
- section 281(1)

- section 282
- section 283
- section 292(2)
- section 495(1)
- section 495(2)
- section 495(3)
- section 500(1)
- section 559(1)
- section 560(3)
- section 621(2)
- section 626(1)
- section 628(1)
- section 639(1)
- section 640
- section 642(1)
- section 643(3)
- section 646(4)
- section 648(1)
- section 648(2)
- section 649
- section 697(1)
- section 697(2)
- section 697(3)
- section 698
- section 708A(1)
- section 721(1)
- section 721(2)
- section 727(1)
- section 727(4)
- section 729
- section 733(2)
- section 733A
- section 734(1)
- section 734(3)
- section 766
- section 782(1)
- section 785
- section 802(1)
- section 803
- section 804
- section 805(1)
- section 806(1)
- section 807(2)
- section 808
- section 809
- section 810
- section 813(1)
- section 813(2).'.'.

191 Clause 124 (Replacement of s 197 (Executive officers must ensure corporation complies with Act))

Page 117, lines 21 and 22, 'provision of this Act'—

omit, insert—

'deemed executive liability provision'.

192 Clause 124 (Replacement of s 197 (Executive officers must ensure corporation complies with Act))

Page 118, line 2, after 'offence'—

insert—

'against the deemed executive liability provision'.

193 Clause 124 (Replacement of s 197 (Executive officers must ensure corporation complies with Act))

Page 118, line 5, after 'offence'—

insert—

'against the deemed executive liability provision'.

194 Clause 124 (Replacement of s 197 (Executive officers must ensure corporation complies with Act))

Page 118, line 8, after 'corporation,'—

omit, insert—

'for the offence against the deemed executive liability provision.

'(4) In this section—

deemed executive liability provision means any of the following provisions—

- section 139B(b)
- section 139H(3)
- section 139H(4)
- section 139H(5).'.'.

195 Clause 126 (Replacement of s 17 (Executive officers must ensure corporation complies with Act))

Page 118, line 13, 'Replacement'—

omit, insert—

'**Omission**'.

196 Clause 126 (Replacement of s 17 (Executive officers must ensure corporation complies with Act))

Page 118, lines 16 to 25 and page 119, lines 1 to 8—

omit, insert—

'*omit*.'.

197 Clause 128 (Replacement of s 10 (Liability for offence by body corporate))

Page 119, line 13, 'Replacement'—

omit, insert—

'**Omission**'.

198 Clause 128 (Replacement of s 10 (Liability for offence by body corporate))

Page 119, lines 16 to 25 and page 120, lines 1 to 13—

omit, insert—

'*omit*.'.

199 Clause 130 (Replacement of s 45 (Executive officers must ensure corporation complies with Act))

Page 120, line 18, 'Replacement'—

omit, insert—

'**Omission**'.

200 Clause 130 (Replacement of s 45 (Executive officers must ensure corporation complies with Act))

Page 120, lines 21 to 26 and page 121, lines 1 to 12—

omit, insert—

'*omit*.'.

201 Clause 132 (Replacement of s 143 (Executive officers must ensure corporation complies with Act))

Page 121, line 22, after 'offence'—

insert—

'**against s 39'**.

202 Clause 132 (Replacement of s 143 (Executive officers must ensure corporation complies with Act))

Page 121, lines 23 and 24, 'a provision of this Act'—

omit, insert—

'section 39'.

203 Clause 132 (Replacement of s 143 (Executive officers must ensure corporation complies with Act))

Page 122, line 4, after 'offence'—

insert—

'against section 39'.

204 Clause 132 (Replacement of s 143 (Executive officers must ensure corporation complies with Act))

Page 122, line 7, after 'offence'—

insert—

'against section 39'.

205 Clause 132 (Replacement of s 143 (Executive officers must ensure corporation complies with Act))

Page 122, line 10, after 'offence'—

insert—

'against section 39'.

206 Clause 168 (Replacement of s 99 (Offences by bodies corporate))

Page 131, line 13, 'Replacement'—

omit, insert—

'**Omission**'.

207 Clause 168 (Replacement of s 99 (Offences by bodies corporate))

Page 131, lines 15 to 27 and page 132, lines 1 to 5—

omit, insert—

'*omit*.'.

208 Clause 170 (Replacement of s 448 (Executive officers must ensure corporation complies with Act))

Page 132, lines 16 and 17, 'offence committed by corporation against s 57A(7)'—

omit, insert—

'**particular offences committed by corporation**'.

209 Clause 170 (Replacement of s 448 (Executive officers must ensure corporation complies with Act))

Page 132, lines 19 and 20, 'section 57A(7)'—

omit, insert—

'an executive liability provision'.

210 Clause 170 (Replacement of s 448 (Executive officers must ensure corporation complies with Act))

Page 132, lines 24 and 25 and page 133, lines 6, 9, 14, 17 and 22 and 23, 'section 57A(7)'—

omit, insert—

'the executive liability provision'.

211 Clause 170 (Replacement of s 448 (Executive officers must ensure corporation complies with Act))

Page 133, line 15, 'any of the following'—

omit.

212 Clause 170 (Replacement of s 448 (Executive officers must ensure corporation complies with Act))

Page 133, line 17, after ';'—

insert—

'or'.

213 Clause 170 (Replacement of s 448 (Executive officers must ensure corporation complies with Act))

Page 133, lines 18 and 19—

omit.

214 Clause 170 (Replacement of s 448 (Executive officers must ensure corporation complies with Act))

Page 133, line 20, '(c)'—

omit, insert—

'(b)'.

215 Clause 170 (Replacement of s 448 (Executive officers must ensure corporation complies with Act))

Page 133, after line 23—

insert—

'(5) In this section—'.

216 Clause 170 (Replacement of s 448 (Executive officers must ensure corporation complies with Act))

Page 133, lines 24 to 32 and page 134, lines 1 to 26—

omit.

217 Clause 170 (Replacement of s 448 (Executive officers must ensure corporation complies with Act))

Page 134, line 30 and page 135, lines 1 to 17—

omit, insert—

'• section 57F(2).'.'.

218 Clause 172 (Replacement of s 142 (Executive officers must ensure corporation complies with Act))

Page 136, line 29, 'any of the following'—

omit.

219 Clause 172 (Replacement of s 142 (Executive officers must ensure corporation complies with Act))

Page 136, line 31, after ';'—

insert—

'or'.

220 Clause 172 (Replacement of s 142 (Executive officers must ensure corporation complies with Act))

Page 136, lines 32 and 33—

omit.

221 Clause 172 (Replacement of s 142 (Executive officers must ensure corporation complies with Act))

Page 137, line 1, '(c)'—

omit, insert—

'(b)'.

222 Clause 172 (Replacement of s 142 (Executive officers must ensure corporation complies with Act))

Page 137, lines 9 to 27—

omit, insert—

'• section 19(2).'.'.

223 Clause 174 (Amendment of s 103B (Developer register))

Page 138, lines 9 to 14—

omit.

224 Clause 175 (Replacement of s 111B (Executive officers must ensure company complies with Act))

Page 138, lines 21 to 28 and page 139, lines 1 to 32—

omit, insert—

'(1) An executive officer of a company commits an offence if—

(a) the company commits an offence against an executive liability provision; and

(b) the officer did not take all reasonable steps to ensure the company did not engage in the conduct constituting the offence.

Maximum penalty—the penalty for a contravention of the executive liability provision by an individual.

'(2) In deciding whether things done or omitted to be done by the executive officer constitute reasonable steps for subsection (1)(b), a court must have regard to—

(a) whether the officer knew, or ought reasonably to have known, of the company's conduct constituting the offence against the executive liability provision; and

(b) whether the officer was in a position to influence the company's conduct in relation to the offence against the executive liability provision; and

(c) any other relevant matter.

'(3) The executive officer may be proceeded against for, and convicted of, an offence against subsection (1) whether or not the company has been proceeded against for, or convicted of, the offence against the executive liability provision.

'(4) This section does not affect—

(a) the liability of the company for the offence against the executive liability provision; or

(b) the liability, under the Criminal Code, chapter 2, of any person, whether or not the person is an executive officer of the company, for the company's offence against the executive liability provision.

'(5) In this section—'.

225 Clause 175 (Replacement of s 111B (Executive officers must ensure company complies with Act))

Page 140, lines 1 to 18—

omit, insert—

'• section 42D.'.'.

226 Clause 177 (Replacement of s 160 (Executive officers must ensure corporation complies with Act))

Page 141, lines 5 to 34 and page 142, lines 1 to 13—

omit, insert—

'160 Liability of executive officer—offence committed by corporation against s 155

'(1) An executive officer of a corporation commits an offence if—

(a) the corporation commits an offence against section 155; and

(b) the officer did not take all reasonable steps to ensure the corporation did not engage in the conduct constituting the offence.

Maximum penalty—the penalty for a contravention of section 155 by an individual.

'(2) In deciding whether things done or omitted to be done by the executive officer constitute reasonable steps for subsection (1)(b), a court must have regard to—

(a) whether the officer knew, or ought reasonably to have known, of the corporation's conduct constituting the offence against section 155; and

(b) whether the officer was in a position to influence the corporation's conduct in relation to the offence against section 155; and

(c) any other relevant matter.

'(3) The executive officer may be proceeded against for, and convicted of, an offence against subsection (1) whether or not the corporation has been proceeded against for, or convicted of, the offence against section 155.

'(4) This section does not affect—

(a) the liability of the corporation for the offence against section 155; or

(b) the liability, under the Criminal Code, chapter 2, of any person, whether or not the person is an executive officer of the corporation, for the offence against section 155.'.

227 Clause 177 (Replacement of s 160 (Executive officers must ensure corporation complies with Act))

Page 142, lines 16 and 17, 'provision of this Act'—

omit, insert—

'deemed executive liability provision'.

228 Clause 177 (Replacement of s 160 (Executive officers must ensure corporation complies with Act))

Page 142, line 24, after 'offence'—

insert—

'against the deemed executive liability provision'.

229 Clause 177 (Replacement of s 160 (Executive officers must ensure corporation complies with Act))

Page 142, line 27, after 'offence'—

insert—

'against the deemed executive liability provision'.

230 Clause 177 (Replacement of s 160 (Executive officers must ensure corporation complies with Act))

Page 142, line 30, after 'corporation,'—

omit, insert—

'for the offence against the deemed executive liability provision.

'(4) In this section—

deemed executive liability provision means any of the following provisions—

- section 87(6)
- section 104(1)
- section 169(2)
- section 170(5).'.'.

231 Clause 180 (Replacement of s 339 (Executive officers must ensure corporation complies with Act))

Page 143, line 11, 'Replacement'—

omit, insert—

'**Omission**'.

232 Clause 180 (Replacement of s 339 (Executive officers must ensure corporation complies with Act))

Page 143, lines 14 to 27 and page 144, lines 1 to 4—

omit, insert—

'*omit*.'.

233 Clause 182 (Replacement of s 205 (Executive officers must ensure corporation complies with Act))

Page 144, lines 17 to 28 and page 145, lines 1 to 23—

omit, insert—

'(1) An executive officer of a corporation commits an offence if—

(a) the corporation commits an offence against an executive liability provision; and

(b) the officer did not take all reasonable steps to ensure the corporation did not engage in the conduct constituting the offence.

Maximum penalty—the penalty for a contravention of the executive liability provision by an individual.

'(2) In deciding whether things done or omitted to be done by the executive officer constitute reasonable steps for subsection (1)(b), a court must have regard to—

(a) whether the officer knew, or ought reasonably to have known, of the corporation's conduct constituting the offence against the executive liability provision; and

(b) whether the officer was in a position to influence the corporation's conduct in relation to the offence against the executive liability provision; and

(c) any other relevant matter.

'(3) The executive officer may be proceeded against for, and convicted of, an offence against subsection (1) whether or not the corporation has been proceeded against for, or convicted of, the offence against the executive liability provision.

'(4) This section does not affect any of the following—

(a) the liability of the corporation for the offence against the executive liability provision;

(b) the liability, under section 205A, of the executive officers for the corporation's offence against the executive liability provision;

Note for paragraph (b)—

Section 205A concerns an offence against section 25, 26(1) or 27A(1) to the extent the offence relates to a radiation source other than a security enhanced source.

(c) the liability, under the Criminal Code, chapter 2, of any person, whether or not the person is an executive officer of the corporation, for the offence against the executive liability provision.

'(5) In this section—

executive liability provision means any of the following provisions, to the extent that the conduct constituting the offence relates to a security enhanced source—'.

234 Clause 182 (Replacement of s 205 (Executive officers must ensure corporation complies with Act))

Page 145, lines 29 and 30, 'provision of this Act'—

omit, insert—

'deemed executive liability provision'.

235 Clause 182 (Replacement of s 205 (Executive officers must ensure corporation complies with Act))

Page 146, line 4, after 'offence'—

insert—

'against the deemed executive liability provision'.

236 Clause 182 (Replacement of s 205 (Executive officers must ensure corporation complies with Act))

Page 146, line 7, after 'offence'—

insert—

'against the deemed executive liability provision'.

237 Clause 182 (Replacement of s 205 (Executive officers must ensure corporation complies with Act))

Page 146, line 10, after 'corporation,'—

omit, insert—

'for the offence against the deemed executive liability provision.

'(4) In this section—

deemed executive liability provision means any of the following provisions, to the extent that the conduct constituting the offence relates to a radiation source other than a security enhanced source—

- section 25
- section 26(1)
- section 27A(1).'.'.

238 Clause 184 (Replacement of s 172 (Executive officers must ensure corporation complies with Act))

Page 146, lines 24 to 26, page 147, lines 1 to 34 and page 148, lines 1 to 3—

omit, insert—

'(1) An executive officer of a corporation commits an offence if—

(a) the corporation commits an offence against an executive liability provision; and

(b) the officer did not take all reasonable steps to ensure the corporation did not engage in the conduct constituting the offence.

Maximum penalty—the penalty for a contravention of the executive liability provision by an individual.

'(2) In deciding whether things done or omitted to be done by the executive officer constitute reasonable steps for subsection (1)(b), a court must have regard to—

(a) whether the officer knew, or ought reasonably to have known, of the corporation's conduct constituting the offence against the executive liability provision; and

(b) whether the officer was in a position to influence the corporation's conduct in relation to the offence against the executive liability provision; and

(c) any other relevant matter.

'(3) The executive officer may be proceeded against for, and convicted of, an offence against subsection (1) whether or not the corporation has been proceeded against for, or convicted of, the offence against the executive liability provision.

'(4) This section does not affect—

(a) the liability of the corporation for the offence against the executive liability provision; or

(b) the liability, under the Criminal Code, chapter 2, of any person, whether or not the person is an executive officer of the corporation, for the offence against the executive liability provision.

'(5) In this section—'.

239 Clause 184 (Replacement of s 172 (Executive officers must ensure corporation complies with Act))

Page 148, lines 8 to 25—

omit, insert—

'• section 76(4).'.'.

240 Clause 185 (Act amended)

Page 149, lines 7 and 8—

omit.

241 Clause 186 (Replacement of s 513 (Executive officers must ensure corporation complies with Act))

Page 149, line 9, 'Replacement'—

omit, insert—

'**Omission**'.

242 Clause 186 (Replacement of s 513 (Executive officers must ensure corporation complies with Act))

Page 149, lines 12 to 31, page 150, lines 1 to 32 and page 151, lines 1 to 8—

omit, insert—

'*omit*.'.

243 Clause 188 (Replacement of s 225 (Executive officers must ensure corporation complies with Act))

Page 151, line 13, 'Replacement'—

omit, insert—

'**Omission**'.

244 Clause 188 (Replacement of s 225 (Executive officers must ensure corporation complies with Act))

Page 151, lines 16 to 25 and page 152, lines 1 to 8—

omit, insert—

'*omit*.'.

245 Clause 190 (Replacement of s 112 (Executive officers must ensure corporation complies with Act))

Page 152, line 15, 'Replacement'—

omit, insert—

'**Omission**'.

246 Clause 190 (Replacement of s 112 (Executive officers must ensure corporation complies with Act))

Page 152, lines 18 to 27 and page 153, lines 1 to 8—

omit, insert—

'*omit*.'.

247 Clause 192 (Replacement of s 250 (Executive officers must ensure corporation does not commit SCL offences))

Page 153, lines 21 to 27 and page 154, lines 1 to 26—

omit, insert—

'(1) An executive officer of a corporation commits an offence if—

(a) the corporation commits an offence against an executive liability provision; and

(b) the officer did not take all reasonable steps to ensure the corporation did not engage in the conduct constituting the offence.

Maximum penalty—the penalty for a contravention of the executive liability provision by an individual.

'(2) In deciding whether things done or omitted to be done by the executive officer constitute reasonable steps for subsection (1)(b), a court must have regard to—

(a) whether the officer knew, or ought reasonably to have known, of the corporation's conduct constituting the offence against the executive liability provision; and

(b) whether the officer was in a position to influence the corporation's conduct in relation to the offence against the executive liability provision; and

(c) any other relevant matter.

'(3) The executive officer may be proceeded against for, and convicted of, an offence against subsection (1) whether or not the corporation has been proceeded against for, or convicted of, the offence against the executive liability provision.

'(4) This section does not affect—

(a) the liability of the corporation for the offence against the executive liability provision; or

(b) the liability, under the Criminal Code, chapter 2, of any person, whether or not the person is an executive officer of the corporation, for the offence against the executive liability provision.

'(5) In this section—'.

248 Clause 192 (Replacement of s 250 (Executive officers must ensure corporation does not commit SCL offences))

Page 155, lines 3 and 4, 'provision of this Act'—

omit, insert—

'deemed executive liability provision'.

249 Clause 192 (Replacement of s 250 (Executive officers must ensure corporation does not commit SCL offences))

Page 155, line 11, after 'offence'—

insert—

'against the deemed executive liability provision'.

250 Clause 192 (Replacement of s 250 (Executive officers must ensure corporation does not commit SCL offences))

Page 155, line 14, after 'offence'—

insert—

'against the deemed executive liability provision'.

251 Clause 192 (Replacement of s 250 (Executive officers must ensure corporation does not commit SCL offences))

Page 155, line 17, after 'corporation,'—

omit, insert—

'for the offence against the deemed executive liability provision.

'(4) In this section—

deemed executive liability provision means any of the following provisions—

- section 144(1)
- section 144(2)
- section 159(1)
- section 159(2)
- section 162(1)
- section 202(1)
- section 209
- section 210(1)
- section 210(2)
- section 220(1)
- section 222(1)
- section 223(1)
- section 225(1)
- section 229(1)
- section 230(1).'.'.

252 Clause 194 (Replacement of s 185 (Executive officers must ensure corporation complies with Act))

Page 155, line 22, 'Replacement'—

omit, insert—

'**Omission**'.

253 Clause 194 (Replacement of s 185 (Executive officers must ensure corporation complies with Act))

Page 155, line 25 and page 156, lines 1 to 17—

omit, insert—

'*omit*.'.

254 Clause 196 (Replacement of s 140 (Executive officers must ensure corporation complies with tax laws))

Page 157, lines 3 to 32—

omit, insert—

'(1) An executive officer of a corporation commits an offence if—

(a) the corporation commits an offence against an executive liability provision; and

(b) the officer did not take all reasonable steps to ensure the corporation did not engage in the conduct constituting the offence.

Maximum penalty—the penalty for a contravention of the executive liability provision by an individual.

'(2) In deciding whether things done or omitted to be done by the executive officer constitute reasonable steps for subsection (1)(b), a court must have regard to—

(a) whether the officer knew, or ought reasonably to have known, of the corporation's conduct constituting the offence against the executive liability provision; and

(b) whether the officer was in a position to influence the corporation's conduct in relation to the offence against the executive liability provision; and

(c) any other relevant matter.

'(3) The executive officer may be proceeded against for, and convicted of, an offence against subsection (1) whether or not the corporation has been proceeded against for, or convicted of, the offence against the executive liability provision.

'(4) This section does not affect either—

(a) the liability of the corporation for the offence against the executive liability provision; or

(b) the liability, under the Criminal Code, chapter 2, of any person, whether or not the person is an executive officer of the corporation, for the offence against the executive liability provision.

'(5) In this section—'.

255 Clause 198 (Replacement of s 51B (Executive officers must ensure corporation complies with Act))

Page 158, line 18, 'Replacement'—

omit, insert—

'**Omission**'.

256 Clause 198 (Replacement of s 51B (Executive officers must ensure corporation complies with Act))

Page 158, line 21 and page 159, lines 1 to 17—

omit, insert—

'*omit*.'.

257 Clause 200 (Replacement of s 89 (Executive officers must ensure corporation complies with Act))

Page 159, line 22, 'Replacement'—

omit, insert—

'**Omission**'.

258 Clause 200 (Replacement of s 89 (Executive officers must ensure corporation complies with Act))

Page 159, line 25 and page 160, lines 1 to 17—

omit, insert—

'*omit*.'.

259 Clause 201 (Act amended)

Page 160, lines 22 and 23—

omit.

260 Clause 202 (Replacement of s 41 (Offences by corporation))

Page 160, line 24, 'Replacement'—

omit, insert—

'**Omission**'.

261 Clause 202 (Replacement of s 41 (Offences by corporation))

Page 160, line 26, page 161, lines 1 to 33 and page 162, lines 1 to 22—

omit, insert—

'*omit*.'.

262 Clause 205 (Insertion of new s 44A)

Page 163, lines 6 to 30—

omit.

263 Clause 207 (Replacement of s 121 (Executive officers must ensure corporation complies with Act))

Page 164, lines 13 to 31, page 165, lines 1 to 31 and page 166, lines 1 to 10—

omit, insert—

'121 Executive officer may be taken to have committed offence'.

264 Clause 207 (Replacement of s 121 (Executive officers must ensure corporation complies with Act))

Page 166, lines 11 and 12, 'provision of this Act'—

omit, insert—

'deemed executive liability provision'.

265 Clause 207 (Replacement of s 121 (Executive officers must ensure corporation complies with Act))

Page 166, line 19, after 'offence'—

insert—

'against the deemed executive liability provision'.

266 Clause 207 (Replacement of s 121 (Executive officers must ensure corporation complies with Act))

Page 166, line 22, after 'offence'—

insert—

'against the deemed executive liability provision'.

267 Clause 207 (Replacement of s 121 (Executive officers must ensure corporation complies with Act))

Page 166, line 25, after 'corporation,'—

omit, insert—

'for the offence against the deemed executive liability provision.

'(4) In this section—

deemed executive liability provision means any of the following provisions—

- section 30(1)
- section 38(1)
- section 38A(1)
- section 51(2)
- section 51(3)
- section 55A(2)
- section 67A(2)
- section 127(5).'.'.

268 Clause 209 (Replacement of s 57 (Executive officers must ensure corporation complies with transport Act))

Page 167, lines 13 to 30, page 168, lines 1 to 32, page 169, lines 1 to 35 and page 170, lines 1 to 6—

omit.

269 Clause 209 (Replacement of s 57 (Executive officers must ensure corporation complies with transport Act))

Page 170, lines 9 and 10, 'provision of this Act'—

omit, insert—

'deemed executive liability provision'.

270 Clause 209 (Replacement of s 57 (Executive officers must ensure corporation complies with transport Act))

Page 170, line 17, after 'offence'—

insert—

'against the deemed executive liability provision'.

271 Clause 209 (Replacement of s 57 (Executive officers must ensure corporation complies with transport Act))

Page 170, line 20, after 'offence'—

insert—

'against the deemed executive liability provision'.

272 Clause 209 (Replacement of s 57 (Executive officers must ensure corporation complies with transport Act))

Page 170, line 23, after 'corporation,'—

omit, insert—

'for the offence against the deemed executive liability provision.

'(4) In this section—

deemed executive liability provision means any of the following provisions—

- section 153A(1)
- section 154(3)

- section 154(4)
- section 154(6)
- section 156(2)
- section 160(3)
- section 161Q.'.'.

273 Clause 211 (Replacement of s 255 (Executive officers must ensure corporation complies with Act))

Page 171, line 5, 'Replacement'—

omit, insert—

'**Omission**'.

274 Clause 211 (Replacement of s 255 (Executive officers must ensure corporation complies with Act))

Page 171, lines 8 to 25—

omit, insert—

'*omit*.'.

275 After clause 212

Page 172, after line 3—

insert—

'Part 73A Amendment of Transport Security (Counter-Terrorism) Act 2008

'212A Act amended

This part amends the *Transport Security (Counter-Terrorism) Act 2008*.

'212B Omission of ch 7, pt 1, hdg

Chapter 7, part 1, heading—

omit.

'212C Omission of ch 7, pt 2, hdg

Chapter 7, part 2, heading—

omit.

'212D Omission of s 55 (Executive officers must ensure a corporation complies with this Act)

Section 55—

omit.'.

276 Clause 214 (Replacement of s 52 (Offences by corporations))

Page 172, line 8, 'Replacement'—

omit, insert—

'**Omission**'.

277 Clause 214 (Replacement of s 52 (Offences by corporations))

Page 172, lines 10 to 27 and page 173, lines 1 to 5—

omit, insert—

'*omit*.'.

278 Clause 218 (Replacement of s 289 (Executive officers must ensure corporation complies with Act))

Page 174, lines 5 to 33 and page 175, lines 1 to 6—

omit, insert—

'289 Executive officer may be taken to have committed offence against s 172(1)'.

279 Clause 218 (Replacement of s 289 (Executive officers must ensure corporation complies with Act))

Page 175, lines 7 and 8, 'a provision of this Act'—

omit, insert—

'section 172(1)'.

280 Clause 218 (Replacement of s 289 (Executive officers must ensure corporation complies with Act))

Page 175, line 15, after 'offence'—

insert—

'against section 172(1)'.

281 Clause 218 (Replacement of s 289 (Executive officers must ensure corporation complies with Act))

Page 175, line 18, after 'offence'—

insert—

'against section 172(1)'.

282 Clause 218 (Replacement of s 289 (Executive officers must ensure corporation complies with Act))

Page 175, line 21, after 'offence'—

insert—

'against section 172(1)'.

283 Clause 220 (Replacement of s 268 (Executive officers must ensure corporation complies with Act))

Page 176, lines 6 to 33, page 177, lines 1 to 33, page 178, lines 1 to 31 and page 179, lines 1 and 2—

omit, insert—

'268 Executive officer may be taken to have committed offence'.

284 Clause 220 (Replacement of s 268 (Executive officers must ensure corporation complies with Act))

Page 179, lines 3 and 4, 'provision of this Act'—

omit, insert—

'deemed executive liability provision'.

285 Clause 220 (Replacement of s 268 (Executive officers must ensure corporation complies with Act))

Page 179, line 11, after 'offence'—

insert—

'against the deemed executive liability provision'.

286 Clause 220 (Replacement of s 268 (Executive officers must ensure corporation complies with Act))

Page 179, line 14, after 'offence'—

insert—

'against the deemed executive liability provision'.

287 Clause 220 (Replacement of s 268 (Executive officers must ensure corporation complies with Act))

Page 179, line 17, after 'corporation,'—

omit, insert—

'for the offence against the deemed executive liability provision.

'(4) In this section—

deemed executive liability provision means either of the following provisions—

- section 104(1)
- section 167.'.'.

288 Clause 222 (Replacement of s 828 (Executive officers must ensure corporation complies with Act))

Page 180, lines 1 to 34 and page 181, lines 1 to 17—

omit, insert—

'828 Executive officer may be taken to have committed offence'.

289 Clause 222 (Replacement of s 828 (Executive officers must ensure corporation complies with Act))

Page 181, lines 18 and 19, 'provision of this Act'—

omit, insert—

'deemed executive liability provision'.

290 Clause 222 (Replacement of s 828 (Executive officers must ensure corporation complies with Act))

Page 181, line 26, after 'offence'—

insert—

'against the deemed executive liability provision'.

291 Clause 222 (Replacement of s 828 (Executive officers must ensure corporation complies with Act))

Page 181, line 29, after 'offence'—

insert—

'against the deemed executive liability provision'.

292 Clause 222 (Replacement of s 828 (Executive officers must ensure corporation complies with Act))

Page 182, line 3, after 'corporation,'—

omit, insert—

'for the offence against the deemed executive liability provision.

'(4) In this section—

deemed executive liability provision means any of the following provisions—

- section 22(7)
- section 23(5)

- section 452
- section 460(3)
- section 808(1)
- section 808(2)
- section 808(3).'.'.

293 Clause 224 (Replacement of s 91 (Executive officers must ensure corporation complies with Act))

Page 182, line 8, 'Replacement'—

omit, insert—

'**Omission**'.

294 Clause 224 (Replacement of s 91 (Executive officers must ensure corporation complies with Act))

Page 182, lines 11 to 25 and page 183, lines 1 to 3—

omit, insert—

'*omit*.'.

295 Clause 226 (Replacement of s 487 (Executive officers must ensure corporation complies with Act))

Page 184, line 12, 'any of the following'—

omit.

296 Clause 226 (Replacement of s 487 (Executive officers must ensure corporation complies with Act))

Page 184, line 14, after ';'—

insert—

'or'.

297 Clause 226 (Replacement of s 487 (Executive officers must ensure corporation complies with Act))

Page 184, lines 15 and 16—

omit.

298 Clause 226 (Replacement of s 487 (Executive officers must ensure corporation complies with Act))

Page 184, line 17, '(c)'—

omit, insert—

'(b)'.

299 Clause 226 (Replacement of s 487 (Executive officers must ensure corporation complies with Act))

Page 184, line 28—

omit.

300 Clause 226 (Replacement of s 487 (Executive officers must ensure corporation complies with Act))

Page 185, lines 9 and 10, 'provision of this Act'—

omit, insert—

'deemed executive liability provision'.

301 Clause 226 (Replacement of s 487 (Executive officers must ensure corporation complies with Act))

Page 185, line 17, after 'offence'—

insert—

'against the deemed executive liability provision'.

302 Clause 226 (Replacement of s 487 (Executive officers must ensure corporation complies with Act))

Page 185, line 20, after 'offence'—

insert—

'against the deemed executive liability provision'.

303 Clause 226 (Replacement of s 487 (Executive officers must ensure corporation complies with Act))

Page 185, line 23, after 'corporation,'—

omit, insert—

'for the offence against the deemed executive liability provision.

'(4) In this section—

deemed executive liability provision means any of the following provisions—

- section 93
- section 102(2)
- section 102(3)
- section 197(1)

- section 197(2)
- section 197(3)
- section 198(2)
- section 270(2)
- section 270(4)
- section 271(2)
- section 271(4).'.'.

304 Clause 228 (Replacement of s 162 (Person other than offender liable to penalties))

Page 186, line 5, 'Replacement'—

omit, insert—

'**Omission**'.

305 Clause 228 (Replacement of s 162 (Person other than offender liable to penalties))

Page 186, lines 8 to 26 and page 187, lines 1 to 22—

omit, insert—

'*omit*.'.

306 After clause 228

Page 187, after line 22—

insert—

'Part 81A Amendment of Crime and Misconduct Act 2001

'228A Act amended

'This part amends the *Crime And Misconduct Act 2001*.

'228B Amendment of s 269 (Delegation—Commission)

'(1) Section 269(2), table—

insert—

'section 346B (Declarations etc. relating to inquiry public records)	chairperson or assistant commissioner'.

'(2) Section 269—

insert—

'(4) Further, the commission's powers under the *Public Records Act 2002* as the responsible public authority for a public record may only be delegated to the chairperson or an assistant commissioner.

Example—

See the *Public Records Act 2002*, section 19.'.

'228C Amendment of s 346A (Protection of particular documents)

'(1) Section 346A(2) ', on or before 8 November 2013'—

omit.

'(2) Section 346A(3)—

insert—

'(d) by a person for returning to the commission or the archivist, or for making enquiries of the commission or archivist about the return of, the document in the person's possession; or

(e) by a person for making enquiries of the commission or the archivist about whether there is a restricted access period for the document; or

(f) by a commission officer or the archivist for providing advice or help to a person mentioned in paragraph (d) or (e).'.

'(3) Section 346A—

insert—

'(3A) Subsection (2) ceases to apply to the person in relation to the disclosed document if the restricted access period for the document ends.'.

'(4) Section 346A(4)—

insert—

'***restricted access period***, for a disclosed document, means the restricted access period for the disclosed document worked out under section 346B and the *Public Records Act 2002*.

Note—

Under section 346B(4), a restricted access period is applied to particular public records (including disclosed documents) and the new restricted access period as applied by that subsection may be changed under section 346B(5) or the *Public Records Act 2002*, section 19.'.

'228D Insertion of new s 346B

'After section 346A—

insert—

'346B Declarations etc. relating to inquiry public records

'(1) The main purposes of this section are—

(a) to make declarations about the lawfulness and validity of actions taken before 9 November 2013 under or purportedly under this Act and the *Public Records Act 2002* in relation to inquiry public records and the application of restricted access periods to those records (including changes to the periods); and

(b) to apply a new restricted access period to all inquiry public records given to the archives before 9 November 2013; and

(c) to provide for changes to be made under this section to the restricted access period for an inquiry public record mentioned in paragraph (b) in a way that does not limit the application of the *Public Records Act 2002*.

'(2) It is declared that an inquiry public record given to the archives before 9 November 2013 by the commission or purportedly by the commission—

(a) was and continues to be a public record lawfully given to the archives despite anything to the contrary in this Act, including, for example, sections 62 and 375; and

(b) was and continues to be validly given to the archives by the commission as the responsible public authority for that public record under the *Public Records Act 2002*.

'(3) It is also declared that a restricted access period for an inquiry public record that applied, or purportedly applied, under the *Public Records Act 2002* before 9 November 2013, because of an action by the commission or purportedly by the commission, was validly applied under that Act as the restricted access period for the inquiry public record.

'(4) Despite subsection (3), for each inquiry public record mentioned in subsection (2) a new restricted access period of 65 years after the day of the last action on the record, by this subsection, applies to the public record.

'(5) The commission may, by written notice given to the archivist, change the restricted access period for an inquiry public record as applied under subsection (4) or as changed by a notice previously given under this subsection.

'(6) For the *Public Records Act 2002*, part 2, division 3—

(a) the restricted access period for an inquiry public record as applied under subsection (4) is taken to be the restricted access period under that Act for the record; and

(b) a notice given under subsection (5) for an inquiry public record is taken to be a restricted access notice given under section 19 of that Act for that record.

'(7) Except as otherwise provided, this section does not limit the application of the *Public Records Act 2002* in relation to an inquiry public record or the restricted access period for an inquiry public record, including, for example, the application of any provision in part 2, division 3 of that Act.

Note for subsection (7)—

Nothing in this section prevents a notice being given under the *Public Records Act 2002*, section 19, to change the restricted access period applied under subsection (4), or changed under subsection (5), for an inquiry public record.

'(8) This section applies despite—

(a) anything to the contrary in this Act or the *Public Records Act 2002*; or

(b) anything done or omitted to be done before 9 November 2013 under, or purportedly done under, this Act or the *Public Records Act 2002* in relation to an inquiry public record.

'(9) In this section—

archives see the *Public Records Act 2002*, schedule 2.

archivist see section 346A(4).

disclosed document see section 346A(4).

given to, in relation to an inquiry public record, includes made available for inspection by.

inquiry section 346A(4).

inquiry public record means either of the following whether or not it is also a disclosed document—

(a) a document relating to the inquiry;

(b) a document, to the extent it relates to the inquiry, created by the archivist or the commission for the purpose of helping a person access a document mentioned in paragraph (a).

public record means a public record under the *Public Records Act 2002*.

responsible public authority, for a public record, means a responsible public authority for a public record under the *Public Records Act 2002*.

restricted access period, for an inquiry public record, means—

(a) in relation to the period before 9 November 2013—the restricted access period for the inquiry public record under or purportedly under the *Public Records Act 2002*, that is declared under subsection (3) to have validly been applied to the record, including a period as changed under that Act; or

(b) otherwise—the new restricted access period for the inquiry public record applied under subsection (4) or that period as changed under—

(i) subsection (5); or

(ii) the *Public Records Act 2002*, section 19.'.

'228E Insertion of new ch 8, pt 9

'After section 392—

insert—

'Part 9 Directors' Liability Reform Amendment Act 2013

'393 Provision relating to s 346A

'It is declared that section 346A(2) as in force before the commencement of this section did not, and does not, apply to the copying, use, disclosure or giving access by a person as mentioned in section 346A(3)(d), (e) or (f).

'394 Provision relating to s 375

'(1) It is declared that section 375 did not, and does not, limit the operation of, or anything done under, the *Public Records Act 2002* in relation to inquiry public records.

'(2) For subsection (1), section 375 is subject to an authorisation mentioned in section 62(1) relating to inquiry public records.

'(3) In this section—

inquiry public records see section 346B.'.'.

I table the explanatory notes to the amendments.

Tabled paper: Directors' Liability Reform Amendment Bill 2012, explanatory notes to Hon. Jarrod Bleijie's amendments [3780].

Amendments agreed to.

Clauses 3 to 229, as amended, agreed to.

Mr DEPUTY SPEAKER (Dr Robinson): Order! The House will now consider postponed clause 2.

Clause 2—

Mr BLEIJIE (9.02 pm): I move the following amendment—

1 Clause 2 (Commencement)

Page 22, line 7—

omit, insert—

'(1) This Act, other than part 81A, commences on 1 November 2013.

'(2) Part 81A commences on 9 November 2013.'.

Amendment agreed to.

Clause 2, as amended, agreed to.

Schedule 1—

Mr BLEIJIE (9.03 pm): I seek leave to move the following amendments en bloc.

Leave granted.

Mr BLEIJIE: I move the following amendments—

307 Schedule 1 (Minor and consequential amendments)

Page 188, line 5, '30, 31, 32,'—

omit.

308 Schedule 1 (Minor and consequential amendments)

Page 188, after line 8—

insert—

'2 Sections 15(3), 19(1) and (2), 21(1), 30, 31, 32, 35, 36(1) and (2), 37(1), 161 and 187—

insert—

'Note—

If a corporation commits an offence against this provision, an executive officer of the corporation may be taken, under section 209A, to have also committed the offence.'.'.

309 Schedule 1 (Minor and consequential amendments)

Page 188, line 15, '221(5), 226(2) and (4),'—

omit.

310 Schedule 1 (Minor and consequential amendments)

Page 188, lines 18 and 19—

omit, insert—

'*Note—*

This provision is an executive liability provision—see section 257.'.'.

311 Schedule 1 (Minor and consequential amendments)

Page 189, lines 4 to 7—

omit, insert—

'*Note—*

If a body corporate commits an offence against this provision, an executive officer of the body corporate may be taken, under section 123, to have also committed the offence.'.'.

312 Schedule 1 (Minor and consequential amendments)

Page 189, lines 11 to 13—

omit, insert—

'Note—

If a corporation commits an offence against this provision, an executive officer of the corporation may be taken, under section 170, to have also committed the offence.'.'.

313 Schedule 1 (Minor and consequential amendments)

Page 189, line 15, after '8B(1),'—

insert—

'**8C(1),**'.

314 Schedule 1 (Minor and consequential amendments)

Page 190, lines 1 to 12—

omit.

315 Schedule 1 (Minor and consequential amendments)

Page 190, line 14, after '6(3)'—

insert—

'**and (4)**'.

316 Schedule 1 (Minor and consequential amendments)

Page 190, lines 16 and 17—

omit, insert—

'Note—

If a corporation commits an offence against this provision, an executive officer of the corporation may be taken, under section 12, to have also committed the offence.'.'.

317 Schedule 1 (Minor and consequential amendments)

Page 190, lines 18 to 22 and page 191, line 1—

omit.

318 Schedule 1 (Minor and consequential amendments)

Page 191, after line 8—

insert—

'Education and Care Services Act 2013

'1 Sections 19 and 53(1)—

'insert—

'*Note—*

This provision is an executive liability provision—see section 232.'.

'2 Sections 53(2), 121 and 122—

'*insert—*

'*Note—*

If a corporation commits an offence against this provision, each executive officer of the corporation may be taken, under section 233, to have also committed the offence.'.'.

319 Schedule 1 (Minor and consequential amendments)

Page 191, lines 10 to 13—

omit, insert—

'1 Sections 76(2), 77(2), 78(2) and 82(1) and (2)—

'insert—

'*Note—*

If a corporation commits an offence against this provision, each executive officer of the corporation may be taken, under section 228, to have also committed the offence.'.'.

320 Schedule 1 (Minor and consequential amendments)

Page 191, lines 15 to 20 and page 192, lines 1 to 6—

omit, insert—

'1 Sections 87(1), 88(1), 88A(1) and 89(1)—

'insert—

'*Note—*

If a corporation commits an offence against this provision, each executive officer of the corporation may be taken, under section 240A, to have also committed the offence.'.'.

321 Schedule 1 (Minor and consequential amendments)

Page 192, lines 10 to 13—

omit, insert—

'*Note—*

If a corporation commits an offence against this provision, each executive officer of the corporation may be taken, under section 117, to have also committed the offence.'.'.

322 Schedule 1 (Minor and consequential amendments)

Page 192, lines 15 and 16—

omit, insert—

'1 Sections 69(3), 104C and 104D(1)—'.

323 Schedule 1 (Minor and consequential amendments)

Page 193, lines 1 to 6—

omit.

324 Schedule 1 (Minor and consequential amendments)

Page 193, line 9, after '37(1), (2) and (3),'—

insert—

'**38(1) and (2),**'.

325 Schedule 1 (Minor and consequential amendments)

Page 193, line 9, '207,'—

omit.

326 Schedule 1 (Minor and consequential amendments)

Page 193, line 10—

omit, insert—

'**271B(2), 271C(2) and 271D(6)—**'.

327 Schedule 1 (Minor and consequential amendments)

Page 193, lines 12 to 14—

omit, insert—

'Note—

This provision is an executive liability provision—see section 260.'.'.

328 Schedule 1 (Minor and consequential amendments)

Page 193, lines 15 to 19—

omit, insert—

'2 Sections 50(1), 51(1), 86(1) and (2), 114(5), 124, 125, 126, 157(1), 158(2), 207, 209(7), 214(1), 221, 270(2) and 271(6)—

'*insert—*

'Note—

If a corporation commits an offence against this provision, each executive officer of the corporation may be taken, under section 260A, to have also committed the offence.'.'.

329 Schedule 1 (Minor and consequential amendments)

Page 193, line 23 and page 194, lines 1 to 3—

omit, insert—

'Note—

If a corporation commits an offence against this provision, each executive officer of the corporation may be taken, under section 352, to have also committed the offence.'.'.

330 Schedule 1 (Minor and consequential amendments)

Page 194, lines 12 to 14—

omit, insert—

'2 If a corporation commits an offence against this provision, an executive officer of the corporation may commit an offence against section 333.'.'.

331 Schedule 1 (Minor and consequential amendments)

Page 194, after line 14—

insert—

'2 Sections 198, 200(1), 242(5), 329, 330, 331(1) and 332(1) and (2)—

'insert—

'Note—

If a corporation commits an offence against this provision, an executive officer of the corporation may be taken, under section 333A, to have also committed the offence.'.'.

332 Schedule 1 (Minor and consequential amendments)

Page 194, lines 18 to 21—

omit, insert—

'Note—

If a corporation commits an offence against this provision, an executive officer of the corporation may commit an offence against section 393.'.'.

333 Schedule 1 (Minor and consequential amendments)

Page 194, after line 21—

insert—

'2 Sections 264, 334(3) and 392(1) and (2)—

'insert—

'Note—

If a corporation commits an offence against this provision, an executive officer of the corporation may be taken, under section 393A, to have also committed the offence.'.'.

334 Schedule 1 (Minor and consequential amendments)

Page 195, lines 1 to 5—

omit.

335 Schedule 1 (Minor and consequential amendments)

Page 195, lines 9 to 11—

omit, insert—

'Note—

If a corporation commits an offence against this provision, an executive officer of the corporation may be taken, under section 247, to have also committed the offence.'.'.

336 Schedule 1 (Minor and consequential amendments)

Page 195, after line 11—

insert—

'Invasion of Privacy Act 1971

'1 Sections 43(1) and (5), 44(1), 45(1) and 46(4)—

'*insert—*

'Note—

If a corporation commits an offence against this provision, an executive officer of the corporation may be taken, under section 49A, to have also committed the offence.'.'.

337 Schedule 1 (Minor and consequential amendments)

Page 196, lines 4 to 6—

omit, insert—

'Note—

If a corporation commits an offence against this provision, an executive officer of the corporation may be taken, under section 226, to have also committed the offence.'.'.

338 Schedule 1 (Minor and consequential amendments)

Page 196, line 8—

omit, insert—

'1 Section 214D(1)—'.

339 Schedule 1 (Minor and consequential amendments)

Page 196, lines 15 to 17—

omit, insert—

'Note—

If a corporation commits an offence against this provision, an executive officer of the corporation may be taken, under section 212, to have also committed the offence.'.'.

340 Schedule 1 (Minor and consequential amendments)

Page 197, line 2, after '402(1)'—

insert—

'**, 403(1)**'.

341 Schedule 1 (Minor and consequential amendments)

Page 197, lines 4 and 5—

omit, insert—

'Note—

This provision is an executive liability provision—see section 412A.'.'.

342 Schedule 1 (Minor and consequential amendments)

Page 197, lines 6 to 10—

omit, insert—

'2 Sections 20(5), 335C(1), 404, 404D(1), schedule 1, part 2, division 1, section 5(1), (2) and (3) and schedule 1, part 2, division 2, section 10(1)—

'insert—

'Note—

If a corporation commits an offence against this provision, an executive officer of the corporation may be taken, under section 412B, to have also committed the offence.'.'.

343 Schedule 1 (Minor and consequential amendments)

Page 198, lines 3 to 5—

omit, insert—

'2 This provision is an executive liability provision—see section 443.'.

'2 Sections 44, 123, 183, 259, 308, 385(1) and (2), 391(1) and 404(3)—

'insert—

'Note—

If a corporation commits an offence against this provision, an executive officer of the corporation may be taken, under section 443A, to have also committed the offence.'.'.

344 Schedule 1 (Minor and consequential amendments)

Page 198, line 16, '122A'—

omit, insert—

'122'.

345 Schedule 1 (Minor and consequential amendments)

Page 198, lines 17 to 21—

omit.

346 Schedule 1 (Minor and consequential amendments)

Page 199, line 2, '641,'—

omit.

347 Schedule 1 (Minor and consequential amendments)

Page 199, after line 6—

insert—

'2 Sections 175C(1) and (3), 175H(2) and (3), 198, 207, 228(1), 281(1), 282, 283, 292(2), 495(1), (2) and (3), 500(1), 559(1), 560(3), 621(2), 626(1), 628(1), 639(1), 640, 642(1), 643(3), 646(4), 648(1) and (2), 649, 697(1), (2) and (3), 698, 708A(1), 721(1) and (2), 727(1) and (4), 729, 733(2), 733A, 734(1) and (3), 766, 782(1), 785, 802(1), 803, 804, 805(1), 806(1), 807(2), 808, 809, 810 and 813(1) and (2)—

'insert—

'Note—

If a corporation commits an offence against this provision, an executive officer of the corporation may be taken, under section 814A, to have also committed the offence.'.

'Pharmacy Business Ownership Act 2001

'1 Sections 139B(b) and 139H(3), (4) and (5)—

'insert—

'Note—

If a corporation commits an offence against this provision, an executive officer of the corporation may be taken, under section 197, to have also committed the offence.'.

'Private Health Facilities Act 1999

'1 Section 39—

'*insert***—**

'Note—

If a corporation commits an offence against this provision, an executive officer of the corporation may be taken, under section 143, to have also committed the offence.'.'.

348 Schedule 1 (Minor and consequential amendments)

Page 199, lines 8 to 16—

omit, insert—

'1 Sections 57E and 57F(2)—

'insert—

'Note—

This provision is an executive liability provision—see section 448.'.'.

349 Schedule 1 (Minor and consequential amendments)

Page 199, line 19, 'and 22'—

omit.

350 Schedule 1 (Minor and consequential amendments)

Page 200, lines 7 to 10—

omit, insert—

'1 Section 155—

'insert—

'Note—

If a corporation commits an offence against this section, an executive officer of the corporation may commit an offence against section 160.'.

'2 Sections 87(6), 104(1), 169(2) and 170(5)—

'*insert—*

'Note—

If a corporation commits an offence against this provision, an executive officer of the corporation may be taken, under section 160A, to have also committed the offence.'.'.

351 Schedule 1 (Minor and consequential amendments)

Page 200, lines 14 and 15—

omit, insert—

'Note—

If a corporation commits an offence against this provision, an executive officer of the corporation may also be subject to personal criminal liability—see sections 205 and 205A.'.'.

352 Schedule 1 (Minor and consequential amendments)

Page 201, lines 3 to 8—

omit.

353 Schedule 1 (Minor and consequential amendments)

Page 201, after line 17—

insert—

'3 Sections 144(1) and (2), 159(1) and (2), 162(1), 202(1), 209, 210(1) and (2), 220(1), 222(1), 223(1), 225(1), 229(1) and 230(1)—

'insert—

'Note—

If a corporation commits an offence against this provision, an executive officer of the corporation may be taken, under section 250A, to have also committed the offence.'.'.

354 Schedule 1 (Minor and consequential amendments)

Page 202, lines 6 to 10—

omit.

355 Schedule 1 (Minor and consequential amendments)

Page 202, lines 12 to 17—

omit, insert—

'1 Sections 30(1), 38(1), 38A(1), 51(2) and (3), 55A(2), 67A(2) and 127(5)—

'insert—

'Note—

If a corporation commits an offence against this provision, an executive officer of the corporation may be taken, under section 121, to have also committed the offence.'.'.

356 Schedule 1 (Minor and consequential amendments)

Page 203, lines 3 to 8—

omit, insert—

'1 Sections 153A(1), 154(3), (4) and (6), 156(2), 160(3) and'.

357 Schedule 1 (Minor and consequential amendments)

Page 203, lines 11 to 13—

omit, insert—

'Note—

If a corporation commits an offence against this provision, an executive officer of the corporation may be taken, under section 57, to have also committed the offence.'.'.

358 Schedule 1 (Minor and consequential amendments)

Page 203, lines 17 to 19—

omit, insert—

'Note—

If a corporation commits an offence against this provision, an executive officer of the corporation may be taken, under section 289, to have also committed the offence.'.'.

359 Schedule 1 (Minor and consequential amendments)

Page 203, lines 21 and 22 and page 204, lines 1 to 9—

omit, insert—

'1 Sections 104(1) and 167—

'insert—

'Note—

If a corporation commits an offence against this provision, an executive officer of the corporation may be taken, under section 268, to have also committed the offence.'.'.

360 Schedule 1 (Minor and consequential amendments)

Page 204, lines 11 to 14—

omit, insert—

'1 Sections 22(7), 23(5), 452, 460(3) and 808(1), (2) and (3)—

'insert—

'Note—

If a corporation commits an offence against this provision, an executive officer of the corporation may be taken, under section 828, to have also committed the offence.'.'.

361 Schedule 1 (Minor and consequential amendments)

Page 204, line 16, '330(5),'—

omit.

362 Schedule 1 (Minor and consequential amendments)

Page 204, after line 20—

insert—

'2 Sections 93, 102(2) and (3), 197(1), (2) and (3), 198(2), 270(2) and (4) and 271(2) and (4)—

'insert—

'Note—

If a corporation commits an offence against this provision, an executive officer of the corporation may be taken, under section 487A, to have also committed the offence.'.'.

Amendments agreed to.

Schedule 1, as amended, agreed to.

Third Reading

Hon. JP BLEIJIE (Kawana—LNP) (Attorney-General and Minister for Justice) (9.04 pm): I move—

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

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

Motion agreed to.

Bill read a third time.

Long Title

Hon. JP BLEIJIE (Kawana—LNP) (Attorney-General and Minister for Justice) (9.05 pm): I move the following amendment—

363 Long title

Long title, after 'corporations'—

insert—

'and to amend the *Crime and Misconduct Act 2001* for particular purposes'.

Amendment agreed to.

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

Motion agreed to.

ADJOURNMENT

Mr STEVENS (Mermaid Beach—LNP) (Leader of the House) (9.06 pm): I move—

That the House do now adjourn.

Chiropractic Safety

Mrs MILLER (Bundamba—ALP) (9.06 pm): Many thousands of Australians seek relief from spinal related health problems through treatment by qualified chiropractors. Chiropractors are now nationally registered, five-year university trained health professionals. Recently, constituents in my electorate of Bundamba have raised with me concerns about the safety of chiropractic treatment following sensationalised media reporting. I wish to assist my constituents and chiropractic patients across Australia to make up their own minds about the facts behind these media reports on the safety of chiropractic care, particularly in relation to the care of children.

On 29 September the Sydney *Sun Herald* and the Melbourne *Age* carried prominent stories under the banner headlines 'Call for age limit after chiropractor breaks baby's neck' and 'Chiros warned off treating children'. The stories related to the supposed outcome of an investigation by the Australian Health Practitioner Regulation Agency, AHPRA, into a Melbourne chiropractor's treatment of a four-month-old female child. The media reports stated of the child that 'one of her vertebrae was fractured during a chiropractic treatment'. The safety of children is paramount and it is AHPRA's statutory responsibility to uphold the highest standards for all health professions in order to maintain public safety and confidence in our health system. AHPRA did indeed properly investigate this matter, and I table the independent expert report received by AHPRA, along with the consulting radiologist's report and a CD containing copies of the MRI, CT scans and X-rays taken of the child.

Tabled paper: Copy of diagnostic report regarding CT cervical spine [3781].

Tabled paper: CD in relation to copy of diagnostic report regarding CT cervical spine [3782].

All documents have had all names and other identifying information removed in order to protect the identity of the child and the family. It is important that people have access to factually correct information so that they can make informed decisions about their choice of healthcare treatment options. This is why I have tabled these documents today. I now quote from the radiology diagnosis—

CONCLUSION: No evidence of fracture. The appearance of pedicles at C2 is consistent with bilateral spondylosis.

In plain terms, the child suffers from a congenital condition which prevents her spine hardening in the normal way. The symptoms of this condition can be confused with what is called hangman's fracture, but the radiology report right from the beginning of this matter made it clear there was no fracture. The child's father suffers from a similar condition. The chiropractor did not and could not have broken the child's neck because there was never a broken neck to start with. There are clear lessons here about the need for effective communications between health practitioners from different health professions treating the same patient.

(Time expired)

Get Ready Campaign

Mr RUTHENBERG (Kallangur—LNP) (9.09 pm): On Friday, between 12.30 pm and 1.30 pm, my good friends the member for Murrumba, Reg Gulley; the member for Pine Rivers, Seath Holswich; the federal member for Petrie, Luke Howarth—boy, that sounds great; and the federal member for

Dickson, the federal Minister for Health and Minister for Sport, Peter Dutton, will be hosting a Get Ready event. We will be inviting members of the community to come along and have a look at what might be in an emergency kit. The SES will be there so people can seek advice from them. The Moreton Bay Regional Council will be there. That council has done a lot of work in this area and kudos to them. It has developed emergency kits. People will be able to purchase emergency kits at this event for $25. Those kits have all sorts of little good things in them. We are going to encourage our communities to get ready.

I want to encourage my community to get ready for the storm season, to get ready for the adverse weather events that may occur. Spending a few hours over the next couple of weeks getting ready could save days and days of heartache in the months to come. I am going to ask the members of my community to consider a couple of things. I am going to ask them to consider, if they had to get out of the house in a hurry, what they would take with them. I am going to ask people to spend a few hours grabbing all of their relevant documents, sitting down and scanning them and then sticking them on a little memory stick and having that available so that, if they have to get out of the house in a hurry, they do not lose their life; they have all of their documents: their insurance documents, their bank documents, their licences, their Visa cards—all of those things that they need that will help them to re-establish themselves if, unfortunately, their house gets blown away, or washed away or something like that.

I will also ask people to consider holding a barbecue with their neighbours to get to know them. Earlier this year when all of that flooding occurred my neighbours and I knew what each other had. One of them had a generator. We would have that generator going for two hours in each of our houses to keep our fridges cold. Another neighbour had a chainsaw and we used that to clean up our yards. Another neighbour had a four-by-four and we used that to pull the stuff out. We just used each other's resources in a neighbourly fashion and I am encouraging people to do that.

I am also encouraging people to have a think about what happens if the water comes up so quickly or the storm comes on so quickly that they have to get out and they get separated from their family. Where will they go? Who will they ring? I simply want to encourage people to get ready for the upcoming season. If they do not have to use it, that is fantastic, but if they do and they are ready—and we all do it—we will all be in a much better place.

Kilcoy Country Companions Sensory Garden

Mrs FRECKLINGTON (Nanango—LNP) (9.12 pm): Tonight, I rise in this House to talk about the wonderful Kilcoy Country Companions Sensory Garden. On 2 October it was an absolute pleasure to attend the Kilcoy Country Companions with the honourable Minister for Health, Lawrence Springborg, to officially open the sensory garden. This garden was built to provide a safe, comfortable and peaceful environment for respite for the elderly, particularly for people with dementia. The garden was built in a beautiful circular configuration to enable these people to feel very comfortable and safe in their local environment.

I congratulate the locals of Kilcoy. This garden was built mainly through volunteer labour and funds. I also congratulate Marina from Kilcoy Country Companions, Robyn and John Vautin, who spent much time and effort working towards the garden, and also the great Prue Kendall, who worked very hard and made sure that we had the health minister there to help me open the garden.

Dementia is a very sad disease and, unfortunately, hits very close to home for my family. It was just so lovely to have been involved in the opening of this garden. The clients of Kilcoy Country Companions are often quite unsettled when they first go there for respite and, for them, being in this environment that is away from home is just so peaceful. The colours and the smells of this garden are simply incredible. It is a credit to all of those local businesses that provided the sand, the garden, the wood or the concrete for the paths all the way around the garden.

I would also like to reiterate that our government provided $5 million towards research into dementia to, hopefully, one day find a cure for this terrible disease. It is locals such as the Kilcoy Country Companions and the local hospital auxiliary who work very hard and so tirelessly to provide a wonderful, caring, safe environment for not only people suffering from dementia but also their carers, who spend so much time with them. It is just wonderful for them to be able to put the people who they are caring for into a safe environment and take a bit of a break themselves. I would like to congratulate all the locals of Kilcoy and I look forward to going back and visiting again soon.

Mental Health; Logan Community Care Unit

Mrs SCOTT (Woodridge—ALP) (9.15 pm): Last week I highlighted the issue of mental health—an aspect of health that affects countless thousands of Queenslanders. Everyone in this place may find themselves, or one of their loved ones or friends, suffering from some sort of mental illness at some time during their lifetime. Mental illness may manifest itself through stress or depression or it may take the form of one of the many manifestations of mental illness, such as psychosis, schizophrenia, bipolar, anxiety disorder, anorexia nervosa, obsessive-compulsive disorder, various phobias, post-traumatic stress, Alzheimer's, or the many problems related to opioid dependence or alcohol or drug dependency along with myriad other disorders that range in severity from mild through to severe and, more dangerously, may become life threatening.

It is time that society as a whole recognised that mental illness is just that: an illness or condition. This important aspect of health may be readily treated, or it may be a lifelong, debilitating condition that requires a high level of support and treatment.

As in general medicine, over the years treating mental illness in a developed country such as Australia has moved a long way in understanding and treatment. It is a very heart-warming thing to see how many people dealing with mental illness can be assisted through understanding and engaging in social activities with community members, knowing that they are valued. For some who may require hospitalisation and medication but who are able to eventually live independently, last week was the official opening of a fantastic new facility in Logan City.

I hark back some two years ago to when Paul Lucas was health minister when a decision was made to construct a community care unit on Wembley Road, just down from my office. This facility will offer transition housing to many people exiting a hospital unit to live in a supported environment for possibly up to 12 months before moving into independent living. There are 16 absolutely beautiful units at that centre, with plenty of open community space and programs designed to assist people to acquire life skills and undergo therapy. This facility is located just opposite the shopping centre with many adjacent services, a bus stop at the door and a friendly, supportive community.

Over the past 28 years in my work for the Woodridge electorate there have been many high points with people overcoming mental illness, but on the downside by far the most difficult and heart-wrenching times have been the suicides. I know that this new community care unit will be a safe haven for those needing time and support in their recovery phase. It is but another great facility to remain as a legacy of our former Labor government.

(Time expired)

Youth Crime

Mr COX (Thuringowa—LNP) (9.18 pm): I wish to take this opportunity to commend the Attorney-General for his announcement last month of a raft of changes to the Youth Justice Act 1992, which would see young offenders facing up to their crimes and close the loop for repeat offenders. For too long the legislation tied the hands of our legal system by making detention a last resort. By removing this barrier, magistrates can exercise the full power of the law as they deem fit.

Another long overdue adjustment is identifying breach of bail as a punishable offence. In the past year 400 young people have been charged with more than 7,000 offences while on bail across Queensland. Previously there were no penalties in place for juveniles who breached bail. This is changing with the implementation of a maximum penalty of one year in detention for children who choose to reoffend while on bail.

We are working to break the cycle of repeat offenders. Increasing accountability is part of that effort. Recidivists can no longer hide behind anonymity in the courts. We will name and shame them. Of course, this will not apply to those facing court for the first time. The magistrate has the option to restrict publication if they feel it is in the best interests of the child. Judges and magistrates will have access to juvenile criminal history when sentencing adults for the first time. Youths in detention will also be transferred to adult correctional facilities when they turn 17 if they have six or more months still to serve on their sentence. This ensures that youth detention centres can conduct age-appropriate programs for their detainees. A number of other measures previously outlined are also transforming youth justice, including graffiti removal orders and boot camps.

For too long we have seen ineffective legislation hobble how offenders are dealt with in our courts. The Attorney-General's reforms represent a considered approach to targeting youth criminals who have, until now, made a mockery of our system. We are an open and accountable government.

The public have been consulted through the Safer Streets Crime Action Plan survey and their responses are being considered as part of the blueprint for the future of youth justice. Crime is a key issue in some electorates, including my own, and we are making significant efforts to address the concerns of our constituents. One way I have done it is to encourage them to join my police blog. This handy tool, which brings community policing into the 21st century, updates residents on recent criminal activity, local issues such as road closures, events and hints for personal safety. I commend the police minister, Jack Dempsey, and those working within the department who maintain this service.

All members who represent electorates in Townsville—the member for Burdekin, the member for Hinchinbrook, the member for Mundingburra, the member for Townsville and myself—are as committed today as we were when we first came to this House to make the changes this government has the ability and the will to make to get crime in this state back to a place where the people of this good state would like it to be.

Gold Coast, Cruise Ship Terminal

Miss BARTON (Broadwater—LNP) (9.21 pm): I rise this evening to provide the Broadwater community with an update regarding the Broadwater Marine Project. At the outset can I say that a number of members of the Broadwater community have raised with me their concerns and questions regarding the proposal and the process. I have received feedback from many in the Broadwater electorate and the broader Gold Coast community with regard to environmental and engineering concerns. I can assure all that I have passed this commentary directly to the Premier and the Deputy Premier and I thank them, particularly the Deputy Premier, for their open-door policy.

This was a commitment of the mayor of the Gold Coast, Councillor Tom Tate. Ahead of the April 2012 local government elections, then candidate for the mayoralty, Tom Tate, announced that he would pursue a cruise ship terminal in the Gold Coast Broadwater if elected. Subsequent to his election Councillor Tate approached the Newman government and asked for our help in facilitating this process. At all times it has remained a Gold Coast City Council project. Keen to empower a democratically elected local government with its vision for its city, the government worked with it to begin an expression of interest process and, further to that, a request for detailed information stage. At no point during these processes did the Newman government's position change and it remained, and indeed remains, a project of the Gold Coast City Council.

There are two consortia who will submit detailed proposals tomorrow. If there is a preferred proponent there will be much opportunity for the community to scrutinise it and provide feedback. Earlier today the Deputy Premier informed the House of correspondence he has sent to Mayor Tate. He has asked Mayor Tate to confirm the council's continued support of its own project. If Mayor Tate and the council do not support their own proposal the process will end here and now. The ball is in Mayor Tate and the council's hands. The Premier has reiterated that the Newman government never went to the election with a commitment on this issue. The commitment was made by Tom Tate. The Newman government has invested significant resources in supporting the Gold Coast City Council with this project. If the council do not want this project we will happily walk away. If they are still committed and the process follows its course, I will continue to be a strong advocate for my community. I will continue to make sure that valid questions and concerns regarding the engineering and economic viability of this project, as well as environmental concerns, are brought to the attention of the Deputy Premier and the Gold Coast City Council.

The only reason that the state government has been managing and facilitating this process was at the request of Mayor Tate and the Gold Coast City Council. They are clearly divided and I would encourage Mayor Tate to consider what the Gold Coast community wants and needs when he responds to the Deputy Premier's correspondence. He needs to decide what he wants to do with his project rather than expect the state government to bear all the burden of his commitment.

Independent Public Schools

Hon. DF CRISAFULLI (Mundingburra—LNP) (Minister for Local Government, Community Recovery and Resilience) (9.24 pm): May I start first with an observation and then a call to arms for my great electorate of Mundingburra. The observation is how wonderful it is to see today the interest across the state, including from our city of Townsville, for the concept of independent public schools. To have such a large expression of interest, over 100 today and the next wave of 54 selected, is tremendous because it is a concept I truly believe in. I will speak briefly as to why. First of all, I give

praise to Kirwan State High School under the leadership of John Livingston which was in the first wave, and now two more schools, Pimlico State High School and Hermit Park State School, whose principals are David Morris and Clayton Carnes respectively.

I believe in independent public schools. I think this is a great model. It does not force anyone to join. It puts the onus on whether the school is interested. Why I believe in this is that more than anyone else North Queenslanders want to control their own destiny. One of the reasons I am in this place is because I had an absolute frustration at this notion that Brisbane knew best. I will always fight for the rights of someone on the ground to make their own mind up. That is the joy of this. It enables the school community to work with their principal to get the type of education they want to see. They can focus on the things that make that school unique. They can get the kinds of teachers into the school that truly can promote the values that school wants to achieve. Who are we, as legislators many, many miles away, to tell local communities what is best for them. This is a model that works.

This evening I wish to make a call to arms to my electorate and to point out that I would dearly love to see one of the great schools in my electorate of Mundingburra take up this challenge in the waves to come. It is always difficult whenever you name schools. I have many great schools in my electorate, but I will point out some of the great relationships I have formed with people like Anthony Ryan from Currajong State School, Jan Green from Annandale State School and Bruce Edwards from Heatley Secondary College. All of these schools have great points of difference. I think it is those points of difference that truly makes them primed to be one of the IPS schools. I desperately want to see it. I want to see a day when all schools go down this path. It is a decision for the individual school. We are not forcing them into it. But this interest clearly shows that communities are embracing this approach. They want to control their own destiny. They want to do things the way they see fit. And I above all want to see my great electorate of Mundingburra represented in this sphere.

Crime

Mr JUDGE (Yeerongpilly—UAP) (9.27 pm): A consistent finding in deterrence research is that increases in the certainty of apprehension and punishment demonstrate a significant deterrent effect. However, studies of deterrence also suggest that the threat of imprisonment as a stand-alone measure only generates a small general deterrent effect. To be clear, research indicates that increases in the severity of penalties, such as increasing the length of terms of imprisonment, like mandatory 20-year sentencing introduced through the Criminal Law (Two Strike Child Sex Offenders) Amendment Bill, do not produce a corresponding increase in deterrence.

With an appreciation of this research—that is, evidence—I think it is important to consider the Newman government's self-proclaimed tough-on-crime approach and let us all take a few minutes for a reality check. Most people would consider the offence of murder—homicide—to be the most serious criminal offence under our laws. Section 305 of Queensland's Criminal Code provides that any person who commits a crime of murder is liable to imprisonment for life.

Homicide is a small-volume offence or, put another way, a low-volume offence. As such, it is subject to sizeable fluctuations from year to year. Overall, however, the homicide rate has changed little over the years. Following a peak in 1996-97, the rate of homicide has been steadily decreasing until 2008-09. In 2009-10, the rate increased by 18 per cent, followed by decreases in 2010-11 and again in the current period under review of seven per cent and 20 per cent respectively. This information has been extracted from the Queensland Police annual statistical review of 2011-12, which is easily found on the internet for anyone who is interested in getting a basic understanding of crime in Queensland.

It is also a basic example of how the so-called tough-on-crime approach, a common catchphrase used by the Attorney-General, typically does not work. It is a phrase that is somewhat similar to 'stop the boats'. No doubt both are taken from the LNP handbook of three-word slogans for the populist politician.

After 20 years of policing in Queensland in uniform roles and as a former detective who has arrested offenders for the murder of a child and other serious offences against adults and children alike, for me a politician's tough-on-crime stance typically offers nothing more than false hope to the community and more often than not achieves little other than a headline in tomorrow's newspaper. This appears to be the Attorney-General's and the Newman government's primary objective, as opposed to implementing well researched, evidence based strategies to comprehensively deal with crime in Queensland.

Queenslanders deserve better. Our communities need a more intelligent approach and I encourage the Newman government, and in particular the Attorney-General, to get smart and deal with crime in a better way in Queensland.

Rise of Allula

Mr CHOAT (Ipswich West—LNP) (9.30 pm): On 27 September my wife, Nicky, and I were privileged to attend opening night for the production of *Rise of Allula* at Studio 188 in Ipswich. *Rise of Allula* was presented by Allula Productions, a local company of talented performing arts professionals. The co-artistic directors of *Rise of Allula* are Yana Dwyer, choreographer, and Fiona Cole, musical director. Yana has been bringing her brilliant choreography skills and experience to students of all ages since 2002. I know Yana's father, Brian Mair, very well and he is very proud of her achievements. By the way, he flies a good racing pigeon. Similarly, Fiona is a very well qualified professional who has been teaching students for almost a decade.

The evidence of Fiona's and Yana's skills was obvious by the quality of the show. The show included a mix of classic songs well known to the audience, as well as a number of contemporary tunes. The mixture of dance and song was well blended and the confidence and skill of the performers really shone through. The show was opened by MC and star performer Patrick Dwyer. He certainly made an impression. I know his mum, Anita, was really proud. Knowing the Dwyer family well, perfection was a certainty!

The cast was dance captain Chanel Graham and her team of Tara Biddle, Lisa Chaille, Damika Doorley, Georgia Hampson, Tanita Hurst, Blythe Kunde, Chelsea Lee, Jasmine Organ, Emmie Snowden and Katie Snowden. Those lovely ladies gave faultless performances and would not be out of place in any large-scale production.

Of course, the more than 20 songs were performed by a truly talented group of young men and women. I was really impressed by the way they worked with the dance team to provide a very enjoyable and at times exciting performance. The team of performers were Adam Spain-Mostina and Keelan McCoy, two fine St Edmond's Ipswich lads, who were joined by the lovely Georgia Spark, Krystel Spark, Maureen Sue and Jordan Twigg. Having watched *Glee* with my daughter Charlotte, I can say that those performers would not be out of place in that show.

I have known Adam since he was born and I know his mum and dad, Karen Spain and Michael Mostina, were full of pride. Keelan's dad, Mick McCoy, was similarly impressed. I met many of the parents of those fine young people and they were all justifiably proud. I was very pleased to sponsor the show and cannot wait for their next masterpiece.

I want to thank all of the sponsors, particularly Walker Pender Group, which is a really great Ipswich legal firm, as well as the Studio 188 crew, along with Petrina Gibson, Kaitlin Cole, Angus Carden, Katherine McLean, Holly Hamilton, Meagan Wells, Rosie Scott and, of course, the talented Gladys Mair who made all of the wonderful costumes. What a show! I am really proud of them and the community can be proud of them. I am sure there are very big and great things ahead for Allula.

Lioness Club of Toowoomba City KINGS

Mr WATTS (Toowoomba North—LNP) (9.33 pm): Today I rise to talk about a service club in my electorate, the Lioness Club of Toowoomba City KINGS, which formed recently. My friend and colleague John McVeigh, the member for Toowoomba South, and I had the great privilege of going to the Paul Myatt community centre for its charter.

What makes this service club different is its background. In 2002, a lady named Lenore Howard wanted to provide a safe and happy environment for young people with disabilities to have fun with their friends. Out of that club grew the concept of a KINGS Lions Club. The first KINGS Lions Club was chartered in 2001 in Brisbane. Principally, it is a club where young people with disabilities can meet and interact.

What was special about the one being formed in Toowoomba was that 17 members were involved in the chartering of the club. What I think is particularly special is that the first thing they wanted to do once the club was chartered was work out what service programs they could offer to the community of Toowoomba North. Here you have a group of young people with disabilities facing hardship themselves and the first thing they want to do when they get together for a social gathering is work out how they might be able to help someone in the community less fortunate than themselves.

All of the people involved need recognition: the Lions Club KINGS coordinator, Lenore Howard; the president of the Toowoomba City Lions Club, Meryl Wright; the charter president of the Lioness Club KINGS in Toowoomba, Scott Tiran; and the district governor, Rob Craig. They have all put a great deal of effort into bringing this together.

I wish to read into the record the names of the young people in my electorate who John McVeigh and I had the privilege of watching go through their charter: Susan Arnold, Tania Ash, Beverley Bates, Garry Bates, Kimberley Duffin, Meghan Halliwell, Kellie Anne Hinds, Larissa Humphries, Tamira Leigh, Scott McKenzie, Michael Pratt, Jayme Reynolds, Natalie Sykes, Veronique Sukes-Nama Micah, Scott Tiran, Jim Wright and Meryl Wright. To them I say: you humble me absolutely by coming together and offering service to people in the community that I am proud to represent, Toowoomba North, and by going out and looking for people less fortunate than yourselves to whom you can provide services and charitable works.

It was a great privilege to be there with my friend and colleague John McVeigh. When we left there that day, we both had a full understanding of just how charitable people can be in many different circumstances. It is great to come from Toowoomba.

Question put—That the House do now adjourn.

Motion agreed to.

The House adjourned at 9.36 pm.

ATTENDANCE

Barton, Bates, Bennett, Berry, Bleijie, Boothman, Byrne, Cavallucci, Choat, Cox, Crandon, Cripps, Crisafulli, Cunningham, Davies, C Davis, T Davis, Dempsey, Dickson, Dillaway, Douglas, Dowling, Driscoll, Elmes, Emerson, Flegg, France, Frecklington, Gibson, Grant, 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, Rice, Rickuss, Robinson, Ruthenberg, Scott, Seeney, Shorten, Shuttleworth, Simpson, Smith, Sorensen, Springborg, Stevens, Stewart, Stuckey, Symes, Trad, Trout, Walker, Watts, Wellington, Woodforth, Young