



RECORD OF PROCEEDINGS

Hansard Home Page: <http://www.parliament.qld.gov.au/work-of-assembly/hansard>
 Email: hansard@parliament.qld.gov.au
 Phone (07) 3406 7314 Fax (07) 3210 0182

FIRST SESSION OF THE FIFTY-FOURTH PARLIAMENT

Wednesday, 26 November 2014

Subject	Page
SPEAKER'S STATEMENTS	3973
Queensland Police Service, Piper	3973
Parliamentary Service, Questionnaire	3973
MOTION OF CONDOLENCE	3973
Hanlon, Mr PJ	3973
PETITIONS	3975
TABLED PAPERS	3975
MINISTERIAL STATEMENTS	3976
Natural Disaster Preparedness	3976
<i>Tabled paper.</i> Queensland Floods Commission of Inquiry Final Report, Implementation Update, October 2014.....	3976
Natural Disaster Preparedness	3976
Natural Disaster Preparedness	3977
Natural Disaster Preparedness	3977
Natural Disaster Preparedness	3978
Natural Disaster Preparedness	3979
Natural Disaster Preparedness	3980
Natural Disaster Preparedness	3980
Natural Disaster Preparedness	3981
ABSENCE OF PREMIER	3981
QUESTIONS WITHOUT NOTICE	3981
Member for Mermaid Beach	3981
Member for Mermaid Beach	3982
Burnett Electorate, Natural Disaster Preparedness	3983
Skyride.....	3983
<i>Tabled paper.</i> Gold Coast Skyride domain name and ASIC searches.....	3983
Cairns Electorate, Natural Disaster Preparedness.....	3984

Table of Contents – Wednesday, 26 November 2014

Skyride	3985
Burdekin Electorate, Cyclone Shelter	3986
GoldLinQ.....	3986
Criminal Motorcycle Gangs	3987
<i>Tabled paper:</i> Letter, dated 5 March 2014, from the Gold Coast Mayor, Mr Tom Tate, to the Premier, Hon. Campbell Newman, acknowledging the organised crime reforms.	3988
<i>Tabled paper:</i> Bundle of media articles relating to bikie laws and organised crime.....	3988
India, Coal	3988
National Disaster Preparedness.....	3989
Galilee Basin, Jobs.....	3989
Ipswich West Electorate, Ambulance Service	3990
Gladstone State Development Area, Leases	3991
Townsville Electorate, Natural Disaster Preparedness.....	3991
Public Transport, Go Cards.....	3992
Roma and St George, Natural Disaster Preparedness.....	3993
SPEAKER'S STATEMENT.....	3993
School Group Tours.....	3993
REVENUE AND OTHER LEGISLATION AMENDMENT BILL.....	3994
Introduction	3994
<i>Tabled paper:</i> Revenue and Other Legislation Amendment Bill 2014.....	3994
<i>Tabled paper:</i> Revenue and Other Legislation Amendment Bill 2014, explanatory notes.	3994
First Reading	3995
Referral to the Finance and Administration Committee.....	3995
Portfolio Committee, Reporting Date	3996
JUSTICE AND OTHER LEGISLATION AMENDMENT BILL.....	3996
Introduction	3996
<i>Tabled paper:</i> Justice and Other Legislation Amendment Bill 2014.	3996
<i>Tabled paper:</i> Justice and Other Legislation Amendment Bill 2014, explanatory notes.	3996
First Reading	3998
Referral to the Legal Affairs and Community Safety Committee.....	3998
Portfolio Committee, Reporting Date	3999
WATER REFORM AND OTHER LEGISLATION AMENDMENT BILL	3999
Consideration in Detail.....	3999
Clause 1, as read, agreed to.....	3999
Clause 2 postponed.....	3999
Clauses 3 to 51—	3999
<i>Tabled paper:</i> Water Reform and Other Legislation Amendment Bill 2014, explanatory notes to Hon. Andrew Cripps's amendments.....	4003
Clauses 3 to 51, as amended, agreed to.....	4003
Insertion of new clause—.....	4003
<i>Tabled paper:</i> Water Reform and Other Legislation Amendment Bill 2014, explanatory notes to Hon. Mark McArdle's amendments.	4004
Amendment agreed to.	4005
Insertion of new clause—.....	4005
Amendment agreed to.	4005
Clauses 52 to 66—	4005
Clauses 52 to 66, as amended, agreed to.....	4005
Clause 67, as read, agreed to.	4005
Clause 68—.....	4006
Division: Question put—That clause 68, as amended, be agreed to.....	4010
Resolved in the affirmative.....	4010
Clause 68, as amended, agreed to.	4010
Clauses 69 to 256—	4011
Clauses 69 to 256, as amended, agreed to.....	4021
Schedules 1 to 3—	4021
Schedules 1 to 3, as amended, agreed to.	4022
Clause 2—.....	4022
Clause 2, as amended, agreed to.	4022
Third Reading	4022
Long Title.....	4022
Amendment agreed to.	4022
HEALTH LEGISLATION AMENDMENT BILL.....	4022
Second Reading	4022
<i>Tabled paper:</i> Health and Community Services Committee: Report No. 59—Health Legislation Amendment Bill 2014, government response.....	4023
<i>Tabled paper:</i> Health Legislation Amendment Bill 2014, erratum to explanatory notes.....	4023
MOTION	4043
Suspension of Standing and Sessional Orders.....	4043
HEALTH LEGISLATION AMENDMENT BILL	4043
Second Reading	4043
Consideration in Detail.....	4048
Clause 1—.....	4048
<i>Tabled paper:</i> Health Legislation Amendment Bill 2014, explanatory notes to Hon. Lawrence Springborg's amendments.	4048
Clause 1, as amended, agreed to.	4048

Table of Contents – Wednesday, 26 November 2014

Clause 2 postponed.....	4048
Clauses 3 to 15—	4049
Clauses 3 to 15, as amended, agreed to.	4049
Insertion of new clause—	4049
<i>Tabled paper:</i> Health Legislation Amendment Bill 2014, explanatory notes to Hon. Tim Mander's amendments.....	4051
Amendment agreed to	4051
Clauses 16 to 74—	4051
Clauses 16 to 74, as amended, agreed to.	4053
Clause 2—	4053
Clause 2, as amended, agreed to.	4053
Third Reading.....	4054
Long Title.....	4054
Amendment agreed to.	4054
ADJOURNMENT.....	4054
Greste, Mr P.....	4054
Yeppoon Surf Life Saving Club.....	4055
East Brisbane Croquet Club.....	4055
White Ribbon Day	4056
Moreton Island, Fishing.....	4056
<i>Tabled paper:</i> Webpage titled 'Stop Net Fishing Between the Rous Channel and the Little Sandhills'	4057
Townsville Electorate, Magnetic Island	4057
<i>Tabled paper:</i> Article from the <i>Magnetic Community News</i> , dated 7 October 2014, titled 'Island Enjoys Bumper Holiday Season'	4057
Burleigh Electorate, Achievements.....	4058
Gladstone, LNG Industry.....	4058
<i>Tabled paper:</i> Document titled 'LNG: Jobs for Gladstone?: Campaign Brief'	4059
Campbell, Mr B.....	4059
Coomera Electorate, Schools.....	4059
ATTENDANCE.....	4060

WEDNESDAY, 26 NOVEMBER 2014



The Legislative Assembly met at 2.00 pm.

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

SPEAKER'S STATEMENTS

Queensland Police Service, Piper



Madam SPEAKER: Honourable members, better than a star on top of a Christmas tree is a piper on top of parliament. At sunset tonight the skirl of bagpipes will fill the air from atop the parliament's turret as part of a special tribute to the fine men and women of the Queensland Police Service, which has been serving our state for 150 years.

I have invited our piper and fellow members of the Queensland Police Pipes and Drums band to give a performance to mark this milestone. It is also our chance to thank the police who have supported our Parliamentary Service security officers in keeping our precinct safe and to acknowledge officers for their everyday sacrifice of service to the state and, more recently, their very successful policing work during G20.

The performance will commence at 6.30 pm, weather permitting, and members and their guests are invited to watch from the colonnade.

Parliamentary Service, Questionnaire



Madam SPEAKER: Honourable members, circulated in the chamber this afternoon is the annual questionnaire on the performance of the Parliamentary Service. The feedback that the questionnaire is designed to elicit is very important. The feedback will be considered by the Committee of the Legislative Assembly in its role as the board of management for the Parliamentary Service. Can members please take a few minutes to complete the questionnaire and place it in the ballot box on the table of the House or forward it to the Clerk's office.

MOTION OF CONDOLENCE

Hanlon, Mr PJ



Hon. JW SEENEY (Callide—LNP) (Deputy Premier and Minister for State Development, Infrastructure and Planning) (2.03 pm): I move—

1. That this House desires to place on record its appreciation of the services rendered to this state by the late Patrick Joseph Hanlon, a former member of the Parliament of Queensland.
2. That Madam Speaker be requested to convey to the family of the deceased gentleman the above resolution, together with an expression of the sympathy and sorrow of the members of the Parliament of Queensland, in the loss they have sustained.


Madam Speaker, Patrick Joseph Hanlon—better known to all who knew him as 'Pat'—was born in Paddington, Brisbane, on 19 March 1930 and was educated at the Rosalie State School, Marist Brothers College, Ashgrove and the University of Queensland. After his university education Mr Hanlon worked as a clerk accountant at the Olympic Tyre and Rubber Company from 1951 to 1956.

Pat Hanlon was the son of Ned Hanlon, who served as a member of this House from 1926 to 1952 and was the Premier of Queensland from 1946 to 1952. Like his father before him, Pat was to hear the call of elected parliamentary office. Pat's father died in office as Premier in January 1952, and at the by-election to fill his seat of Ithaca he was replaced by Leonard Eastment. While campaigning for the 1956 state election, Mr Eastment was taken to hospital suffering from a heart condition. While he retained the seat of Ithaca for the ALP at the state election, he unfortunately passed away not long after. It was at this point that the ALP preselected Pat Hanlon to contest the by-election for the seat which had been vacated so recently and held for so long by his father.

Pat Hanlon was successful at the by-election in December 1956 and took his seat in the House as the member for Ithaca. He was re-elected at the state election of August 1957, which was an historic election for Queensland which saw the first change of government in the state since 1932—a change from the Labor to the conservative side of politics. Following an electoral redistribution in 1958 that saw the number of state electorates increase from 75 to 78, Pat Hanlon decided to contest the seat of Baroona instead of Ithaca at the 1960 state election. Baroona was a seat that covered the inner western suburbs of Brisbane, including parts of the new electorate of Ashgrove. Pat Hanlon was successfully elected to the seat at the state elections of 1960, 1963, 1966, 1969 and again in 1972 until he decided to retire at the state election of December 1974, having continually served for 18 years as a member of the Queensland parliament. There is no doubt that during that time Mr Hanlon was a key figure in the ALP serving many years, for instance, as their shadow Treasury spokesperson.

Madam Speaker, Patrick Joseph Hanlon passed away peacefully on 30 October 2014 at the age of 84, and a funeral mass and celebration of his life was held at the Twelve Apostles Catholic Church, Yallambee Road, Jindalee, on 3 November 2014. I place on record the government's thanks for the years of service that Mr Hanlon gave to the institutions of our democracy and to the Queensland community in this parliament. On behalf of the government, I take this opportunity to extend my sympathies and that of this House to Mr Hanlon's family and friends.

Honourable members: Hear, hear!

 **Hon. A PALASZCZUK** (Inala—ALP) (Leader of the Opposition) (2.06 pm): It is a considerable honour to rise in this House to speak on the condolence motion for Patrick Joseph Hanlon, who passed away peacefully on 30 October this year. Pat was the son of the much honoured, the Hon. Ned Hanlon, Labor Premier of Queensland from 1946 to 1952. Pat leaves behind his loving wife Aileen and three sons, Peter, Mark and Bernie and their families, and I take this opportunity to extend my most sincere condolences to them.

Pat was born on 19 March 1930 in the family home in Guthrie Street, Paddington, where he lived for virtually his entire life. He used to walk up the long hill along Guthrie Street to the Sacred Heart Convent School followed by the Marist College, Rosalie and finished his schooling at Marist College, Ashgrove. Pat was a conscientious student, achieving nine As in junior and then, despite the tragic loss of his mother when he was 16, he also had excellent senior results which allowed him to enrol in a Bachelor of Commerce degree at the University of Queensland. Pat then worked as an accountant at the Olympic Tyre and Rubber Company.

Politics was never far from his blood, however. Pat's father had been the member for Ithaca from 1926 until his death in office as Premier in 1952. Before the luxury of electorate offices Ned held meetings with constituents on the front veranda of the family home, with young Pat tearing around on his tricycle between their legs. He absorbed much from his father: his vast knowledge, his wisdom and his great love of, and for, the ALP and the workers who they represented.

After the Premier's death he was replaced in that seat by Leonard Eastment, who served for four years before himself dying in office in 1958. Pat was elected to this House in a by-election held in December. He was married on St Patrick's Day 1956, two days before his 26th birthday, and he took the oath of allegiance in this House on his 27th birthday. At the time he was the youngest person ever elected to the Queensland parliament.

In his maiden speech he referred to the practice in the chamber of a new member being allowed to make their speech without interruption, as clearly that was not happening. Unfazed, he told the Speaker—

I do not seek your protection, Mr. Clark, because I can hit the boundary any of the innocuous lollypops bowled up to me by Government members.

After the 1957 general election Pat Hanlon was appointed shadow Treasurer, despite being in parliament for only a year. He held this position until he retired from the parliament due to ill health in 1974. He served as the member for Ithaca until 1960 and as the member for Baroona until his retirement. He was lucky enough to serve in this chamber with his brother-in-law and great friend Marty Hanson, the member for Port Curtis, from 1963.

Pat was a devoted local member of his community and committed to his campaigns. His son Peter told a story at his funeral about the life of all children of politicians delivering pamphlets to letterboxes. Peter was chased by a not so happy dog and dived headfirst through the half open window of the waiting Datsun. Pat was undeterred. He returned the next day armed with a cricket stump as a precaution and personally delivered the pamphlet. No letter box was left empty.

Pat was also a charitable and compassionate man. Constituents would telephone Pat directly at home or drop into the house with any concerns. He had a great relationship with the local councillor, and together they would attend to urgent issues themselves including unblocking drains on the weekend or personally fixing all sorts of things.

Pat told a story about the local woman who used to ask for money on a regular basis for different reasons. Pat, having a sneaking suspicion that his hard-earned money that he was handing over was most probably being spent on a cold beer at the Paddo at the top of the street, had explained to her that this was the last time he would give her money and explained that other avenues would be available for her to get support. A few days later a gentleman called by the house and asked for money to get a taxi to work. Pat asked where he worked and offered to give him a lift as he was going out. This gentleman was a bit reluctant at first, and Pat soon discovered why. At the first corner he saw his passenger look over his shoulder. And when Pat looked he managed to see, out of the corner of his eye, the woman tucked behind the wall and probably cursing her partner in crime for taking off with the spoils to be used at the Paddo.

But the story about Pat that is the most telling is in relation to the redevelopment at the bottom of Guthrie Street. The Brisbane City Council and the department of housing had plans to redevelop the large block at the bottom of Guthrie Street that used to be occupied by SEQEB. Pat had heard that the development included a proposal to include a park and for it to be named Hanlon Park in recognition of the long and significant history and the vast amount of work that the Hanlons had done for the community in that area. On hearing this, Pat wrote a letter stating all the reasons it should be named Bedgood Park and not Hanlon Park. The original owners of the property were the Bedgoods and they operated the bakery there for many years. Pat ensured that the Bedgoods got the recognition they deserved; hence, the park was named after them.

Pat did not do what he did for the recognition he would receive; Pat was a kind and gentle man who served the people through real concern and care for them. He was a great man of the Labor Party and a great man of this parliament. He is remembered in this House with honour and respect.

Whereupon honourable members stood in silence.

PETITIONS

The Clerk presented the following paper and e-petition, lodged and sponsored by the honourable member indicated—

Local Governments, Restriction of Powers

Mr Stevens, from 195 petitioners, requesting the House to restrict the powers of local government in section 36(1) of the Local Government Act to recognise the limited functions for which local governments should assume responsibility [[6581](#), [6582](#)].

Petitions received.

TABLED PAPERS

STATUTORY INSTRUMENTS

The following statutory instruments were tabled by the Clerk—

Plant Protection Act 1989—

[6583](#) Plant Protection (Cucumber Green Mottle Mosaic—Pest Declaration) Notice 2014, No. 272

[6584](#) Plant Protection (Cucumber Green Mottle Mosaic—Pest Declaration) Notice 2014, No. 272, explanatory notes

Plant Protection Act 1989—

[6585](#) Plant Protection (Cucumber Green Mottle Mosaic) Quarantine Notice 2014, No. 273

[6586](#) Plant Protection (Cucumber Green Mottle Mosaic) Quarantine Notice 2014, No. 273, explanatory notes

MINISTERIAL PAPERS TABLED BY THE CLERK

The following ministerial paper was tabled by the Clerk—


Premier (Mr Newman)—

[6587](#) Deaths of Children and Young People—Annual Report 2013-14

Madam SPEAKER: Before calling ministerial statements I advise the House that question time will begin at 2.42 pm.

MINISTERIAL STATEMENTS

Natural Disaster Preparedness

 **Hon. JW SEENEY** (Callide—LNP) (Deputy Premier and Minister for State Development, Infrastructure and Planning) (2.13 pm): Queenslanders will never forget the devastating impact the 2011 floods had on our community. So many Queenslanders' lives were changed forever, first as their properties were inundated and then as they banded together to rebuild their communities. Our state is vulnerable to many natural threats, as was most recently demonstrated by Cyclone Ita in April this year. Hazards like these mean that we need to be ready and able to respond when disasters occur.

On 12 September last year the Premier tabled the *Queensland Floods Commission of Inquiry Final Report: implementation update*. The implementation update provided an overview of the progress we had made in addressing the commission's recommendations. At the time, 85 recommendations of the 123 within the state's field of responsibility had been completed, and this was from the total of 177 recommendations. Today I table a further implementation update.

Tabled paper: Queensland Floods Commission of Inquiry Final Report, Implementation Update, October 2014 [\[6588\]](#).


I am pleased to say that, to date, 113 recommendations have now been completed. These include, for example, the release of the optimisation studies for the Wivenhoe, Somerset and North Pine dams and the adoption of a single State Planning Policy with a chapter on natural hazards. The report confirms that all recommendations within the state's responsibility will be completed by the end of 2015.

The government also remains committed to its disaster resilience work. For example, we have developed the Queensland Strategy for Disaster Resilience as part of our vision to make Queensland the most disaster resilient state in Australia. The strategy provides a blueprint for building Queensland's resilience to all hazards, both natural and man-made.

Disaster management and resilience funding also continues to be delivered to Queensland communities through a streamlined joint application package from Royalties for the Regions, the Local Government Floods Response Subsidy and the Natural Disaster Resilience Program.

Our government will continue to work with local governments and other organisations right across Queensland to implement the commission's recommendations to ensure Queenslanders are protected from future flooding and other natural hazards and to build more resilient communities for the future of Queenslanders.

Natural Disaster Preparedness

 **Hon. TJ NICHOLLS** (Clayfield—LNP) (Treasurer and Minister for Trade) (2.16 pm): Here in Queensland we are subject to extremes of climate. We are no strangers to storms, cyclones, floods and bushfires. We saw it last year with Tropical Cyclone Oswald and the flooding that followed, bringing destruction to 57 Queensland local government areas. With the peak summer storm season fast approaching, it is important to reflect on the challenge this poses and focus on what we can do to prepare.


This LNP government has taken a proactive approach to boosting Queensland's resilience against natural disasters. Indeed, the 2013-14 Queensland state budget was built around the themes of growth, rebuilding and resilience. That budget not only included total disaster spending of \$9.3 billion over the years from 2012-13 to 2014-15; it also included funding of \$40 million, matched by the federal government, towards betterment. After seeing the same pieces of infrastructure repaired for the second and third time in the space of just a few years, the government decided to take a new approach to disaster funding. Since that budget we have seen some fantastic improvements to infrastructure in local communities across the state—whether it is the flood levees we have funded in towns and cities like Roma, St George, Mundubbera, Bundaberg and Cairns or whether it is the water intake plant on the banks of Burnett River in Gayndah which has been moved upstream of the Claude Wharton Weir and made stronger after it was destroyed in 2011 and again in 2013, only weeks after being repaired.

Natural disasters are inevitable in Queensland. That is why this government also has a plan to put aside funding to cover the costs of future disasters. Not only will our proposed Strong Choices final plan secure Queensland's future finances; it includes a \$500 million Future Fund to secure Queensland against the next wave of disasters. We may not know what they will be but we know that

they certainly will be here. The objective of the Future Fund, which is part of the \$8.6 billion Strong Choices Future Investment Program, is to allocate that \$500 million, together with any interest accruing, to meet the state's share of disaster recovery costs. This funding is focused on restoring communities, rebuilding their productive capacity, assisting people to remain on the land and ensuring agricultural production is restored. It would only be utilised whenever there is a natural disaster relief and recovery arrangement activation.

At the time I said that the 2013-14 budget put a down payment on resilience but it was unfinished business for the LNP government. Our efforts in this area show that we are serious about improving Queensland's capacity to cope with these disasters. We know that there is more work to be done, but this government has a strong plan to build a stronger future for all Queenslanders.

Natural Disaster Preparedness


 **Hon. MF McARDLE** (Caloundra—LNP) (Minister for Energy and Water Supply) (2.19 pm): From the state's oldest major dam built in 1866 in the Premier's electorate of Ashgrove to our largest at Burdekin Falls, the Queensland landscape celebrates how earlier generations of Queenslanders managed two of our natural risk events—droughts and flooding events—to grow our great state. Over 150 years of real-life experience has shown us that our growth, prosperity and heartbreak are linked to how we plan for and manage these events. And so it was that, while we were all served by the infrastructure and experience paid for by earlier generations, Labor's failure to plan and build additional water supply capacity meant South-East Queensland almost became the first major metropolitan region in the western world to run out of water. Just as bad, Labor's reckless multibillion-dollar spending response did not provide additional flood mitigation capacity.

Following on from the devastating January 2011 floods, the Newman LNP government committed to have the best possible arrangements in place to reduce the impacts of future flood events. Clearly, we cannot take the cities of Brisbane and Ipswich out of the rivers and catchments that help define them. There will always be a risk of flooding and indeed we cannot flood proof either Brisbane or Ipswich. That is why all levels of government have an obligation to do whatever they can to protect their citizens from potential and foreseeable harm. Indeed, this Premier's leadership in doing something about reducing flood risk goes back to when he was Lord Mayor of Brisbane when he warned about the potential of floods and water supply crises before they occurred.

Today we have the public release of new operational strategies for Wivenhoe, Somerset and North Pine dams before the wet season. This is a strong plan to reduce potential flooding. It is a strong plan to protect Ipswich and Brisbane homes and businesses that is based on a world-class examination of Brisbane River flood events using world-leading technology. This is good news for the families and owners of about 500 to 1,500 buildings in Brisbane and Ipswich that would have been flooded with a repeat of the 2011 flood, for that is the number of buildings that could be saved by large releases of water from Wivenhoe in the early stages of a flood event. This also means that we will have a larger flood capacity to deal with further inflows during the event, but the trade-off is some bridges such as Colleges Crossing would have to be closed more regularly when it floods.

The Newman LNP government is committed to making Queensland safer for families and businesses, and that is why I am pleased to advise that I will authorise a new operational strategy for Wivenhoe and Somerset dams that will deliver significantly more protection from flooding for Ipswich and Brisbane homes and businesses. While we have been busy developing a strong plan to keep Brisbane and Ipswich homes and families safer from floods, all floods are different. Wivenhoe and Somerset dams cannot provide mitigation to floods coming from the Lockyer Creek and the Bremer River which enter the Brisbane River below the dams. That is why the Newman LNP government is also investigating potential new dam sites which may provide further flood mitigation benefits for the cities of Brisbane and Ipswich. But the job is not done. The LNP is a government with a strong team and a strong plan for a strong future.

Natural Disaster Preparedness


 **Hon. DF CRISAFULLI** (Mundingburra—LNP) (Minister for Local Government, Community Recovery and Resilience) (2.22 pm): People have heard me say in this House that it is not a matter of if another natural disaster strikes Queensland; it is a matter of when. It is no good sticking your head in the sand hoping it does not happen, as governments have done for too long. We have taken a different approach, starting in 2013 when ex-Tropical Cyclone Oswald wreaked havoc across the Central Queensland coast. Instead of barking orders from George Street at communities decimated

by floods and cyclones, we had staff from the Queensland Reconstruction Authority on the front line in the midst of the disaster. This government has shifted the focus of the QRA, getting staff out from behind desks and assessing damage sustained to our essential public infrastructure. This change of focus means things happen quicker, and time is of the essence when Mother Nature strikes.

Getting things done quickly is important not only as the disaster unfolds but also when the recovery work kicks into gear. A quick rebuild means Queenslanders can get life back to normal a lot sooner. There is no finer example of what can be achieved when people are on the ground than what we saw in Bundaberg where twice the amount of work went out to market in a quarter of the time when comparing the 2011 and 2013 events. To give members some idea of the work carried out across 2013-14, the QRA undertook nearly 4,000 site observations with over 50,000 photographs taken and logged of flood and cyclone affected assets. This included more than 1,200 kilometres of roads, 400 culverts, 150 drainage segments and 130 floodways. This morning I was in Bundaberg with Mayor Forman to open the old Midtown Marina site on the banks of the Burnett River. It really was a watershed moment in the Bundaberg recovery: it was the site of the sink hole—that defining image—which marked ground zero in the floods. Although the memories are still fresh, the wounds are beginning to heal. It is here I give credit to the member for Bundaberg and indeed the member for Burnett who have been dogged to ensure some good comes out of the city's run of heartache. This project is an example of this and will be a legacy of rebuilding better.

The Far North also copped a shellacking earlier this year after Cyclone Ita crossed the coast. The speed of both recoveries is unprecedented. Building things back better is common sense, but it has not always been this way, which is why we stood up to Canberra and brokered the \$80 million Betterment Fund to end the madness of replacing like for like. The rebuild of the Gayndah-Mundubbera Road is just one of over 200 betterment projects which have received funding to make public assets more resilient. It is a road which has been repeatedly damaged in consecutive floods and it has now been built back to a better standard. The road is a critical primary industry supply route which is used to transport cattle and citrus to industries imperative to the North Burnett. In 2011 and 2013 the same two kilometres was washed out when the water tore through. When the road got washed away, the produce could not get to market. The flow-on effects for the local economy were long lasting and far reaching, but we worked closely with Mayor Don Waugh and the member for Callide to put an end to this mess. The road was relocated uphill 11 metres, with one kilometre of new concrete and 900 metres of new asphalt. The project was funded to the tune of \$8.8 million, including \$2 million from the Betterment Fund. The work this government has done in building mitigation infrastructure and working with councils across the state is a testament to the relationship we share. With front-line staff on hand, by building back better and by looking for ways to protect our communities, the Newman government has fundamentally changed the way Queenslanders recover from natural disasters.

Natural Disaster Preparedness

 **Hon. JM DEMPSEY** (Bundaberg—LNP) (Minister for Police, Fire and Emergency Services) (2.26 pm): This can-do LNP government has been getting on with the job of making sure that Queensland is a safe place to live, work and raise a family. That includes the safety of all Queenslanders as we prepare for the upcoming disaster season. We have invested in Phoenix fire mapping technology which allows front-line commanders to better predict fires and deploy firefighters more efficiently and effectively. Phoenix technology tracks fire movement and weather conditions. It means that firefighters have more knowledge of the behaviour of a bushfire so that Queensland families and property owners in the path of fire can be notified earlier, and, as we know, seconds can mean the difference between life and death.

Queensland families most at risk from bushfires will benefit directly from a new Queensland government campaign that will keep them safe during bushfire season. Any piece of awareness, education and preparation can save a life during an emergency. That is why this government invested in new technology to better spread resources during fire emergencies. This campaign identified 100,000 properties at very high or high risk of bushfire and provides them with targeted information about how to prepare and what to do in an emergency. The LNP invested in this technology to identify these properties and protect Queenslanders. Labor could have invested in this but instead chose to send Queensland further into debt. This government is also achieving for our front line by investing in nation-leading technology for our firefighters. Queenslanders are now better protected against the threat of bushfire thanks to three additional water-bombing aircraft and real-time streaming of aerial imagery as well as mapping technology for our firefighting air fleet. For the first time Queensland

firefighters have an aerial live streamed view of fires using m-View, a state-of-the-art technology. Previously when dealing with large fires, aerial observers had to report over radios describing conditions to incident commanders. Now we have a picture that speaks a thousand words.

Last month the Disaster Management Act 2014 commenced to simplify Queensland's disaster management structure by reducing a layer of governance—that is, red tape—that was left behind by Labor. We have also achieved yet another election commitment, with \$11 million over four years to establish a college of disaster management which will build capacity and upskill a new generation of disaster management professionals. This model is the first of its kind to be offered by the Queensland government and it was achieved under this strong LNP team. Yet another first for Queensland is the establishment of the Inspector-General Emergency Management, whose independent oversight maintains world-leading standards in emergency and disaster management.

Under this government, emergency and disaster management is getting the attention it so rightfully deserves to ensure that our communities are prepared, our front-line emergency services have the equipment they require to do their jobs properly and that community safety is at the forefront. Queensland has a bright future and it is a great place to live, work and raise a family. With our strong LNP team, we will continue to stay on track to secure a stronger and safer future for all Queenslanders.

Natural Disaster Preparedness



Hon. AP CRIPPS (Hinchinbrook—LNP) (Minister for Natural Resources and Mines) (2.29 pm): The Newman government is committed to ensuring that Queensland communities are safe and resilient in the face of natural disasters. As a North Queensland, I know all too well the impact that natural disasters, especially cyclones and floods, can have on local communities.

After witnessing the devastation of recent flood events, the Newman government established the Queensland Flood Mapping Program to provide local councils with comprehensive, up-to-date flood mapping to help them better mitigate, prepare, respond to and recover from flood events. This flood mapping data can be incorporated into council geospatial information systems to provide an information layer for all council activities, including local planning schemes to better identify flood hazards and determine strategic land use planning and local building codes. In its most basic application, the effective use of this flood mapping can improve community safety, improve business and community resilience and better prepare local disaster management groups to respond to flood events. Also, in an important win for Queensland families on the cost-of-living front, the insurance industry can use this flood mapping and property information to more accurately assess flood risk and deliver more affordable insurance premiums. To date, the program has delivered localised, fit-for-purpose flood mapping for over 100 flood-prone Queensland communities and will continue to roll out mapping through a further 100 projects.


I am pleased to announce that this week the Newman government's Queensland Flood Mapping Program was awarded national recognition for its innovative approach and contribution to building community resilience against natural disasters. The Queensland government's Flood Mapping Program was announced as the winner of the state and territory government category at the 2014 Resilient Australia Awards in Canberra on Monday. The Flood Mapping Program also won the 2014 Get Ready Queensland Resilient Australia Awards in the state and territory government category. Furthermore, it was recently awarded a Certificate of Commendation at the Planning Institute of Australia—Queensland excellence awards in the category for best planning ideas: large, regional or urban project.

So many of Queensland's communities are established on or near flood plains. Since 2010, many communities have experienced significant natural disaster events, including cyclones and floods. The potential of the Queensland Flood Mapping Program will continue to increase as a key product for council knowledge and readiness for the protection of local communities.

In the very near future Queenslanders will benefit from the release of flood mapping implementation kits. These kits are for use by local councils to help them, their disaster management teams and other stakeholders deliver a more integrated approach to managing flood risk and improving community and business resilience to flood events by using flood mapping.

The Newman LNP government is committed to making Queensland the most disaster-resilient state in Australia and the Queensland Flood Mapping Program is another demonstration of that commitment. Formal recognition of this product across the country can give Queenslanders confidence that our great state is not only a great place to live but also a safe place to call home.

Natural Disaster Preparedness

 **Hon. TE DAVIS** (Aspley—LNP) (Minister for Communities, Child Safety and Disability Services) (2.33 pm): As the year draws to a close and the holiday season approaches, many of us are thinking about how to spend time with family and how to celebrate the year that was and the year ahead. However, this time of year also serves as a reminder for many communities across the state that the summer storms season is approaching. My department stands at the ready to assist communities to recover if a storm, cyclone, or other natural disaster strikes. Our government has a strong plan for assisting communities to recover from all aspects of disaster, with my department taking the lead for coordinating the social and human recovery both with immediate assistance and with longer-term help where required.


Upon coming into government, we quickly learnt that the arrangements for activating and delivering this support needed to be improved. We know that families affected by these disasters need to access support when and where they need it so that they can rebuild their homes and their lives as soon as possible. Under Labor's community recovery arrangements, we found that there was too much red tape and the system for calculating grants was nothing short of convoluted and time consuming. That meant that families who really needed support were not able to access it quickly. Sadly, the system also allowed for families whose homes were not affected by the disasters to receive payments.

As part of our commitment to revitalise front-line services and reduce red tape, late last year my department set about to reform the process to make it easier for those who needed to receive support. We changed the method of activation to target the declared areas to specific streets as opposed to whole local government areas, which reduced cases of fraud and reduced red tape. We also did away with Labor's complicated grants payment system and introduced immediate hardship assistance grants, which have clearer eligibility criteria and can be paid using a unique debit card, if appropriate.

The Newman government's new and improved community recovery system was used in April this year after Tropical Cyclone Ita bore down on Far North Queensland. In those communities, over 150 targeted grants were given to ease the burden on replacing essential household items that were lost or damaged as well as to assist with structural repairs to homes and reconnecting essential utilities. This immediate assistance is a vital part of the recovery effort. In addition, long-term counselling and support services are continuing in these communities.

The Newman government is committed to ensuring that those who need help in times of disasters receive the help they need in a timely and effective manner. We are delivering on our strong plan to revitalise front-line services and keep Queenslanders safe so that we can secure a brighter future for all of the communities in our state.


Natural Disaster Preparedness

 **Hon. TL MANDER** (Everton—LNP) (Minister for Housing and Public Works) (2.36 pm): We want Queensland to be Australia's most disaster-resilient state. The Department of Housing and Public Works takes the lead in building and engineering services, as outlined in the state's disaster management framework. We are streets ahead of where we were a few years back thanks to 10 new cyclone shelters built through a partnership between the Queensland government and the emirate of Abu Dhabi. We now have cyclone shelters in Port Douglas, Proserpine, Tully, Ingham, Mackay, Bowen, Weipa, Townsville, Cairns and Yeppoon. These shelters are in addition to ones already in place in Cairns, Innisfail, Cooktown and Kowanyama.

Through Housing Services we make sure that we have the capacity to provide temporary shelter to people who have been displaced by a natural disaster. We also provide an active outreach service post an event to make sure that people have access to the help that they need. We had a great example of that in Bundaberg where a tent city was created following the floods two years back. At its peak, that camp was housing and feeding 125 people per day. We also make sure that we have access to a range of other temporary accommodation solutions that are available, including permanent and temporary camps and bases, relocatable housing options in various configurations and relocatable amenities and ancillary buildings, cabins, caravans et cetera. Building and Asset Services plays a role in coordinating temporary accommodation for use as forward command posts, recovery centres, local disease control headquarters, storage facilities and ablution facilities.

Queensland Building and Construction Commission inspectors are also ready to swing into action after any disaster event, providing advice on the structural integrity of damaged homes and the correct procedures for repairs. They also put on information seminars so that people know exactly what they should do if their homes have been damaged. Resilience is more than just good preparation; it is a mind-set that accepts that extreme weather is a fact of life in Queensland and prepares to handle it accordingly.

Natural Disaster Preparedness

 **Hon. SA EMERSON** (Indooroopilly—LNP) (Minister for Transport and Main Roads) (2.38 pm): This government is ready for action ahead of the wet season. After years of experience in dealing with natural disasters, the team at the Department of Transport and Main Roads is highly skilled in preparing for and dealing with floods. As part of our strong plan we are working hard to make Queensland the safest place to live, work, travel and raise a family.

TMR has worked closely with more than 340 participants from QPS, Queensland Fire and Emergency Services, Queensland Rail and local governments through its preparedness program, ensuring that their teams are briefed in prevention, planning, response or recovery work.

The 131940 Traffic and Travel Information line is also well manned and ready to help motorists during any flood situation. Changes to the 131940 website means that it is more user friendly. Through improved emergency alert messaging, motorists will have the most up-to-date traffic information on their mobile devices, tablets or computers before they hit the road.

Only the Newman LNP government has a strong team and a strong plan to deliver a safe, reliable and flood resilient road network. Following the 2013 floods we wasted no time getting reconstruction work underway in partnership with our federal colleagues. All of those works are on target to be finished by the end of the year. Unlike the former Labor government, we promised to get in and deliver works as quickly as possible and not let these important works drag out. Our hard work does not end there. We are determined to keep businesses, tourism, agriculture and the resource industries moving no matter what weather comes our way.


From Cairns to Noosa we are Sprucing the Bruce with a record \$8.5 billion 10-year program. On the 1,700 kilometres of the Bruce Highway there are 200 projects underway or set to start. One of our priority projects is the \$590 million Cooroy to Curra Section A road that will allow locals and tourists to travel safer on a 13.5 kilometre four-lane divided highway by late 2016. Further north, the \$296 million Yeppen South project will deliver immediate safety, traffic flow and access improvements when it opens to traffic in 2016. We are also working with the federal government to deliver the \$635 million upgrade to the Warrego Highway between Toowoomba and Miles. All these projects are proof of our commitment to keep Queenslanders moving during and after the flood season. This government is ready to rise to action and help Queenslanders the moment a disruptive weather event hits.

ABSENCE OF PREMIER

Mr STEVENS (Mermaid Beach—LNP) (Leader of the House) (2.42 pm): I wish to advise the House that the Premier will be absent from the House for question time today as he is attending the funeral of a close family member. I further advise that the Deputy Premier will take questions on behalf of the Premier.

QUESTIONS WITHOUT NOTICE

Member for Mermaid Beach

 **Hon. A PALASZCZUK** (Inala—ALP) (Leader of the Opposition) (2.42 pm): My question is to the Deputy Premier. It has now been 28 days since the Premier's assistant minister for e-government revealed his role in the \$100 million Skyride project, and I ask: will the Deputy Premier direct the member for Mermaid Beach to table his questions to the Integrity Commissioner and the response that was received?

Mr SEENEY: I thank the Leader of the Opposition for the question, but unless my memory is failing me—which may well be the case—this is exactly the same question that the Leader of the Opposition asked yesterday. I would refer her to the answer that the Premier gave and say that I do not have anything more to add. It does give me an opportunity to make some observations in regard to what the opposition do in this place each day.

Ms Palaszczuk: Ask questions that you don't answer.

Mr SEENEY: They come in here and ask the same question. One question one day, a question the other day. Does the Leader of the Opposition remember the answer she was given yesterday? Do you remember the answer? Or did she just pick up the wrong piece of paper this morning perhaps, pick up the wrong folder, the folder that had 'Tuesday' on it instead of 'Wednesday'? They have got absolutely no ability to change their questions. They work out a strategy and they just keep ploughing on. There was a classic example yesterday with the poor old member for Stafford. He gets the dumbest question every day. Every day he gets the dumbest question. They just give him the hospital pass every day.

It is though somewhat instructive to come in here each day, because as most members know I spent a long time in opposition. For those members who have not had the unfortunate experience of being in opposition, opposition sit around on the morning of parliament and they have a little strategy meeting.

Ms Palaszczuk: No, we don't.

Mr SEENEY: No. That's pretty obvious.

Government members interjected.

Madam SPEAKER: Order, members!

Mr SEENEY: I rest my case. Most oppositions sit around and have a strategy meeting on the morning of parliament. It is obvious, as the Leader of the Opposition admitted, this opposition do not. That explains the point I was trying to make, because those of us who sit here in our little group try to anticipate what the opposition is going to do each day. In 2½ years I don't think we have got it right once. We have three former opposition leaders here who try to anticipate, 'What do you reckon they'll do today?' We haven't even come close once. The strategy meetings over there have always been a bit of a mystery to us, but the mystery has been solved today. They do not have them! They just come in here and ask the question they asked yesterday or they take the front page of the *Courier-Mail* or the paper and ask a question about that. I think the case has been proven.

Member for Mermaid Beach

Ms PALASZCZUK: My question is to the Deputy Premier. The Premier said that he would run the most open and accountable government in this state. My question is to the Deputy Premier: will the Deputy Premier outline the economic and financial benefits of the \$100 million Skyride project to the Premier's assistant minister, the member for Mermaid Beach?

Mr SEENEY: I am struggling to make sense of that question, but I thank the member for it anyway. Our government came to power on a promise of driving economic growth. We identified four pillars of the economy which we said we would focus on to provide the economic growth, the jobs and business opportunities that Queenslanders need, that Queenslanders had been denied for so many years under the Labor government. Since we have come to power we in my Department of State Development, Infrastructure and Planning have done everything that we can to facilitate the development of projects that support the four pillars of our economy. In agriculture, in mining, in construction and in tourism we are happy to facilitate whatever project is brought forward and I have officers in my department tasked to do that.

Can I say that in relation to the project that was the subject of the convoluted question that was asked by the Leader of the Opposition we have had no approaches. There is no proposal before us in government. There are, however, a whole range of other projects that will create a lot of jobs for people across Queensland if we are able to facilitate those projects and to ensure that they move forward. What we have sought to do is to make Queensland the first choice for investors to come to Queensland and invest. We are starting to see the results of that. We are starting to see more cranes on the horizon. We are starting to see more activity in Brisbane. We are starting to see some ambitious plans being put forward to make Brisbane a modern world city, things like the Kurilpa master plan that the member for South Brisbane likes to bleat about that will provide opportunities for Queenslanders to live within walking distance of the CBD. How many other cities are there where a significant population lives within walking distance of the CBD and is able to enjoy the benefits of great facilities such as South Bank, the mall and the Botanic Gardens? They will soon be

complemented by the development of Queen's Wharf, a world-class development on the precinct between Alice Street, William Street, George Street and Queen Street, a world-class development that will be a tourist attraction on its own but it will complement the lifestyle that is available to people here in the CBD of Brisbane.

We will continue to build those four pillars of the economy. We will facilitate development in this state. We will work with every potential investor who wants to come and knock on my door or send an email to my office because we know that there are investors out there looking for the sorts of investment opportunities that Queenslanders want to see here that will provide the jobs and the business opportunities for them, their children and their grandchildren for generations to come.

Burnett Electorate, Natural Disaster Preparedness

Mr BENNETT: My question without notice is to the Deputy Premier and Minister for State Development, Infrastructure and Planning. Can the Deputy Premier please outline how this government is helping to ensure the safety of the people in my electorate as we enter the storm season?

Mr SEENEY: I thank the member for Burnett for the question. It is right and proper that he should be concerned about being prepared for the coming storm, flood and cyclone season. For those not immediately familiar with Queensland geography, the member for Burnett is a neighbour of the member of Callide. Not only is he a neighbour, but also I have often argued that his electorate is wrongly named, because it contains only the mouth of the Burnett River. The main part of the Burnett River—with the exception of a little bit, member for Nanango—is in the electorate of Callide. The floods that devastated the electorate of the member for Burnett and the electorate of the member for Bundaberg back in 2013 originated in the electorate of Callide. They caused considerable damage to my community as well. Those communities are still struggling to recover. I speak of communities such as Gayndah, Mundubbera and Eidsvold. Each year as the chances of such events reoccurring start to rise, it is appropriate that we look at the issue. Therefore, I thank the member for Burnett for the question. I know that he has worked tirelessly to make sure that the people of his electorate are prepared to meet whatever Mother Nature throws at them this summer.

Like all Queenslanders, the people of Burnett have learned the value of being well prepared. They have also learnt the true meaning of resilience in the face of adversity and how important it is to maintain a strong community spirit. Never was that more evident than during the aftermath of the 2011 and 2013 natural disasters that I spoke about. The Bundaberg Regional Council has estimated that its public infrastructure damage bill for those events was approximately \$156 million. In total, the Queensland Reconstruction Authority has provided \$140 million in Natural Disaster Relief and Recovery Arrangements payments to the Bundaberg Regional Council for its 2011 and 2013 restoration programs.

After Cyclone Oswald in 2013, as a government we introduced the Betterment Fund that the Minister for Local Government spoke about earlier. The Burnett electorate has benefitted from that fund through projects such as the Bucca Road improvements, the Miara Road improvements and the Turkey Beach improvements. We have provided well over \$1 million to the Bundaberg Regional Council to construct alternative evacuation routes for 1,100 people who were affected by flooding. Over \$60,000 in funding from the Betterment Fund and the Natural Disaster Resilience Fund has been provided to the Gladstone Regional Council for improvements in the electorate of the member for Burnett. Just as the member for Burnett does, our government will make sure that right across Queensland Queenslanders are prepared for natural disasters.

Skyride

Mr PITT: My question without notice is to the Deputy Premier. I note that the domain name 'goldcoastskyride.com.au' was registered on 16 July 2014, more than four months ago, and 'Gold Coast Skyride' was registered as a business name on 22 August 2014. I table the associated documents.

Tabled paper: Gold Coast Skyride domain name and ASIC searches [[6589](#)].

When did the Deputy Premier and the cabinet first learn of the \$100 million Skyride cable car proposal?

Mr SEENEY: I thank the member for the question. My answer is a very short one. I first heard about the project when the member for Mermaid Beach made a declaration here in the parliament; it was the same declaration that the member for Mulgrave heard. The opposition is really struggling to try to make some sort of an issue out of this when there are so many other issues for the people of Queensland to consider. There are so many other issues that the people of Queensland will consider as they go to the polls early next year, in March, April, May or maybe June, I hope. All of those issues are critically important to the people of Queensland and those issues are consuming every waking moment of this government. How long has it been since the opposition asked a question about jobs in Queensland? How long since we have heard some sensible questions about the economy or even the Treasurer's proposal that we are taking to the people of Queensland, which is a once-in-a-generation opportunity for a government to seek a mandate to address the horrific financial situation that those guys over there created?

Those are the issues that one would think would occupy the time of this parliament. Certainly they are the issues that occupy the people with whom I speak when I go not just into my electorate but into electorates throughout Queensland. Good local members take me into their communities and we meet people and those people want to talk about the important issues that will define the future of Queensland, the issues that will determine whether or not our children and our grandchildren have the lifestyle and the services that they should expect in Queensland. What does the opposition do? They come in here, day after day, and they delve into the smallest items of minutia that they can find. This is a minutia-driven opposition. They have no interest in the big issues that will determine Queensland's fate. They have no interest in challenging the government.

The other day, the Leader of the Opposition proudly stuck out her chest and said, 'We held the government to account.' I thought, 'When was that?' I have never heard the opposition come in here and ask questions about the issues that will be important to the people of Queensland at the next election. At the next election, the people of Queensland will be voting on who has a plan for their future, who has a plan for the future of their families, who has a plan that will create jobs for their grandkids and who has a plan that will ensure that infrastructure is provided so that people can invest in Queensland. Those are the issue that the opposition should be pursuing. Those are the issues that our government will talk about in this parliament. We will talk about jobs, we will talk about the cost of living, we will talk about the future of Queensland and about education and health. We will not talk about the sort of minutia that the opposition is fixated on.

(Time expired)

Cairns Electorate, Natural Disaster Preparedness

Mr KING: My question without notice is to the Minister for Police, Fire and Emergency Services. Can the minister please advise how the Cairns community can feel even safer with the work being done by police, fire and emergency services to ensure families are ready this disaster season?

Mr DEMPSEY: I thank the member for the question and for his dedication to achieving for his community in Far North Queensland. This LNP government certainly has a strong plan for safer communities right across this great state. We have been achieving great results in Far North Queensland, especially in the beautiful tropical city of Cairns. As we enter storm and cyclone season, we must remember that every action the people of Cairns take today can save them heartache and loss in the days and months ahead.

We have delivered on our election commitment to the \$11 million Regional College of Disaster Management that will train the next generation of first responders. It is a nation-leading example of early preparedness and education for disaster management staff and local governments and it is a commitment that those opposite failed to deliver. The regional college has already delivered training to almost 30 students and will be welcoming more in the very near future.

Our strong actions have also achieved improved infrastructure for the men and women of the SES. Earlier this year, along with the members for Cairns and Barron River, I had the pleasure of attending the opening of the brand-new \$1.25 million Cairns SES headquarters. That was an election commitment made and achieved with the help of those local members who have such passion for their communities. The SES headquarters is a vast improvement on the former facility that was simply recycled demountable classrooms.

The headquarters now supports the thousands of residents in Cairns and the hard-working volunteers within the local SES units. I pay tribute to those SES volunteers in Cairns who, during SES Week, were recognised as the region's unit of the year. Their hard work and determination to provide

a safer community in Cairns highlight the importance of volunteers and our emergency services. It is those hardworking volunteers upon whom we may have to call in the storm and cyclone season and we can help them by preparing early; by preparing today.

This government has also delivered a new multimillion dollar police vessel to the Cairns community. The *Perry Irwin*, a police vessel, will be used to patrol the Cairns coast. When not being used during disasters it will be used as a vital rescue and recovery centre as well as a mobile office. It is yet another tool that this government has provided to build community resilience ahead of the disaster season. We will keep working hard to deliver more and better services to keep communities like Cairns safe. It is all part of our strong plan for a brighter future and a safer future for all Queenslanders, not just those in South-East Queensland.

Skyride

Ms TRAD: Thank you—

Mr Johnson interjected.

Mr DEPUTY SPEAKER (Dr Robinson): Order! Member for Gregory, do not interrupt the asking of questions in question time. I call the member for South Brisbane.

Ms TRAD: My question without notice is to the Minister for National Parks, Recreation, Sport and Racing. Will the minister advise the House whether he has had any discussions with the assistant minister to the Premier, the member for Mermaid Beach, regarding the \$100 million Skyride proposal?

Mr DICKSON: I thank the member very much for the question. The answer to her question is no. But what I would like to say is that our government is about protecting and looking after national parks right throughout the state of Queensland. We are the custodian of 12½ million hectares of land, which is greater than the land area of 60 per cent of the countries on this planet. We have 700 rangers who look after that land every single day of the week. We are promoting ecotourism within our national parks, as has been successfully done throughout the rest of the world. This is particularly so in Tasmania. There would be few people who have not been down there and had a look at the great opportunities that are available there. We wish to create jobs in our state.

When those opposite were the custodians of the nearly 12½ million hectares of land they let it be impacted by 2½ million wild cats that eat five species of animal every night of the week. They did nothing. We have put \$7 million into looking after wild pigs that are devouring turtle eggs up and down the east coast of Queensland. Those opposite did nothing about that. The impact of pests and weeds on our national parks is horrendous. Those opposite stood for nothing and did nothing. Our side of politics has a very strong plan for looking after the future of our national parks and forests, and we are going to continue with it. We are working in partnership with the federal government to deliver fantastic—

Opposition members interjected.

Mr DICKSON: I am very pleased to answer the question if—

Madam SPEAKER: Order! Thank you, Minister. Pause the clock! There is too much noise in the chamber. I warn members on my left about their interjections. They are not being taken. I call the minister.

Mr DICKSON: As I was saying, we have plans for our national parks and forests. We have plans to create a very prosperous state for all people who live in Queensland. We are creating a future for people regardless of whether it is in the area of Main Roads, Education or Health. Every one of those components has a great backup plan that is going to deliver great outcomes. We have seen reduced public transport costs and waiting lists cut to the bone—people do not have to wait anymore to be treated in hospital.

Those opposite have a plan for destroying the state of Queensland—driving it into debt and dismay. We have a plan for creating a bright future and creating a foundation where the people of Queensland will look back in 30 years time and say, 'This was the greenest government this state has ever seen.' We are protecting the Great Barrier Reef. We are protecting national parks. We are creating employment for those people who so desperately need it.

Think of the people in the health system who did not get paid, who did not know when they were going to have to go to work, who did not know when they were going to go home; that is what we get from the Labor Party. We are going to give people a bright future with a great income stream and make sure their children have jobs. Those opposite want to bring back their government that destroyed this state—gave us \$80 billion of debt—and left us in dismay.

(Time expired)

Burdekin Electorate, Cyclone Shelter

Mrs MENKENS: My question without notice is to the Minister for Local Government, Community Recovery and Resilience. The Burdekin has been crying out for a cyclone shelter for many years. Can the minister please advise what the Newman government has done to provide this protection for the Burdekin?

Mr CRISAFULLI: It is an excellent question. In order to answer the question we have to go back into the past. Today the Minister for Housing and Public Works spoke about some of the cyclone shelters that were delivered in partnership following a generous donation from the Abu Dhabi government. There was a missing piece to the puzzle. The member for Burdekin knows that all too well.

The Burdekin is a beautiful community and a large community and yet it missed out on the opportunity for a cyclone shelter. The member for Burdekin came to me. We sat down and had a meeting about this. We nussed out a strategy to fund this important piece of infrastructure for that community.

There are different roles in a disaster. I think we have shown over the course of the last couple of years a huge improvement in the way we pick up the pieces after Mother Nature strikes its fury. We have done more mitigation work than we have seen in a generation. But there is another role and that is the role during a disaster.

This is a piece of infrastructure that the member for Burdekin's community was sadly missing. The shelter that was proposed by council and that we will officially unveil on Saturday provides protection for up to 1,000 people in her community from a category 5 cyclone. I pay tribute to the member for Burdekin for the hard work she undertook in advocating for that. Whilst it will primarily be used for cyclones, it is going to be a great community facility. It is more than just something that is going to sit there waiting for a disaster. It is going to be a key piece of infrastructure at the showgrounds. I look forward to seeing it. It is in the area of natural disasters that I am most proud and honoured.

Whilst I pay my respects to the member for Burdekin for her role in her community, I say to the community of the Burdekin that they have an opportunity for the next representative of the Burdekin to follow in the current member for Burdekin's footsteps. He is a man whom I know very well. He is a man by the name of Dale Last. He stood by his community in its hour of need. I saw the work that he undertook as deputy chairman of the disaster management committee in Townsville. He will be a strong voice for that community as the member for Burdekin has been for many years.

The hallmark of our disaster recovery has been encouraging individuals to play a role as well. The message to the community is simple: we will do all we can to mitigate, prepare for and recover from disasters, but individuals have a role to play as well. Time and time again we have heard the community say, 'It does not have to happen to me.' We urge everyone to do the little things to make themselves well prepared. Put their documents in a safe place. Have an evacuation plan. Make sure that they are best prepared to handle the disaster season as the government has improved the way we prepare to protect communities.

GoldLinQ

Dr DOUGLAS: My question is to the Minister for Transport and Main Roads. Gold Coast Mayor, Tom Tate, has publicly stated at a meeting of southern Gold Coast business owners that he had just returned from China negotiating the proposed sale of GoldLinQ—operators of the Gold Coast light rail—to China rail, and I ask: can the minister inform the parliament regarding details of the prospective purchase by China rail of GoldLinQ, the operators of Gold Coast light rail, funded by state taxpayers?

Mr EMERSON: I thank the member for Gaven for the question. In terms of GoldLinQ, they have an ongoing contract with us as part of a PPP to provide services. That contract was signed prior to us coming to office. All those obligations continue in terms of GoldLinQ providing Gold Coast light rail.

Since light rail commenced we have seen strong numbers but not as strong as indicated. The business case first put forward by Labor was a flawed business case. They were forecasting figures of more than 40,000. Each day we are seeing figures of 20,000 at the moment. It is still early days. Clearly that contract is in place, no matter who the owner is, to provide that service. There are very

clear obligations in that contract. The owner, whoever they are, is obliged to provide maintenance, equipment and services on an ongoing basis as part of the agreement signed, as I said, before we came to office. We will keep them in place.

In terms of public transport on the Gold Coast, not just the light rail, I point out that since we have come to office we have increased peak morning and peak afternoon services on the Gold Coast heavy rail line. We have seen a 30 per cent increase in morning peak services and a 40 per cent increase in afternoon peak services. As you know, before we came to office many people on the Gold Coast would have been very much aware, including members on the Gold Coast such as the member for Coomera, who travelled with me on the Gold Coast heavy rail from the Gold Coast to Brisbane, of the 'Bombay Express'. Again, since we have come to office we have worked to increase services on the Gold Coast line—a 30 per cent increase in morning peak services and a 40 per cent increase in afternoon peak services.

All of those travellers on the Gold Coast have also benefited from our historic cut to public transport fares—a five per cent cut state-wide. It is the first time any government in Queensland history has cut public transport fares. That is on top of, of course, the fact that Queensland Rail services are now running the most reliable on-time services ever in their almost 150-year history and are now the most reliable on-time running services of any metro system in—

Dr DOUGLAS: Madam Speaker, I rise to a point of order.

Madam SPEAKER: Pause the clock. What is your point of order?

Dr DOUGLAS: I asked if the minister could provide detail of the prospective—

Madam SPEAKER: What is your point of order?

Dr DOUGLAS: Relevance, Madam Speaker.

Madam SPEAKER: The minister has time on the clock. I remind members when they are putting a point of order to actually put the point of order, not to debate the question they have already asked. I call the minister.

Mr EMERSON: As I was saying, there are extra services on the Gold Coast and Queensland Rail is now the most reliable metro rail system in Australia. Since coming to office, not just in terms of rail but also in terms of public buses, we have put on an additional 3,000 bus and train weekly services. So we have dealt with the mess left to us by Labor in terms of fares, made services more reliable and also put more services on across public transport.

(Time expired)

Criminal Motorcycle Gangs

Mr MOLHOEK: My question without notice is to the Attorney-General and Minister for Justice. I refer to the government's efforts to curb the scourge of criminal bkie gangs in Queensland, and I ask: is the Attorney-General able to advise of any recent developments that will assist to make this state an even safer place for all Queenslanders?

Mr BLEIJIE: I thank the member for the question and his strong support in being part of a strong team with a strong plan for a stronger Queensland, particularly at Southport and for all the Gold Coast members. I am pleased to advise the House that on Friday, 14 November the High Court rejected a challenge to the Newman government's anti-criminal gang laws. The High Court's decision to uphold the government's strong, fair and effective laws is a win for all Queenslanders.

Under the Labor Party organised crime was allowed to flourish. Criminal gangs were provided with police escorts to major events and not one organisation was declared a criminal organisation under Labor's failed Criminal Organisation Act. I invite members to compare, of course, the government's response to organised crime to that of the Labor Party. This government saw that there was a problem. We implemented a package of legislation aimed at ensuring that it is no longer beneficial to be part of a criminal gang in this state.

We introduced some of the strongest laws in the country. Gang members are now banned from gathering in groups, attending specific locations, wearing club colours at licensed venues and owning, operating or working in various occupational industries. The court unanimously found the Liquor Act provisions are not unconstitutional and by majority found that the new offence provisions, including the anti-association provisions, do not infringe the Australian Constitution.

The government's anti-criminal laws have already had a significant impact in Queensland. I think the *Courier-Mail* editorial published on 15 November sums it up perfectly. It states—

The gangs who once believed they were a law unto themselves—opening fire on rivals in suburban streets and shopping malls, or rioting through the streets of the Gold Coast and laying siege to a police station—have now mostly shed their colours or gone elsewhere. For ordinary Queenslanders the only impact of the VLAD laws has been to largely clean our streets of unwanted, unsavoury and often violent gang members.

Detective Mick Niland, the head of Task Force Maxima, said on 28 July 2014 that between 2007 and 2012 there had been an increase in criminal gang membership across the country. He said that in Queensland since the introduction of the new laws there has been no increase and the gangs have been stopped dead in their tracks. As the Premier announced on the weekend, there have been major reductions in crime. But let the articles speak for themselves.

We had the bikie shooting victim Kathy Devitt come forward some time ago and urged the government to keep the fight up for the sake of the community. I table a copy of that.

Another article on 15 November talks about how bikies rode roughshod over citizens. I table a *Sunday Mail* article on 16 November, 'Victory for justice'.

A letter from the Office of the Mayor of the Gold Coast states—

Those who oppose these important reforms—

that is, the Labor Party—

should concern themselves with results rather than indulging the fear campaign ...

I table a copy of that.

Tabled paper: Letter, dated 5 March 2014, from the Gold Coast Mayor, Mr Tom Tate, to the Premier, Hon. Campbell Newman, acknowledging the organised crime reforms [\[6590\]](#).

'Court challenge could sink bikie gains'—I table a copy. 'Parties now level pegging: Labor closes gap but bikie laws help LNP'—I table a copy. 'New laws put brakes on crime'—I table a copy. 'Criminal reforms pay off: top cop'—I table a copy. 'Bikies down, Gold Coast real estate up'—I table a copy. 'Reclaiming the streets'—I table a copy.

Tabled paper: Bundle of media articles relating to bikie laws and organised crime [\[6591\]](#).

All Queenslanders support these laws; the Labor Party oppose these laws. They are going to roll out the red carpet for bikie gangs in this state.

(Time expired)

India, Coal

Mr WELLINGTON: My question is to the Deputy Premier. I am informed that the Indian energy minister Goyal stated earlier this month that India aims to cease expensive thermal coal imports within two to three years, and I ask: will the Deputy Premier table any correspondence between Indian Prime Minister Modi and the Queensland government confirming the assertion that the Indian government wants our coal for the next 60 years?

Mr SEENEY: I thank the honourable member for the question. I am unaware of the report to which he refers. However, it does give me an opportunity to make some pertinent comments on what is a major issue for the people of Queensland and probably an issue that the opposition should have been asking questions about this week. I would reflect on my answer to a previous question in that they do not choose to do that.

There is no doubt that emerging nations such as India and China will have a huge demand for resources of all types in the years ahead. When you look at the demographic situation in those countries and look at the numbers of people who are moving from extreme poverty—the sort of poverty that Australians thankfully cannot even begin to imagine—to a more appropriate and a more middle-class lifestyle, if you like, when you look at the numbers of people who are thankfully making that transition, there will be a huge demand for resources of all sorts.

There will be a huge demand for energy resources. Queensland is in the lucky position to be able to supply those energy resources to the world. That is a great thing for Queensland. It is a great thing for Queensland because it provides us with an opportunity for jobs and business opportunities for now and for as far into the future as we can see. But it is also, I would suggest to you, Madam Speaker, a great thing to do. It is a great thing for us to do as a community—to provide the energy resources to 400 million people in India who currently live without electricity and to be able to do that

in a world's best practice way: to be able to provide the best coal in the world, mined in the best mines in the world using the best mining regulation in the world, to ensure that 400 million people have access to the sorts of lifestyles that we take for granted, to have access to light and power, to have access to another fuel to cook their food other than wood or animal waste.

What is being talked about in terms of developing the Galilee Basin will be a great thing for Queensland. It will be a great thing for all of those people who will have an opportunity to get one of those 28,000 jobs that will become available in the Galilee Basin. But it will also be a great thing for millions of people around the world as they get access to the energy that they need. It will complement the LNG that Queensland will begin to export early in the new year—another great energy source for the world. There will be other energy sources that will emerge, but there is no doubt that anyone who takes a realistic view of the energy requirements of the world for as far as we can see can see that there is a great opportunity for Queensland coal.

National Disaster Preparedness

Mr COSTIGAN: My question without notice is to the Minister for National Parks, Recreation, Sport and Racing. Can the minister please inform the House how the Queensland Parks and Wildlife Service is working on disaster season preparedness for our national parks and protected area estate to safeguard natural heritage, communities and tourism opportunities?

Mr DICKSON: I thank the member for Whitsunday for the question. I wish to reassure the House that my department is well prepared and has planned ahead for the upcoming storm season. The prediction for the storm season is that we will have less than average cyclones, an elevated risk of fire because of below-average rainfall, an elevated risk of heatwave and a near-average storm season. Our regional skilled staff are ready.

We have some 500 rangers capable of responding to wildfires and nearly 200 light-attack fire units. The Queensland Parks and Wildlife Service also maintains the existing network of strategic fire control lines across our parks and forests to facilitate planned burning and assist in wildlife suppression. Our rangers and other staff maintain a high level of competencies and, most importantly, we work closely at both the district and local levels with local governments and communities.

Overall, we are spending \$6.7 million in the 2014-15 financial year on fire management activities and other hazard preparations. This year the Queensland Parks and Wildlife Service rangers have already completed 336 planned burns across our state, covering an area of 669,858 hectares. Planned burns serve multiple purposes, but the Queensland Parks and Wildlife Service places particular emphasis on hazard reduction. We are proactive in fire prevention and public safety, and implement fire restrictions and park closures where conditions make this necessary.

When our national parks and other protected areas get impacted, we have arrangements in place to alert visitors and campers. There are locations where we have to seasonally close some areas due to prevailing conditions. In the Whitsundays we have island evacuation plans for campers. This is particularly important in the Capricorn and Bunker group of islands where the remoteness and the low-lying nature of these islands dictate that we take early action to protect campers prior to any cyclones approaching.

In the Mackay area our staff are formally part of the district disaster management group and they have cyclone contingency plans in place. My department works closely with our partner agencies in disaster management and is formally represented on a number of disaster management groups across regional Queensland. In short, our rangers and staff are prepared for the upcoming storm season, we know the predictions and we are ready.

The LNP has a strong team with a strong plan for a strong Queensland. While I am on my feet, I would like to promote a calendar that I have put on everybody's table today. Our rangers have taken these individuals photos so that all members can promote our national parks and wildlife. I do wish you all a very merry Christmas.

Galilee Basin, Jobs

Mr KATTER: My question without notice is to the Deputy Premier. Recent media statements by the government indicate that the development in the Galilee Basin will create 25,000 new jobs. Given that our underutilisation rate in Queensland is now an alarming 15.3 per cent, will the Deputy Premier guarantee that all of these jobs will be reserved exclusively for Australian workers?

Mr SEENEY: I thank the honourable member for the question. Once again, like so many of the questions he asks in this place, I am not sure that it makes a lot of sense. The underutilisation rate he referred to is not a term that I am familiar with. It is 28,000 jobs, too, I suggest to the member. 28,000 jobs is the number that our state economists who work in my department have projected will be created from projects such as the opening up of the Galilee Basin. 28,000 is the number that we are using. The companies themselves have a much higher figure, but as mining companies do they sometimes have difficulty in justifying them. If we add up all of the job projections of the companies themselves, it comes to about 36,000 or 37,000 jobs.

Irrespective of what the number is, it is a big number and it will have a big impact on the employment opportunities for people in Queensland. It will present a huge opportunity for the workforce that is currently employed on the CSG-LNG projects that are rapidly nearing completion on Curtis Island. That huge workforce will hopefully have an opportunity in the first half of next year to transition to a similar size construction job as we build the infrastructure that is necessary to bring what is a greenfields coal basin into the world market, to build 350- and 400-kilometre links of railway line from Abbot Point to the coalfields, to build the infrastructure that is required in the Galilee Basin where there is no infrastructure at the moment—a very isolated part of the northern part of Central Queensland—and to build a new port that is required at Abbot Point. It will require a large workforce—the sort of workforce that is currently completing a big construction task in Central Queensland for the LNG plants.

If we look at that workforce in Central Queensland, they have come from all over the world to work here. They have come from all over Australia to work in that workforce, to build the infrastructure that will be necessary to export LNG—the energy that the world needs. So it will be with any major construction task anywhere in the world that people will see the opportunities and they will come and vie for those jobs.

I would suggest to the member that it is not just the jobs that are involved in construction; it is the jobs that will go on. These mines have a life span of 60, 80 to 100 years. It is like the re-creation of the Bowen Basin. The sorts of developments we saw in the Bowen Basin in the fifties and sixties will be repeated again in the Galilee Basin to provide opportunities for their kids and their grandkids.

(Time expired)

Ipswich West Electorate, Ambulance Service

Mr CHOAT: My question without notice is to the Minister for Health. I refer to the can-do government's targeted investment and strong plans for front-line health services, and I ask: can the minister outline if there are any plans by the LNP government to expand front-line ambulance services specifically in the electorate of Ipswich West?

Mr SPRINGBORG: I thank the honourable member for Ipswich West for his question. I also thank him for his very strong and vociferous advocacy on behalf of his constituents. Many members of his community are very appreciative of that. In June of this year I had the opportunity to visit with the honourable member the ambulance station at Rosewood. I know he was very involved in the community in pushing for the new electronic bulletin board to go above the ambulance station which carries very important information for the local ambulance committee, other important community information and very important warning information for communities if there is a potential natural disaster event or impending bad weather. I want to thank the member and his community for that wonderful initiative.

We are improving front-line services in Queensland. In my portfolio with regard to hospitals and the QAS, there have been significant improvements. Indeed, this year it is our plan to appoint an additional 100 QAS officers throughout Queensland and 155 new vehicles. Already members across this state have seen the benefit from that.

The honourable member for Ipswich West has been a very strong and firm advocate with regard to the need to expand the ambulance presence in the Lowood community. This particular community is not currently served by a 24-hour station, but it is served by nine very hardworking QAS officers. The good news for the honourable member is that as of 1 December this will expand to a 24-hour station and take on an additional five paramedics. So it will go from nine to 14. The honourable member, through his advocacy and the advocacy of his community, will be better served by having that particular presence. I would like to thank him very much for that.

It is also important to reflect upon the work which has currently been done by those hardworking QAS officers and paramedics in that area. In the financial year 2013-14 there were 2,864 incidents. From 1 July this year, there were 1,086 incidents. That part of the world is a very fast growing part of the world. With that population increase comes a service increase. With that desire for that service increase, the Newman government has heard the clarion call from the community of Lowood enunciated very clearly by their local member and we will be expanding that service to a 24/7 service as of 1 December.

(Time expired)

Gladstone State Development Area, Leases

Mrs CUNNINGHAM: My question without notice is to the Deputy Premier and Minister for Infrastructure and Planning. A great deal of concern has been expressed in relation to a proposal to swap leases in the Gladstone state development area. Mr Darcy Ward, who leased 6,500 acres, was to be given Mr Stephen Busby's lease of 400 acres, with Mr Busby taking over the much larger lease. Will the minister update the House in relation to his investigation into this concerning proposal?

Mr SEENEY: I thank the member for Gladstone for the question because it is a good question. The member for Gladstone referred to it as a concerning proposal, and can I say at the outset that I have found it to be a very concerning proposition that has been reported in the media. When this issue was brought to my attention, I actually commissioned two investigations into how the situation had arisen. It is important to understand that these are commercial leases. They are not the sorts of leases that the Minister for Natural Resources and Mines and I are more typically dealing with. They are not the sorts of pastoral leases or Land Act leases, if you like; these are commercial leases.

To give the member the full understanding of the picture that I have been able to ascertain since I started to look at this issue, I can say that the situation was that there were a number of these leases that had been entered into by the previous government—a larger number of small leases that had a large administrative task around them. The Office of the Coordinator-General is the responsible office, and they took the decision to amalgamate some of those leases, to bring them together to make them more commercially viable and to lessen the administration task that those leases presented to those officers who had to administer the state development area in Gladstone. So that is the background.

That task was undertaken and the leases were put together into what were considered to be commercial packages. The packages of leases were then taken to the market in a tender process, and the existing lessees and people who were not existing lessees had an opportunity to tender. The outcome that came out of that was the result of a tender process. There was concern expressed to me about the way that tender process was conducted, and that is one of the investigations that is ongoing and that I am certainly looking at.

What I have said to the people who are involved is that there will be no action taken until those investigations are complete and until I have a full understanding of the situation, but I am convinced that what we have is the outcome of a proper tender process. Whether or not that was the best thing to do in hindsight is a different argument, but the tender process was conducted and the tender process, like all tender processes, pleases some people and displeases other people. The investigations are ongoing and I will not take any action until they are completed.

(Time expired)

Townsville Electorate, Natural Disaster Preparedness

Mr HATHAWAY: My question without notice is to the Minister for Police, Fire and Emergency Services. Can the minister please detail the actions being undertaken in his portfolio to ensure Townsville residents are prepared for the upcoming summer disaster season?

Mr DEMPSEY: I thank the member for Townsville for his question and his commitment to achieving safer streets right across his great electorate. This can-do LNP government has a strong plan for safer communities right across his electorate and the whole of North Queensland. With more uncertainty facing the rest of Australia and the rest of the world, we need to make sure Queensland stays on track to secure that bright future. Queensland is no stranger to experiencing the worst of summer and wild weather, and that is why this government is committed to preparing communities. This government is providing cutting-edge technology to our fire and emergency services and the North Queensland community to keep them even safer.

Earlier this year, I was in Townsville during Tropical Cyclone Ita working closely with the local disaster management staff as they coordinated their response. I was certainly impressed by the dedication these men and women had for their North Queensland communities. It was also the first opportunity that this government had to test our new SES app, which allows people to report incidents via their iPhone. This is progress in technology that those opposite failed to explore but that this strong LNP team is achieving. This app is a major step forward in freeing up operators, saving on average 800 minutes of manual data entry every time a summer storm hits. The app now means if someone in North Ward needs assistance from the SES their request will go directly to volunteers on the ground.

Our strong team is committed to providing the right training and resources to our front-line emergency services and volunteers, and we certainly are achieving. Just last month, we saw the commencement of a PCYC emergency services cadet group on Palm Island. This is a positive program empowering young volunteers to take responsibility and build their skills so that they can benefit not only themselves but their communities in times of need. We have also delivered a new multimillion-dollar police vessel to the Townsville community. The *Brett Irwin* will be used in policing duties and as a forward command post in times of disaster, building Townsville's resilience ahead of the disaster season. This is yet another example of our commitment to revitalising front-line services and volunteers so that North Queensland families will have a brighter, safer and stronger future not just now but for many generations to come.

I also want to reiterate the member for Townsville's support for his community. His past experience in his military career has been of substantial benefit to those local district and regional resources in their times of need. In disasters where seconds can mean the difference between life and death, to have local leaders with that experience and professionalism certainly helps to provide a safe and secure community.

(Time expired)

Public Transport, Go Cards

Mr JUDGE: My question without notice is to the Minister for Transport and Main Roads. At the beginning of 2014, Transport and Main Roads was informed that many commuters struggled to access a go card top-up facility at Moorooka because the nearest facility was at the train station which is approximately 1.7 kilometres away from the Moorooka shopping precinct and bus stops. It was affirmed that TransLink would address the situation. So I ask: knowing this information in advance, why was a new go card top-up facility subsequently installed at the 7-Eleven service station, which is approximately 1.73 kilometres away from the Moorooka shopping precinct and bus stops where it is needed most to service commuters and especially those who struggle with mobility?

Madam SPEAKER: That is a long preamble but I am going to allow it. I call the Minister for Transport and Main Roads.

Mr EMERSON: I will not trouble the House to ask the member to repeat the question or we will run out of time. I thank the member for the question. Obviously, we always want to make access to our go cards as easy as possible. As the member knows, this year for the first time since 2010 we have seen the number of people using public transport in Queensland increase since Labor started those 15 per cent fare increases in 2010—a policy that we have ended. As I have already mentioned today, it was an historic decision to cut public transport fares—it happened for the first time in Queensland's history across the state.

In terms of go card access, the member may be aware—and I am happy to point him to our ministerial statements and media releases—that we have new technology in terms of getting more go cards into 7-Elevens. They have actually changed their system. The old system involved go card specific machinery being put into 7-Elevens. As part of a contract they have won, they have actually put in new technology which has allowed us to adapt current EFTPOS equipment in those facilities at 7-Elevens to provide expanded services for go card access. Some of those machines that were already in 7-Elevens have been moved out into other areas. I am always seeing more demand for go card machines and I do try to provide that, but there are limited resources and a limited capacity to do that. I will always try to work with local members to do the best we can, but I am sure the member realises, as others do as well, that there is only so much that can go around.

Importantly, we are trying to do our best for public transport, as I have mentioned already. We have put on 3,000 additional weekly bus and train services since coming to office. In terms of Queensland Rail, it is now the most reliable public transport rail metro system in Australia, which is a

great benefit to public transport users. We need to applaud the efforts of Queensland Rail in working hard to increase the availability and reliability of those services. As I said, we have more frequent services and more reliable services.

Again, I point back, most importantly, to our work in terms of fares. I can give the member for Yeerongpilly this very strong pledge that we will not be going back to the bad old days, the dark, dim days where we saw Labor increasing fares by 15 per cent year after year after year after year, a policy that was imposed and endorsed by the now Leader of the Opposition when she was transport minister, a policy that she backed in government and that she will keep backing because that is Labor's record on public transport.

Roma and St George, Natural Disaster Preparedness

Mr HOBBS: My question without notice is to the Minister for Local Government, Community Recovery and Resilience. The communities of Roma and St George have been smashed by flooding over the last few years. Can the minister advise what steps the government has taken to protect those communities?

Mr CRISAFULLI: I thank the member for Warrego for what is an excellent question and a question that is near and dear to his heart. The member for Warrego knows all too well the extent of the disasters that have hit the communities of Roma and St George. That is because he has been on the ground and he has seen what they have done—not just the damage to property but the damage to the souls of the people who run businesses and have homes in those beautiful towns. In some cases the level of flooding was such that some individuals saw their premiums go up to unsustainable levels and others could no longer get insurance; they were simply told that they were not able to have their properties protected.

So we embarked on a proposal to build levee banks. Honourable members might ask, 'Why was something like this not done before?' It is because when it comes to building infrastructure like that, you need a little bit of ticker, the kind of ticker that the member for Warrego has. Whenever you build a levee bank, there will always be those who support it and those who do not. There are winners and there are losers, but good government is about planning; it is about making sure you do what is right for the majority. In the case of both of these projects, there was significant community opposition; I acknowledge that. There were protesters the day we turned up in St George to announce funding, there were protestors when we went and inspected it and there were protestors the day we opened it. But it is right and proper. I acknowledge Mayor Donna Stewart for the leadership and courage she showed in embarking on that project.

The levee in Roma is a little over five kilometres long. It protects over 480 homes from a one-in-1,000-years flood. In St George the levee is 2.6 kilometres and is a mixture of earth and block. It is a town that has flooded over 40 times in the last 120 years and the project is one that I know will deliver immense benefits.

We will never flood proof a state like Queensland, but that does not mean that we cannot do better. In recent years the approach was taken that it was just all too difficult. That all changed a couple of years ago. Piece by piece, community by community, we have seen these projects undertaken—little things like a backflow prevention device in Milton that will protect that beautiful little community, the drainage program that is underway in Howitt Street in the electorate of the member for Townsville, the levee project at Moody Creek in Cairns is underway, and in Mermaid Beach there are projects in Seagull Avenue and Markeri Street.

We know that it is not easy. We know that good government is about having ticker and we know that we will never flood proof a state like Queensland, but we have a passion to do a lot better. Together, we have a vision to ensure that Queensland is the most disaster resilient state in the nation.

Madam SPEAKER: The time for questions has expired.


SPEAKER'S STATEMENT

School Group Tours

Madam SPEAKER: I wish to acknowledge schools visiting today: Park Ridge State School from the electorate of Logan and Mother Teresa Primary School from the electorate of Coomera.

REVENUE AND OTHER LEGISLATION AMENDMENT BILL

Introduction

 **Hon. TJ NICHOLLS** (Clayfield—LNP) (Treasurer and Minister for Trade) (3.43 pm): I present a bill for an act to amend the Duties Act 2001, the Financial Accountability Act 2009, the First Home Owner Grant Act 2000, the Payroll Tax Act 1971, the Queensland Competition Authority Act 1997, the Taxation Administration Act 2001 and the Water Act 2000 for particular purposes, to repeal the Occupational Licensing National Law (Queensland) Act 2010 and to make consequential and minor amendments to the acts mentioned in schedule 1. I table the bill and the explanatory notes. I nominate the Finance and Administration Committee to consider the bill.

Tabled paper: Revenue and Other Legislation Amendment Bill 2014 [\[6592\]](#).

Tabled paper: Revenue and Other Legislation Amendment Bill 2014, explanatory notes [\[6593\]](#).

This bill delivers a package of amendments to the Duties Act 2001 and the Taxation Administration Act 2001 which adapt the Queensland transfer duty framework for electronic conveyancing—e-conveyancing. E-conveyancing for land is a COAG initiative that provides a new way of settling qualifying land transactions through a shared electronic workspace rather than attending a physical settlement. Not only are the details of the financial settlement arranged electronically, but the transfer document is created and digitally signed and the transfer forms lodged with the Registrar of Titles, all within the electronic environment.

Mr Deputy Speaker, I appreciate that not everyone will have an interest in this, but it may help if we have a little more quiet in the chamber.

Mr DEPUTY SPEAKER (Mr Krause): Order! Members, can you continue your conversations outside the chamber, please? Treasurer, you have the call.

Mr NICHOLLS: The electronic conveyancing process differs from conventional conveyancing in a number of respects which require adjustments for transfer duty. This includes allowing duty to be accounted for as part of the settlement and electronic application of the endorsement. The amendments adapt to the innovations of electronic conveyancing while protecting the revenue, which is essential to supporting the needs of our growing and changing state. In these amendments, the scope of transactions for which duty endorsement through electronic conveyancing will be permitted is limited to cottage conveyance type transactions. However, this scope is expected to make electronic conveyancing available for the majority of transfers of land by volume.

Another taxpayer beneficial amendment in this bill is the enactment of concessional treatment for agreements for the transfer of exploration authorities under certain farm-in agreements in the resource sector. This relief was first announced as part of the 2012-13 state budget, with industry consultation then undertaken to develop the scope and design of the relief. The concession assists in the exploration and development of exploration authorities in Queensland by taking into account the speculative nature of such activity as part of the duty assessment framework. To date, the relief has been provided for under an administrative arrangement. However, these amendments give the additional certainty and clarity for taxpayers by inclusion of the concession in the Duties Act 2001. While criteria specify those farm-in agreements that are eligible for the concession, it is anticipated that relief will be provided for the types of farm-in agreements most commonly employed.

Where applicable, the farm-in concession delays the assessment of elements of consideration under a farm-in agreement—normally assessable at the time the agreement is entered—until certain contingencies related to transfers under the agreement occur. It also provides special beneficial rules for determining dutiable value, excluding exploration amounts payable by the farmee. As with any concession, appropriate conditions ensure the benefit of the concession is only available to those transactions for which it is intended. A number of the amendments support administration of the concession.

The Taxation Administration Act 2001 will also be amended to provide for fairer treatment of taxpayers where the commissioner makes a decision upholding their objection to a tax assessment. Where such a decision results in a reassessment and the taxpayer consequently becomes entitled to a refund of amounts paid to the commissioner for the assessment, the commissioner will be required to pay interest on the refund amount. In effect, the government will return interest on the amount paid to the taxpayer. These amendments recognise that some objections involve lengthy periods for the commissioner to reach a decision due to complex facts and issues and that payment of interest on successful objections is fair in those circumstances. The amendments also bring Queensland into line with similar relief provided in other jurisdictions.

A number of other amendments to state revenue laws made by the bill are beneficial to taxpayers or grant applicants as they newly provide, extend or clarify an existing exemption, concession or other benefit. Other revenue amendments either clarify the operation of, or correct an anomaly in, the legislation. A final amendment is necessary to protect revenue.

The bill also amends the Financial Accountability Act 2009, otherwise known as the FA Act. As members are aware, the FA Act provides for accountability in the administration of the state's finances and for the financial administration of departments and statutory bodies. The amendments to the FA Act are required so the legislation reflects modern financial management practices and to streamline certain procedural matters. The member for Mermaid Beach is well acquainted with the FA Act.

Specifically, the amendments will:

- increase the number of administrative powers that the Treasurer is able to delegate to officers within Queensland Treasury and Trade and the Queensland Treasury Corporation;
- clarify the ability of the Treasurer to enter into derivative transactions on behalf of the state and when this is appropriate;
- allow a non-public servant to be a department's head of internal audit;
- clarify that a department does not enter into a derivative transaction if it merely takes over the administration of a derivative transaction;
- allow the Treasurer to direct which department and minister is to undertake the reporting and monitoring, respectively, of derivative transactions; and
- specify the requirements when ownership of a company moves between departments.

Amendments to the Queensland Competition Authority Act 1997 (QCA Act) are also included in the bill. As well as protecting the interests of consumers, a robust and modern economic regulatory policy framework is the key to the promotion of economic growth and productivity. Giving effect to some of the recommendations from the Queensland Commission of Audit, amendments to the QCA Act ensure a modern economic regulatory regime that keeps step with changes in the provision of monopoly type goods and services.

A new name for the state's regulator will reflect its changing role and functions. The Queensland Competition Authority will be renamed as the Queensland Independent Pricing and Productivity Authority (QIPPA). QIPPA will have new price-setting powers in situations where monopoly businesses are exploiting their market power. It will also provide a new productivity review function where it can investigate productivity related matters with a view to promoting growth and efficiencies in the Queensland economy. Finally, with an increase in contestability in the provision of government provided goods and services into new markets, the bill will increase the scope, independence and transparency of the competitive neutrality complaints handling process.

Finally, Mr Deputy Speaker, the bill will repeal the Occupational Licensing National Law (Queensland) Act 2010, which has become a redundant piece of legislation. The National Occupational Licensing System (NOLS) has been discontinued by the Council of Australian Governments. Mutual recognition of occupational licences between the states will continue. The Commonwealth government is currently in the process of coordinating the first round of updates for mutual recognition arrangements between states. The Council for the Australian Federation is also examining ways to improve on this process.

First Reading

Hon. TJ NICHOLLS (Clayfield—LNP) (Treasurer and Minister for Trade) (3.52 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.

Referral to the Finance and Administration Committee

Mr DEPUTY SPEAKER (Mr Krause): Order! In accordance with standing order 131, the bill is now referred to the Finance and Administration Committee.

Portfolio Committee, Reporting Date

Hon. TJ NICHOLLS (Clayfield—LNP) (Treasurer and Minister for Trade) (3.52 pm), by leave, without notice: I move—


That under the provisions of standing order 136 the Finance and Administration Committee report to the House on the Revenue and Other Legislation Amendment Bill by 2 February 2015.

Question put—That the motion be agreed to.

Motion agreed to.

JUSTICE AND OTHER LEGISLATION AMENDMENT BILL

Introduction

 **Hon. JP BLEIJIE** (Kawana—LNP) (Attorney-General and Minister for Justice) (3.52 pm): I present a bill for an act to amend the Aboriginal and Torres Strait Islander Communities (Justice, Land and Other Matters) Act 1984, Acts Interpretation Act 1954, Anti-Discrimination Act 1991, Appeal Costs Fund Act 1973, Births, Deaths and Marriages Registration Act 2003, Civil Liability Act 2003, Civil Proceedings Act 2011, Coroners Act 2003, Corporations (Administrative Actions) Act 2001, Corrective Services Act 2006, Court Funds Act 1973, Criminal Code, Criminal Proceeds Confiscation Act 2002, Drugs Misuse Act 1986, Electoral Act 1992, Evidence Act 1977, Industrial Relations Act 1999, Justices Act 1886, Legal Profession Act 2007, Magistrates Courts Act 1921, Penalties and Sentences Act 1992, Professional Standards Act 2004, Property Law Act 1974, Public Guardian Act 2014, Queensland Civil and Administrative Tribunal Act 2009, Recording of Evidence Act 1962, Referendums Act 1997, Supreme Court Library Act 1968, Telecommunications Interception Act 2009, Tourism and Events Queensland Act 2012, Trusts Act 1973 and Vexatious Proceedings Act 2005 for particular purposes, and to repeal the Companies (Acquisition of Shares) (Application of Laws) Act 1981, Companies and Securities (Interpretation and Miscellaneous Provisions) (Application of Laws) Act 1981, Companies (Application of Laws) Act 1981, Futures Industry (Application of Laws) Act 1986, and Securities Industry (Application of Laws) Act 1981.

I table the bill and explanatory notes. I nominate the Legal Affairs and Community Safety Committee to consider the bill.

Tabled paper: Justice and Other Legislation Amendment Bill 2014 [\[6594\]](#).

Tabled paper: Justice and Other Legislation Amendment Bill 2014, explanatory notes [\[6595\]](#).

Mr Deputy Speaker, I am pleased to introduce the Justice and Other Legislation Amendment Bill 2014. The bill makes miscellaneous amendments to over 30 acts within the portfolio responsibilities of the Attorney-General. Making amendments in this way ensures that legislation within the justice portfolio is kept up to date and meets contemporary practice, while not overburdening the parliament with multiple bills for what can sometimes be relatively technical matters. The bill also includes an amendment to the Tourism and Events Queensland Act 2012, which is within the portfolio responsibilities of the Minister for Tourism, Major Events, Small Business and the Commonwealth Games. I will outline some of the amendments included in the bill.

The bill strengthens and improves provisions concerning the administration of coronial and civil proceedings in the courts. The bill amends the Coroners Act 2003 to provide that a coroner must not commence or must adjourn a coronial inquest if a person has been charged with an indictable offence in which the question of whether the accused caused the death may be in issue. The coronial investigation may only commence or resume when the proceeding for the indictable offence ends. This amendment will improve the timeliness of coronial inquiries where an accused has been charged with a summary offence in which the question of whether the accused caused the death is in issue and the offence charged is relevant to the coronial inquiry. I thank the Garrels family for advocating for such change.

The bill amends the Civil Proceedings Act 2011 by inserting a new part 13A, which establishes a statutory regime for the conduct of representative proceedings, commonly called class actions, in Queensland's Supreme Court. The regime is modelled on part IVA of the Federal Court of Australia Act 1976 (Cth), part 10 of the Civil Procedure Act 2005 (NSW) and part 4A of the Supreme Court Act 1986 (Vic). The amendments will address limitations in Queensland's current rule based regime for representative actions in the Uniform Civil Procedure Rules 1999 (Rules 75-77) and provide improved procedural certainty and efficiency in resolving disputes involving multiple claims.

The Vexatious Proceedings Act 2005 is amended to enable the Supreme Court to dismiss on the papers applications by vexatious litigants for leave to initiate proceedings. Enabling the court to decide these applications without an oral hearing will allow for a more efficient use of court resources.

The bill amends the Appeal Costs Fund Act 1973 to expand the circumstances in which a person is entitled to payment from the fund because a new trial is ordered to include where an appeal succeeds on the ground that there was a miscarriage of justice. The act is further amended to clarify that the costs that are recoverable from the fund are those costs that the board considers have been thrown away or partly thrown away and were reasonably incurred in the initial proceedings.

The bill amends the Civil Liability Act 2003 to broaden the circumstances where a person who suffers harm while committing an indictable offence will not be awarded damages in an action for negligence or other breach of duty. The amendments will strengthen and provide greater certainty in the operation of the current exclusion and are aimed at ensuring that criminals who commit serious offences cannot benefit from their criminal conduct and home owners will not be held responsible for those actions of the criminals. The bill strengthens penalties and sentences for certain offenders and streamlines certain processes in criminal hearings.

Section 236 of the Criminal Code is amended to increase the maximum penalty from two to five years imprisonment for the offence of misconduct with regard to corpses. The increased penalty recognises that when a deceased's body is mistreated it can cause substantial further distress to the deceased's family and may destroy, weaken or contaminate any evidence the body may reveal in terms of the cause of death or the identity of the killer.

The Penalties and Sentences Act 1992 is amended to provide that, when sentencing an offender for the offence of supplying a dangerous drug, the court must treat a resulting death as an aggravating factor. The amendment recognises the inherent dangerousness in the act of supplying a dangerous drug to another and recognises the need for community protection from illicit drugs and that drug suppliers should take moral responsibility for contributing to the death of another person as a consequence of their illicit conduct.

The bill amends the Criminal Proceeds Confiscation Act 2002 to ensure that all dealings with property that breach Supreme Court orders made under the Confiscation Act are voided and penalised appropriately.

The bill amends section 128 of the Drugs Misuse Act 1986 which provides for the use of drug analyst certificates to accommodate current scientific and operational practices of analysis where some elements of examinations may be conducted by an assistant rather than an analyst or may be an automated process. The amendment does not prevent a party to the hearing from challenging the information contained in the certificate.

The Recording of Evidence Act 1962 is amended to permit the destruction of recordings of Magistrates Court proceedings after the retention period authorised by the archivist under the Public Records Act 2002.

The bill introduces a new offence into the Corrective Services Act 2006 that prohibits prisoners from sending inappropriate and unwanted correspondence to victims. This will operate so that it is an offence for a prisoner to send, or attempt to send, correspondence to a victim when the prisoner knows, or ought reasonably to know, that the correspondence contains material that is distressing or traumatic for the victim. A maximum penalty of six months imprisonment will apply. The purpose of this offence is to strengthen protections for victims.

On that note, I thank the member for Maryborough for joining me this morning at the Maryborough correctional centre. I thank all correctional centre staff right around Queensland for the job they do in very tough situations and environments, behind the barbed wire at our correctional facilities. I take my hat off to all of the men and women who work for Queensland Corrective Services for the great job they are doing in making sure Queenslanders are safe from these perpetrators. I thank the member for Maryborough for having me in her electorate this morning as we toured the facility and talked to the staff.

The bill also includes a number of amendments that are aimed at reducing red tape, renewing the public sector and reducing the regulatory burden. The bill simplifies the public notification process for appointments to community justice groups under the Aboriginal and Torres Strait Islander Communities (Justice, Land and Other Matters) Act 1984 by replacing the requirement to gazette the appointment and revocation of appointment of community justice group members with a requirement

to publish these appointments and revocations on the Queensland Courts website. The Acts Interpretation Act 1954 is amended to allow for approved forms to be notified by publication on appropriate websites instead of in the *Government Gazette*.

Amendments to the Births, Deaths and Marriages Registration Act 2003 will deliver business efficiencies for the Registry of Births, Deaths and Marriages and support better services by: establishing electronic lodgement as the required means of lodgement for birth notices by hospitals and death registration applications by funeral directors, with limited exceptions; clarifying the ability of individuals and entities to apply for and receive information electronically; and giving digitised copies of source documents relating to the registration of a life event the same legal status as the original paper versions.

The process to apply to be an electoral visitor voter under the Electoral Act 1992 is also simplified. A person will now only be required to apply to be an electoral visitor voter, removing the requirement for a signed written request.

The bill also repeals five redundant companies acts—namely, the Companies (Acquisition of Shares) (Application of Laws) Act 1981, the Companies and Securities (Interpretation and Miscellaneous Provisions) (Application of Laws) Act 1981, the Companies (Application of Laws) Act 1981, the Futures Industry (Application of Laws) Act 1986 and the Securities Industry (Application of Laws) Act 1981. The arrangements which these acts supported have been superseded, initially with a uniform legislation scheme in 1991 and subsequently by the referral of powers to the Commonwealth and Commonwealth legislation.

The bill strengthens the legal profession regulatory regime by amending the Legal Profession Act 2007 to provide that the liquidation or external administration of an incorporated legal practice is a show-cause event and suitability matter for its legal practitioner directors.

The bill provides greater certainty in property transactions by amending the Property Law Act 1974 to prevent statutory instruments—apart from prescribed subordinate legislation—from rendering void, unenforceable or subject to termination contracts or dealings with property that are made or entered into contrary to the statutory instrument.

The definition of 'relevant child' under the Public Guardian Act 2014 is amended to clarify that the Public Guardian can exercise their functions and powers from the time the Department of Communities, Child Safety and Disability Services files an application with the Children's Court to obtain an order under the Child Protection Act 1999 to when an application is finalised and/or an order, intervention or agreement is no longer in place for that child.

The bill includes a number of other amendments to the Court Funds Act 1973, Evidence Act 1977, Justices Act 1886, Industrial Relations Act 1999, Magistrates Court Act 1921, Penalties and Sentences Act 1992, Professional Standards Act 2004, Queensland Civil and Administration Tribunal Act 2009, Referendums Act 1997, Supreme Court Library Act 1968, Telecommunications Interception Act 2009 and Trusts Act 1973.

This bill is about making sure we continue to revitalise front-line services. It shows the strong plan the Newman LNP government has had over the past 2½ years that will continue with a strong team—all benefiting Queensland because we ultimately will have a stronger Queensland because of these laws. I commend the bill to the House.

First Reading

Hon. JP BLEIJIE (Kawana—LNP) (Attorney-General and Minister for Justice) (4.03 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.

Referral to the Legal Affairs and Community Safety Committee

Mr DEPUTY SPEAKER (Mr Krause): Order! In accordance with standing order 131, the bill is now referred to the Legal Affairs and Community Safety Committee.

Portfolio Committee, Reporting Date

Hon. JP BLEIJIE (Kawana—LNP) (Attorney-General and Minister for Justice) (4.04 pm), by leave, without notice: I move—

That under the provisions of standing order 136 the Legal Affairs and Community Safety Committee report to the House on the Justice and Other Legislation Amendment Bill by 2 February 2015.

Question put—That the motion be agreed to.

Motion agreed to.

WATER REFORM AND OTHER LEGISLATION AMENDMENT BILL

Resumed from 25 November (see p. 3964).

Consideration in Detail

Clause 1, as read, agreed to.

Mr DEPUTY SPEAKER (Mr Krause): I note that the minister's amendment No. 1 proposes to amend clause 2, which relates to proposed new clauses in other amendments. Therefore, consideration of clause 2 is postponed until after all other clauses and amendments have been considered.

Clause 2 postponed.

Clauses 3 to 51—



Mr CRIPPS (4.05 pm): I seek leave to move amendments en bloc and outside the long title.

Leave granted.

Mr CRIPPS: I move the following amendments—

2 After clause 8—

Page 35, after line 6—

insert—

Part 3A Amendment of Mineral and Energy Resources (Common Provisions) Act 2014

8A Act amended

This part amends the *Mineral and Energy Resources (Common Provisions) Act 2014*.

8B Insertion of new s 142A

After section 142—

insert—

142A Petroleum production notice given more than 6 months after advance notice

- (1) This section applies if—
 - (a) an EP (coal) holder or MDL (coal) holder gave an advance notice for an ML (coal) to an ATP holder under part 2 in relation to an overlapping area; and
 - (b) a petroleum production notice in relation to the overlapping area was given under this part more than 6 months after the giving of the advance notice; and
 - (c) the PL is granted, but the ML (coal) has not yet been granted.
- (2) The mining commencement date for an IMA in the overlapping area must be taken to be the date that is the earlier of the following—
 - (a) the end of 9 years after the giving of the advance notice;
 - (b) the end of 11 years after the giving of the advance notice, less the period between the giving of the advance notice and the giving of the petroleum production notice.
- (3) This section does not limit—
 - (a) the petroleum resource authority holder in relation to giving an exceptional circumstances notice under section 127; or
 - (b) the ML (coal) holder in relation to giving an acceleration notice under section 128; or
 - (c) the requirement under section 130 for a joint development plan to be in place within 12 months after the giving of the advance notice.

8C Insertion of new ch 7, pt 4, div 4A

Chapter 7, part 4—

*insert—***Division 4A Undecided ML (coal) and PL applications****241A Application for ML (coal) and application for PL both undecided before commencement**

- (1) This section applies if—
 - (a) before the commencement—
 - (i) an application was made under the pre-amended Mineral Resources Act for the grant of an ML (coal); and
 - (ii) an application was made under the pre-amended P&G Act for the grant of a PL; and
 - (b) each application was made over some or all of the area over which the other application was made; and
 - (c) neither application was decided before the commencement.
- (2) For this section, it does not matter in which order the applications for the ML (coal) and the PL were made before the commencement.
- (3) The new overlap provisions apply to the circumstances of the applications.
- (4) For applying the requirements under the new overlap provisions to give an advance notice for the ML (coal) or a petroleum production notice for the PL, the applications are taken to have been made on the commencement.
- (5) Despite section 115, the proposed mining commencement date for an IMA to be included in the advance notice must be at least 6 years after the commencement.
- (6) If neither the ML (coal) nor the PL are granted within 6 years after the commencement, the mining commencement date for an IMA must be—
 - (a) if the ML (coal) application is the first application to be granted after the 6 years have ended—at least 3 months after the grant of the ML (coal), unless the ML (coal) holder and the petroleum resource authority holder otherwise agree; or
 - (b) if the PL application is the first application to be granted after the 6 years have ended—at least 5 years after the 6 years have ended, unless the PL holder and the coal resource authority holder otherwise agree.
- (7) This section applies despite divisions 3 and 4.

8D Amendment of s 408 (Insertion of new s 826)

- (1) Section 408, inserted section 826(2)(b)—
omit, insert—
 - (b) another person holds—
 - (i) an ATP, whenever granted; or
 - (ii) a PL, whenever granted; and
- (2) Section 408, inserted section 826(5)—
renumber as section 826(6).
- (3) Section 408, inserted section 826—
insert—
- (5) However, for applying the Common Provisions Act, section 138, each of the following applies—
 - (a) the written notice of the offer given under section 138(2) need not comply with the requirements under paragraphs (a) to (c) of section 138(2);
 - (b) section 138(3) is taken to provide only that the petroleum resource authority holder may accept the offer within 12 months after receiving the written notice, or a later period agreed to by the ML (coal) holder;
 - (c) the reference in section 138(7) to 'gas offered to a petroleum resource authority holder under subsection (2)(a)' is taken to be a reference to 'undiluted incidental coal seam gas offered to a petroleum resource authority holder under subsection (2)'.

Editor's note—

Legislation ultimately amended—

- *Mineral Resources Act 1989*

8E Amendment of s 436 (Replacement of ss 252–252D)

- (1) Section 436, inserted section 252A(6), definition *adjoining land*—
omit.

- (2) Section 436, inserted section 252A(6)—

insert—

adjoining land—

- (a) means private land that adjoins—
- (i) the subject land; or
 - (ii) a lot, within the meaning of the *Land Act 1994* or the *Land Title Act 1994*, that contains any part of the subject land; and
- (b) includes land that would adjoin land mentioned in paragraph (a)(i) or (ii) if it were not separated by a road, watercourse, railway, stock route, reserve or drainage or other easement; and
- (c) does not include land only because it adjoins land necessary for—
- (i) access to the subject land; or
 - (ii) transporting things to the subject land.

private land see the *Mineral and Energy Resources (Common Provisions) Act 2014*, section 13.

Editor's note—

Legislation ultimately amended—

- *Mineral Resources Act 1989*

8F Amendment of s 463 (Insertion of new ss 827 to 832)

Section 463, inserted section 832—

omit, insert—

832 New application for inclusion of restricted land in mining lease granted before or after commencement

- (1) This section applies if—
- (a) a mining lease was granted before the commencement, or was granted after the commencement having been applied for before the commencement, over a part of the area for which the mining lease was sought; and
 - (b) because of the absence of consent under the pre-amended Act, s 238(1), the mining lease was not granted over the surface of relevant land.
- (2) The holder of the mining lease may apply under section 275, as in force after the commencement, for the surface of the relevant land, or part of the relevant land, to be included in the mining lease.
- (3) Section 245(1)(h)(ii), (i) and (l) does not apply to an application under subsection (2).
- (4) Section 279, whether as in force before or after the commencement, does not apply to the application.
- (5) If the application is granted, a person must not enter the relevant land to carry out an authorised activity for the mining lease unless the owner for the relevant land has given written consent to the mining lease holder to carry out the activity.
- (6) The consent may be given on conditions.
- (7) The conditions of the consent are taken to be conditions of the mining lease.
- (8) The consent can not be withdrawn during the period stated in the consent as the period during which the holder may enter the relevant land.
- (9) In this section—

commencement means the commencement of this section.

new restricted land entry provisions means the Common Provisions Act, chapter 3, part 4.

pre-amended Act means this Act as in force before the commencement.

relevant land means land that was restricted land under the pre-amended Act, whether or not it is restricted land under the new restricted land entry provisions.

832A Inclusion of restricted land in application for mining lease not decided before commencement

- (1) This section applies if—
- (a) before the commencement, a person made an application for a mining lease under the pre-amended Act; and
 - (b) the proposed lease area for the lease included relevant land; and
 - (c) the application was not decided before the commencement; and
 - (d) before the commencement, no consent had been given under the pre-amended Act, section 238 for the mining lease to be granted over the surface of the relevant land.

- (2) This section applies—
- (a) whether or not, before the commencement, the applicant had, for the application, been given a certificate of application under the pre-amended Act, section 252; and
- (b) if the applicant had been given a certificate of application—whether or not the applicant had, for the application, been given a certificate of public notice under the pre-amended Act, section 252A.
- (3) Section 279, whether as in force before or after the commencement, does not apply to the grant of the mining lease over the surface of the relevant land.
- (4) If the mining lease is granted, and the applicant agrees, the lease may be granted over the surface of the relevant land.
- (5) However, if subsection (4) is to be applied, and before the commencement, the applicant had, for the application, been given a certificate of application under the pre-amended Act, section 252—
- (a) a replacement certificate of application for the application must be given to the applicant; and
- (b) the provisions applying under the pre-amended Act to an application for, and granting of, a mining lease, starting with pre-amended Act, section 252, must be complied with as if none of the provisions had previously been complied with in relation to the application.
- (6) If the application is granted, a person must not enter the relevant land to carry out an authorised activity for the mining lease unless the owner for the relevant land has given written consent to the mining lease holder to carry out the activity.
- (7) The consent may be given on conditions.
- (8) The conditions of the consent are taken to be conditions of the mining lease.
- (9) The consent can not be withdrawn during the period stated in the consent as the period during which the holder may enter the relevant land.
- (10) In this section—

commencement means the commencement of this section.

new restricted land entry provisions means the Common Provisions Act, chapter 3, part 4.

pre-amended Act means this Act as in force before the commencement.

relevant land means land that was restricted land under the pre-amended Act, whether or not it is restricted land under the new restricted land entry provisions.

Editor's note—

Legislation ultimately amended—

- *Mineral Resources Act 1989*

3 Clause 15 (Insertion of new s 186)

Page 53, lines 30 to 32—

omit, insert—

subsection (2) to the chief executive.

4 Clause 22 (Insertion of new s 2A)

Page 56, line 29, '(1)(a) to (d)'—

omit, insert—

(1)(a) to (e)

5 Clause 24 (Amendment of s 5 (Membership of trust))

Page 59, lines 7 to 35—

omit, insert—

are appointed by the Governor in Council and who—

- (a) must include 1 or more councillors, as stated in the regulation, of each constituent local government for the trust, nominated by the constituent local government; and
- (b) may include—
- (i) persons nominated by other entities stated in the regulation as being entities entitled to nominate members for the trust; and
- (ii) persons nominated by the Minister.

(1B) The regulation establishing a trust as a trust under subsection (1A)—

- (a) may provide that the members of the trust are to be known as directors or another term stated in the regulation; and
- (b) if there are 2 or more constituent local governments for the trust—is not required to state the same number of councillors for nomination by each local government.

6 Clause 24 (Amendment of s 5 (Membership of trust))

Page 60, before line 1—

insert—

(1A) Section 5(2), after 'for a trust'—

insert—

established under subsection (1)

7 Clause 25 (Amendment of s 5A (Appointment of members to vacancies))

Page 60, lines 18 to 22—

omit, insert—

(5B) If the member was nominated by a local government under section 5(1A)(a) or by another entity under section 5(1A)(b)(i), the Minister must have regard to the views of the local government or other entity in recommending the appointment to the Governor in Council.

8 After clause 25—

Page 60, before line 23—

insert—

25A Amendment of s 5C (Eligibility for appointment as member)

Section 5C—

insert—

(3) Further, a person is not eligible to be appointed as a member of a trust by the Governor in Council under section 5(1A)(a) if the person's term of office as a councillor of the constituent local government that nominated the person has ended or the office has otherwise become vacant.

9 Clause 28 (Amendment of s 5K (Removal from office as member))

Page 61, line 27, '5(1A)(b)'—

omit, insert—

5(1A)(b)(ii)

10 Clause 35 (Replacement of s 7 (Trusts are bodies corporate))

Page 64, lines 20 and 21—

omit, insert—

(b) may sue and be sued in its corporate name.

11 Clause 41 (Amendment of s 14 (Liability of local government to contribute to trust))

Page 76, lines 20 to 26—

omit, insert—

(5) Section 14(3) to (6)—

omit.

12 Clause 51 (Amendment of sch 1 (Dictionary))

Page 80, after line 23—

insert—

(2A) Schedule 1, definition *councillor*, after 'schedule 4'—

insert—

or the *City of Brisbane Act 2010*, schedule 1

I table the explanatory notes to my amendments.

Tabled paper: Water Reform and Other Legislation Amendment Bill 2014, explanatory notes to Hon. Andrew Cripps's amendments [\[6596\]](#).

Amendments agreed to.

Clauses 3 to 51, as amended, agreed to.

Insertion of new clause—

Mr McARDLE (4.06 pm): I seek leave to move an amendment outside the long title of the bill.

Leave granted.

Mr McARDLE: I move the following amendment—

1

After clause 51

Page 81, after line 13—

insert—

Part 6A Amendment of South-East Queensland Water (Distribution and Retail Restructuring) Act 2009

51A Act amended

This part amends the *South-East Queensland Water (Distribution and Retail Restructuring) Act 2009*.

51B Amendment of s 99BRAK (Power to amend)

(1) Section 99BRAK(5)(c)—

omit, insert—

(c) the distributor-retailer may give the applicant an infrastructure charges notice under part 7, division 3, subdivision 3 if the notice relates to the amended condition.

(2) Section 99BRAK—

insert—

(5A) If an infrastructure charges notice is given under subsection (5)(c) for a water approval, the notice replaces any existing infrastructure charges notice in effect for the approval.

51C Amendment of s 99BRCI (When charge may be levied and recovered)

Section 99BRCI(3), 'distributor-retailer may give the infrastructure charges notice only'—

omit, insert—

infrastructure charges notice must be given

51D Amendment of s 99BRCJ (Limitation of levied charge)

Section 99BRCJ—

insert—

(3A) Also, the demand generated by development mentioned in subsection (2)(b)(iii) may be included if—

(a) an infrastructure requirement applies to the land on which the development will be carried out; and

(b) the infrastructure requirement was imposed on the basis of development of a lower scale or intensity being carried out on the land.

51E Amendment of s 99BRCK (Requirements for infrastructure charges notice)

Section 99BRCK(1)(f), 'details of'—

omit, insert—

information about

51F Amendment of s 99BRCR (Necessary infrastructure condition for other infrastructure)

Section 99BRCR(3)—

omit, insert—

(3) However, the distributor-retailer may impose a condition under subsection (2) only if the development infrastructure services a connection consistent with the assumptions stated in the water netserv plan about the type, scale, location, timing or intensity of future development.

51G Amendment of s 99BRCT (Offset or refund requirements)

Section 99BRCT(3)(b)—

omit, insert—

(b) the distributor-retailer must refund the applicant an amount equal to the difference between the establishment cost of the trunk infrastructure and the amount worked out by applying the adopted charge to the connection.

51H Amendment of s 99BRCW (Restriction if connection completely in connection area and future connection area)

Section 99BRCW(2)(a)—

omit, insert—

(a) for trunk infrastructure to be provided earlier than planned in the water netserv plan—the additional establishment cost that would be incurred by the distributor-retailer in providing the trunk infrastructure earlier than planned;

I table the explanatory notes to my amendments.

Tabled paper: Water Reform and Other Legislation Amendment Bill 2014, explanatory notes to Hon. Mark McArdle's amendments [6597].

Amendment agreed to.

Insertion of new clause—

Mr McARDLE (4.07 pm): I seek leave to move an amendment outside the long title of the bill.

Leave granted.

Mr McARDLE: I move the following amendment—

2 After clause 51

Page 81, after line 13—

insert—

Part 6B Amendment of Sustainable Planning Act 2009

51I Act amended

This part amends the *Sustainable Planning Act 2009*.

51J Amendment of s 976B (Existing development approvals)

(1) Section 976B(4), 'and (6)'—

omit, insert—

to (10)

(2) Section 976B—

insert—

(7) Subsection (8) applies to the development approval if—

(a) it is a development approval to which section 959E applies because of section 959E(1); and

(b) any change to the approval is to a water connection aspect of the approval.

(8) A distributor-retailer may give an infrastructure charges notice under the SEQ Water Act, chapter 4C, for the development approval as if the development approval were a water approval under that Act.

(9) The SEQ Water Act, chapter 4C, applies to the giving of an infrastructure charges notice under subsection (8)—

(a) as if a reference in that Act to an amendment to a condition of a water approval were a reference to a change to, or extension of, the development approval; and

(b) with any other necessary changes.

(10) However, an infrastructure charges notice given under subsection (8) must relate only to the change to, or extension of, the development approval.

(11) In this section—

water connection aspect see section 959A.

Amendment agreed to.

Clauses 52 to 66—

Mr CRIPPS (4.07 pm): I seek leave to move amendments en bloc.

Leave granted.

Mr CRIPPS: I move the following amendment—

13 Clause 65 (Insertion of new s 6)

Page 89, lines 14 to 17—

omit, insert—

subsection (2)—

(a) a different size for the garden;

(b) a volume of water sufficient to water a different size garden.

Amendment agreed to.

Clauses 52 to 66, as amended, agreed to.

Clause 67, as read, agreed to.

Clause 68—



Mr CRIPPS (4.09 pm): I move the following amendments—

14 Clause 68 (Insertion of new ch 2)

Page 93, lines 13 and 14 '(the *first notice*)'—

omit.

15 Clause 68 (Insertion of new ch 2)

Page 93, lines 26 to 31 and page 94, lines 1 to 4—

omit, insert—

- (4) The notice remains in force for the period of not more than one year stated in the notice.
- (5) Nothing prevents the Minister from acting under this section a second or subsequent time.
- (6) The notice is subordinate legislation.
- (7) A person must not take or interfere with water in contravention of the notice.
Maximum penalty for subsection (7)—1665 penalty units.

16 Clause 68 (Insertion of new ch 2)

Page 94, lines 13 to 26—

omit, insert—

may, by publishing a notice do the following—

- (a) limit the water that may be taken under a water entitlement, water permit or seasonal water assignment notice;
- (b) limit the water that may be taken under part 3, division 1, subdivision 2.

17 Clause 68 (Insertion of new ch 2)

Page 95, lines 1 to 8—

omit, insert—

- (3) The notice remains in force for the period of not more than one year stated in the notice.
- (4) Nothing prevents the chief executive from acting under this section a second or subsequent time.
- (5) A person must not take water in contravention of the notice.
Maximum penalty for subsection (5)—500 penalty units.

18 Clause 68 (Insertion of new ch 2)

Page 118, lines 15 to 18—

omit, insert—

- (d) anything else the chief executive considers necessary for implementing the water plan.

19 Clause 68 (Insertion of new ch 2)

Page 122, line 11, 'existing water entitlement holders'—

omit, insert—

proposed water allocation holders

20 Clause 68 (Insertion of new ch 2)

Page 135, lines 8 and 9, 'or regulation'—

omit.

21 Clause 68 (Insertion of new ch 2)

Page 135, lines 22 and 23—

omit, insert—

contaminated agricultural run-off.

22 Clause 68 (Insertion of new ch 2)

Page 136, lines 4 to 6—

omit, insert—

Commonwealth to collect monitoring data.

23 Clause 68 (Insertion of new ch 2)

Page 137, lines 3 to 14—

omit, insert—

96 Land owners may take water for stock or domestic purposes

- (1) An owner of land on which there is water collected in a dam may take the water for stock or domestic purposes.

- (2) An owner of land adjoining a watercourse, lake or spring may take water from the watercourse, lake or spring for stock or domestic purposes.
- (3) However, water can not be taken for domestic purposes under subsection (1) or (2) if the land is—
- (a) declared by regulation as land to which this subsection applies; and
 - (b) subdivided after the regulation is made.
- (4) In this section—
- land** includes any land contiguous with the land adjoining the watercourse, lake or spring if all the land is owned by the same owner.

24 Clause 68 (Insertion of new ch 2)

Page 138, lines 3 and 4—

omit, insert—

environmental authority or development permit; and

- (b) the environmental authority or development permit was granted

25 Clause 68 (Insertion of new ch 2)

Page 140, line 11, 'limited'—

*omit, insert—***altered or limited****26 Clause 68 (Insertion of new ch 2)**

Page 140, line 13, 'A person'—

omit, insert—

- (1) A person

27 Clause 68 (Insertion of new ch 2)

Page 140, line 24—

omit, insert—

watercourse or lake;

- (e) take or interfere with water from a designated watercourse.

- (2) A regulation may prescribe limitations on the carrying out of an activity prescribed under subsection (1)(a).

28 Clause 68 (Insertion of new ch 2)

Page 141, lines 22 to 31 and page 142, lines 1 to 9—

omit, insert—

An owner of land may take water from a

29 Clause 68 (Insertion of new ch 2)

Page 143, lines 20 and 21—

omit, insert—

- (j) the holder of, or applicant for, a pipeline licence or petroleum facility licence under the Petroleum and Gas Act;

30 Clause 68 (Insertion of new ch 2)

Page 144, line 18, 'licences'—

omit, insert—

licence

31 Clause 68 (Insertion of new ch 2)

Page 150, line 34, 'granting'—

omit, insert—

deciding

32 Clause 68 (Insertion of new ch 2)

Page 159, lines 2 and 3, 'mentioned in section 121(3)(a)'—

omit, insert—

for a seasonal water assignment of a licence

33 Clause 68 (Insertion of new ch 2)

Page 173, line 19, 'the allocation'—

omit, insert—

a water allocation

34 Clause 68 (Insertion of new ch 2)

Page 173, lines 24 to 28—

omit, insert—

- (2) The chief executive must—
 - (a) amend the water allocation in accordance with the plan or the change; and
 - (b) within 30 days from the day the amendment takes effect, give the allocation holder a notice about the amendment.

35 Clause 68 (Insertion of new ch 2)

Page 175, lines 12 to 23—

omit, insert—

- (3) If the water allocation is not managed under a resource operations licence, the entry on the water allocations register for the allocation—
 - (a) must also state the following—
 - (i) the volumetric limit for the allocation;
 - (ii) the water allocation group to which the allocation belongs;
 - (iii) the water management area that includes the location from which the water may be taken; and
 - (b) may also state the following—
 - (i) the maximum rate for the allocation;
 - (ii) the flow conditions under which water under the allocation may be taken.

36 Clause 68 (Insertion of new ch 2)

Page 182, line 26, after 'licence'—

insert—

which may be given with or without conditions

37 Clause 68 (Insertion of new ch 2)

Page 183, lines 4 and 5—

omit, insert—

- (4) However, the chief executive's liability for fees under subsection (3) is limited to fees that arise from holding the allocation after surrender and does not include exit or termination fees.
- (5) If a water allocation is surrendered, the chief executive may, subject to any conditions under subsection (2)—

38 Clause 68 (Insertion of new ch 2)

Page 213, after line 31—

insert—

- (3) For subsection (2)(b), the holder does not submit sufficient information unless the information includes—
 - (a) if a resource operations licence holder is preparing the operations manual and there is a related distribution operations licence—details of the impact on the distribution operations licence holder; or
 - (b) if a distribution operations licence holder is preparing the operations manual and there is a related resource operations licence—details of the impact on the resource operations licence holder.

39 Clause 68 (Insertion of new ch 2)

Page 215, line 3, after 'panel'—

insert—

together with the information provided to the chief executive under section 197(2)(b)

40 Clause 68 (Insertion of new ch 2)

Page 227, lines 14 to 20—

*omit.***41 Clause 68 (Insertion of new ch 2)**

Page 227, line 21, '(i)'—

omit, insert—

- (h)

42 Clause 68 (Insertion of new ch 2)

Page 227, line 26, '(j)'—

omit, insert—

(i)

43 Clause 68 (Insertion of new ch 2)

Page 233, lines 24 to 28—

*omit.***44 Clause 68 (Insertion of new ch 2)**

Page 235, lines 3 to 18—

omit, insert—

(2) Subsection (1) does not stop the chief executive from considering other matters relevant to the removal of the quarry material.

Amendments agreed to.

Ms TRAD: It is great to get this opportunity to rise in relation to this amended clause during consideration in detail. As I said during the second reading debate, the Labor opposition has very significant concerns in relation to the introduction of the water development option that has been introduced via this legislation into the Water Act. I again place on record, as I already said in the second reading debate, that I also have incredibly grave concerns about the removal of ecologically sustainable development principles from the Queensland Water Act. I think that we are going back by the decade and not going forward using important principles of land based management practice in Queensland. In relation to the water development option, there were some very clear questions that I put to the minister yesterday in relation to how this water development option would work. I asked him specifically in relation to the development protocol that has been entered into by this government with the proponents of the Integrated Food and Energy Developments project. The minister declined to answer every single one of the questions put to him during the second reading debate in relation to the IFED proposal and in relation to the government's head of power.

Who signed the IFED development protocol on behalf of the government? Will the minister actually table the development protocol now during consideration in detail so that Queenslanders can judge the minister's word in relation to water development options being taken out or being approved in consultation with Queenslanders and with sensitive regard to water resources and take him at his word? This development protocol, which really is the template water development option that the minister is progressing, should be put on the public record for public scrutiny in the same way that the advice to the member for Mermaid Beach from the Integrity Commissioner should be put on the table for public scrutiny. It is simply not enough for this government to come into this place and say, 'Our word is good enough,' when everything it has done in its time in office has been contrary to the word that it has given Queenslanders. I ask the minister again: who signed the development protocol? Will the minister table it now? What head of power signed the development protocol for the IFED project? Minister, does this act give retrospective approval to the IFED proposal that your government has signed? Answer those questions.

Mr CRIPPS: In relation to the two matters raised by the member for South Brisbane on this particular clause, I will answer in the following terms: last night during the second reading debate of this bill I went to great lengths to outline why the member for South Brisbane's complaints and accusations in relation to the new purpose for the Water Act are totally unfounded and ridiculous. In fact, I went to the effort to read into the *Hansard* record the extent of the definition of the new purpose for the Water Act in Queensland, and by any measure it contains a definition that is extremely balanced between the interests of local communities, the opportunities for economic development throughout the state of Queensland, and, of course and importantly, the environment. It is a balanced purpose. It is a modern purpose. It is a purpose that does not abandon the interests of the environment. It is a purpose that does not abandon the Great Barrier Reef. It is a purpose that provides opportunities for economic growth in Queensland while taking into consideration the needs of local communities for water and also the important needs of the environment.

It does none of the things that the member for South Brisbane has continuously asserted and alleged—without foundation and without substantiation, I might add. The member for South Brisbane has made absolutely no compelling argument other through inflammatory and misleading statements in the House and in the media that proves or demonstrates that the new purpose of the Water Act is in any way unbalanced or does not adequately take into consideration the needs of the environment in Queensland and her arguments are silly and, quite frankly, not productive in terms of reasoned debate in this parliament.

Ms Trad: It's a reflection of so many submitters—so many submitters!

Mr CRIPPS: No, it is a reflection on your contribution and your contribution alone.

Ms Trad: Arrogance!

Mr CRIPPS: The second issue that the member for South Brisbane—

Ms Trad: Arrogance!

Mr CRIPPS: You are arrogant; I agree. The member for South Brisbane is particularly arrogant in the way that she goes about her contributions to this parliament, continuously verballing other members in their contributions. I think history will treat her poorly in terms of the way that she has conducted herself both inside this chamber and outside in relation to the debate on a number of serious natural resource management issues over the last couple of years.

In terms of the member for South Brisbane's second issue in relation to the water development option, which is the subject of clause 68, I will answer in the following terms: last night during the debate on the second reading of this bill in relation to the water development option I went to great lengths once again to try to explain to the member for South Brisbane that the water development option was not an automatic right to secure water; it was a process being set out in the legislation to provide some certainty and a pathway for a proponent to go through a structured, open, public environmental impact statement process and demonstrate that their project would not have an adverse impact on local communities, existing water entitlement holders and the environment and only at that stage—

Ms Trad: So table IFED. Table IFED. Table it!

Mr CRIPPS: Mr Deputy Speaker, at that stage, only after the proponent had gone through those gates, would water actually be allocated to the project.

Ms Trad interjected.

Mr DEPUTY SPEAKER (Mr Krause): Order! Member for South Brisbane, your interjections are not being taken.

Mr CRIPPS: The second point that I wanted to make in relation to the demands or the accusations that were made last night by the member for South Brisbane which tried to hijack a recommendation made by the parliamentary committee in relation to the water development option was a demand for a duplicated public consultation process in addition to the public notification and submission process that would be undertaken for a water development option project under the environmental impact statement. I pointed out that the chief executive of the Department of Natural Resources and Mines or the chief executive associated with the administration of the Water Act from time to time would not be permitted to grant a water development option unless the consultation process embedded in that environmental impact statement process reflected the requirements of public consultation in sections 44 through 46 of the Water Act. That is what this bill is doing, and the provisions of this bill are what this debate is all about in the parliament today.

I can answer the member for South Brisbane's question in relation to any retrospectivity. It is not retrospective. The provisions in this bill are not retrospective and will not be relevant to or applicable to projects currently underway which are the subject of environmental impact statement processes.

Division: Question put—That clause 68, as amended, be agreed to.

AYES, 64:

LNP, 64—Barton, Bates, Bennett, Berry, Bleijie, Cavallucci, Choat, Costigan, Cox, Crandon, Cripps, Crisafulli, Davies, T Davis, Dempsey, Dickson, Dillaway, Dowling, Elmes, Emerson, Flegg, France, Frecklington, Gibson, Grant, Grimwade, Gulley, Hart, Hathaway, Hobbs, Holswich, Johnson, Kaye, Kempton, King, Langbroek, Latter, Maddern, Malone, Mander, McArdle, McVeigh, Menkens, Millard, Molhoek, Newman, Nicholls, Rice, Rickuss, Robinson, Ruthenberg, Shorten, Shuttleworth, Smith, Springborg, Stevens, Stewart, Stuckey, Symes, Trout, Walker, Watts, Woodforth, Young.

NOES, 13:

ALP, 7—Byrne, D'Ath, Lynham, Palaszczuk, Pitt, Scott, Trad.

KAP, 2—Hopper, Katter.

INDEPENDENTS, 4—Cunningham, Douglas, Judge, Wellington.

Resolved in the affirmative.

Clause 68, as amended, agreed to.

Clauses 69 to 256—

Mr CRIPPS (4.24 pm): I seek leave to move amendments en bloc and outside the long title.

Leave granted.

Mr CRIPPS: I move the following amendments—

45 Clause 81 (Insertion of new ss 370A and 370B)

Page 253, line 19, after 'chief executive'—

insert—

within 10 business days

46 Clause 171 (Amendment of s 808 (Unauthorised taking, supplying or interfering with water))

Page 293, after line 2—

insert—

(3) Section 808(2)(a)—

omit, insert—

(a) under this or another Act; or

Note—

See also the Mineral Resources Act, section 334ZR (Authorisation for Water Act) and the Petroleum and Gas (Production and Safety) Act 2004, sections 188 and 196 (Authorisation for Water Act).

47 Clause 181 (Amendment of s 992G (Definitions for pt 3C))

Page 306, line 26, 'IQATLAS.QLD_GENPUR_DR'—

omit, insert—

IQ_QLD_DRNBASIN_100K

48 Clause 188 (Replacement of s 1009 (Public inspection and purchase of documents))

Page 314, after line 29—

insert—

(la) each water development option;

49 Clause 193 (Amendment of s 1014 (Regulation-making power))

Page 319, lines 10 and 11—

omit, insert—

Section 1014(2)(ga), (gb), (gc) and (h)—

omit, insert—

(f) prescribe processes for dealings with water licences; and

(g) state the effect of land dealings, or acquisition of land, on water licences; and

50 Clause 201 (Amendment of ch 9 (Transitional provisions and repeals))

Page 321, lines 17 to 24—

omit, insert—

(a) the Minister has published a notice about a draft or amending water resource plan for public consultation; or

(b) the chief executive has published a notice about a draft or amending resource operations plan for public consultation.

51 Clause 201 (Amendment of ch 9 (Transitional provisions and repeals))

Page 326, after line 6—

insert—

1256A Deciding application for water licence under section 113

(1) Subsection (2) applies if—

(a) the chief executive is deciding an application for a water licence under section 113; and

(b) a water resource plan continued in force under section 1256(2) and (3) would apply to any water licence granted.

(2) The reference to the water plan in section 113(a) is taken to include a reference to the water resource plan continued in force.

52 Clause 201 (Amendment of ch 9 (Transitional provisions and repeals))

Page 327, line 2, after 'or are included in,'—

insert—

or to be read and construed with,

53 Clause 201 (Amendment of ch 9 (Transitional provisions and repeals))

Page 327, lines 20 to 33—

omit, insert—

- (e) if section 1264 applies—cease to have effect for the resource operations plan but are taken to have effect for the purposes of the water plan (previously the water resources plan) the provisions were implementing and, for those purposes, are to be read and construed with the water plan, with necessary changes; or
- (f) if they are not taken to be an operations manual mentioned in paragraph (b) or taken to be included in a document mentioned in paragraphs (a), (c) or (d) or otherwise provided for under paragraph (e) and, under the amended Act, the provisions of the plan deal with a matter that is relevant to the usual content of a water management protocol—are taken to be omitted from the plan and to be a water management protocol; or
- (g) if they are not taken to be, or not taken to be included in, a document mentioned in paragraphs (a) to (d) or (f) or otherwise provided for under paragraph (e)—cease to have effect.

54 Clause 201 (Amendment of ch 9 (Transitional provisions and repeals))

Page 328, line 12, 'amending or replacement'—

omit, insert—

or amending

55 Clause 201 (Amendment of ch 9 (Transitional provisions and repeals))

Page 328, line 19, after 'draft'—

insert—

or amending

56 Clause 201 (Amendment of ch 9 (Transitional provisions and repeals))

Page 328, after line 35—

insert—

- (7) Subsection (2)(e) continues to apply for the purposes of a water plan until the plan is amended to include provisions of the kind mentioned in section 1264.
- (8) An amendment of a water plan as mentioned in subsection (7) must include a declaration that it is made for the subsection.
- (9) On amendment of the water plan as mentioned in subsection (7)—
 - (a) the provisions of the resource operations plan mentioned in section 1264 are taken to be omitted from the resource operations plan; and
 - (b) subsection (2)(e) ceases to have effect for the purposes of the water plan.
- (10) Section 51(1) does not apply to an amendment of a water plan under subsection (7).

57 Clause 201 (Amendment of ch 9 (Transitional provisions and repeals))

Page 329, line 30, after 'licence'—

insert—

, other than the responsibilities of the holder under provisions mentioned in section 1261

58 Clause 201 (Amendment of ch 9 (Transitional provisions and repeals))

Page 330, lines 4 and 5—

omit, insert—

provisions that are relevant to a water licence to take or interfere with water, including—

59 Clause 201 (Amendment of ch 9 (Transitional provisions and repeals))

Page 330, lines 14 to 16—

omit, insert—

- (a) resource operations plan zones, including water management area zones and water supply scheme zones; or
- (b) water management areas, subcatchment areas or subartesian areas; or

60 Clause 201 (Amendment of ch 9 (Transitional provisions and repeals))

Page 336, after line 29—

*insert—***1273A Application for reinstatement or replacement of particular water licences that expired under old ss 221 or 229 as previously in force or under the repealed Act**

- (1) This section applies in relation to the following licences (each an **expired licence**) if the licence expired (its **initial expiry**) without the holder of the licence being notified, in writing, by the chief executive of its impending expiry or within a reasonable time after its expiry—

- (a) a water licence that expired before 1 July 2013 for which no application to renew or reinstate the licence was made under old section 220 or 221;
 - (b) a water licence that expired under section 229 as in force immediately before 24 November 2011;
 - (c) a licence that ceased to exist under the repealed Act, section 49.
- (2) An owner of land to which the expired licence attached may apply to the chief executive—
- (a) for an expired licence mentioned in subsection (1)(a)—to reinstate the licence and make a validating declaration; or
 - (b) for an expired licence mentioned in subsection (1)(b) or (c)—to replace the licence and make a validating declaration.
- (3) If there is more than 1 owner of the land, or any part of the land, to which the expired licence attached, the owners may jointly apply to the chief executive to reinstate or replace the licence and make a validating declaration.
- (4) However, if there is more than 1 owner of the land, or any part of the land, to which the expired licence attached, an owner can not apply to the chief executive to reinstate or replace the licence unless the owner gives each other owner of the land or part of the land who is not a party to the application a copy of the application to reinstate or replace the licence and make a validating declaration.
- (5) An owner who is given a copy of the application under subsection (4) who wishes to join in the application to reinstate or replace the expired licence and make a validating declaration must apply to the chief executive to do so within 20 business days after receiving the copy of the application.
- (6) An application under this section must be—
- (a) made to the chief executive in the approved form; and
 - (b) accompanied by the fee prescribed by regulation for an application for a dealing under section 122.
- (7) In deciding whether to grant or refuse the application, the chief executive must consider the application and the following—
- (a) any water plan that would apply to the reinstated or replaced licence;
 - (b) the terms and conditions of the expired licence.
- (8) Section 114 applies to the chief executive's decision.
- (9) The chief executive may reinstate or replace the expired licence and make a validating declaration if—
- (a) the chief executive is satisfied that it is appropriate to do so having regard to all of the circumstances surrounding its expiry; and
 - (b) the applicant pays any fees and charges, or part of any fee or charge, that would otherwise have been payable in relation to the licence from the day of its initial expiry until its reinstatement or replacement that are decided by the chief executive having regard to all of the circumstances.
- (10) If the chief executive makes a validating declaration, the reinstated water licence or the water licence replacing the expired licence is taken, for all purposes, to have been reinstated or replaced on the expiry of the expired licence.
- (11) To remove any doubt, it is declared that the chief executive may reinstate or replace the expired licence without making a validating declaration.
- (12) Chapter 2, part 3, division 2 does not apply to an application under this section except to the extent provided by this section.
- (13) In this section—
- validating declaration**, for an expired licence, means a declaration having the effect mentioned in subsection (10).

1273B Particular water licences taken to be in force from day of initial expiry

- (1) This section applies to a water licence (**expired licence**) that, before the commencement—
- (a) expired (its **initial expiry**) without the holder of the licence being notified, in writing, by the chief executive of its impending expiry or within a reasonable time after its initial expiry; and
 - (b) was later reinstated or replaced by another water licence (**new licence**) on application by the holder of the licence.
- (2) The holder of the new licence may request the chief executive to make a validating declaration in relation to the licence.

- (3) The chief executive may make the validating declaration if—
 - (a) the chief executive is satisfied that it is appropriate to do so having regard to all of the circumstances surrounding the initial expiry of the expired licence and the consequences of a failure to make the declaration on the applicant; and
 - (b) the applicant pays any fees and charges, or part of any fee or charge, that would have been payable in relation to the expired licence from its initial expiry until the grant of the new licence that are decided by the chief executive having regard to all of the circumstances.
- (4) If the chief executive makes the validating declaration, the new licence is taken, for all purposes, to have been granted on the initial expiry of the expired licence.
- (5) The chief executive must advise the holder of the chief executive's decision within 30 business days after making the decision.
- (6) In this section—

validating declaration, for a new licence, means a declaration having the effect mentioned in subsection (4).

61 Clause 201 (Amendment of ch 9 (Transitional provisions and repeals))

Page 343, after line 24—

insert—

1280A When reporting and monitoring requirements prescribed both by regulation and water planning instrument

- (1) Subsection (2) applies if, after the commencement—
 - (a) a regulation is made prescribing either of the following—
 - (i) the matters that must be included in the report prepared by the Minister about each water plan under section 49;
 - (ii) the requirements for the holders of resource operations licences and distribution operation licences in collecting and providing information to the chief executive; and
 - (b) there are provisions in a water planning instrument dealing with the same subject matter that are inconsistent with the matters prescribed by the regulation.
- (2) The provisions of the water planning instrument prevail over the regulation to the extent of the inconsistency.

62 After clause 208

Page 365, after line 21—

insert—

208A Replacement of s 149 (Return of things that have been seized)

Section 149—

omit, insert—

149 Return of seized things

- (1) This section applies if a seized thing has some intrinsic value and is not forfeited.
- (2) If the thing is not returned to its owner within 1 year after it was seized, the owner may apply to the chief inspector for its return.
- (3) Within 30 days after receiving the application, the chief inspector must—
 - (a) if the chief inspector is satisfied there are reasonable grounds for retaining the thing and decides to retain it—give the owner written notice of the decision, including the grounds for retaining the thing; or
 - (b) otherwise—return the thing to the owner.
- (4) If, at any time after the thing was seized, the chief inspector stops being satisfied there are reasonable grounds for retaining it, the chief inspector must return it to its owner.
- (5) Without limiting subsections (3) and (4), there are reasonable grounds for retaining the thing if—
 - (a) the thing is being, or is likely to be, examined; or
 - (b) the thing is needed, or may be needed, for the purposes of—
 - (i) an investigation, board of inquiry, coroner's inquest or proceeding for an offence against this Act that is likely to be started; or
 - (ii) an investigation, board of inquiry, coroner's inquest or proceeding for an offence against this Act that has been started but not completed; or
 - (iii) an appeal from a decision in a proceeding for an offence against this Act; or
 - (c) it is not lawful for the owner to possess the thing.

(6) In this section—

examine includes analyse, test, measure, weigh, grade, gauge and identify.

owner, of a seized thing, includes a person who would be entitled to possession of the thing had it not been seized.

208B Amendment of pt 14, div 2, hdg (Appeals against chief inspector's directives and review decisions)

Part 14, division 2, heading, 'review'—

omit, insert—

particular

208C Amendment of s 243 (Who may appeal)

(1) Section 243(a) and (b)—

renumber as section 243(b) and (c).

(2) Section 243—

insert—

(a) a decision of the chief inspector under section 149(3)(a) to retain a seized thing;

208D Amendment of s 244 (How to start appeal)

(1) Section 244(2)(a) and (b)—

renumber as section 244(2)(b) and (c).

(2) Section 244(2)—

insert—

(a) if the appeal is from a decision under section 149(3)(a) to retain a seized thing—the day the appellant receives the notice of the decision; or

208E Amendment of s 248 (Powers of court on appeal)

Section 248(1), 'review'—

omit.

63 Clause 210 (Insertion of new pt 20, div 4)

Page 366, line 14, 'provision'—

omit, insert—

and validation provisions

64 Clause 210 (Insertion of new pt 20, div 4)

Page 367, after line 19—

insert—

304 Return of seized things

(1) New section 149 applies in relation to a thing seized under part 9 before the commencement that, on the commencement, is still seized.

(2) If, at any time before the commencement, a thing seized under part 9 was not returned to its owner within the time required under old section 149—

(a) the retention of the thing is taken to have been as lawful as it would have been apart from the non-compliance with old section 149; and

(b) the State is not liable to pay compensation, and does not incur any other liability, for the retention of the thing in contravention of old section 149.

(3) Subsection (2) applies for all purposes including a legal proceeding started before the commencement.

(4) In this section—

new section 149 means section 149 as in force from the commencement.

old section 149 means section 149 as in force from time to time before the commencement.

65 After clause 212

Page 369, after line 10—

insert—

Division 1A Amendment of Explosives Act 1999

212A Act amended

This division amends the *Explosives Act 1999*.

212B Replacement of s 95 (Return of seized things)

Section 95—

*omit, insert—***95 Return of seized things**

- (1) This section applies to a thing that—
 - (a) has been seized under this part, other than in the course of dealing with a dangerous situation; and
 - (b) has some intrinsic value; and
 - (c) is not forfeited to the State.
- (2) If the thing is not returned to its owner within 1 year after it was seized, the owner may apply to the chief inspector for its return.
- (3) Within 30 days after receiving the application, the chief inspector must—
 - (a) if the chief inspector is satisfied there are reasonable grounds for retaining the thing and decides to retain it—give the owner an information notice for the decision; or
 - (b) otherwise—return the thing to the owner.
- (4) If, at any time after the thing was seized, the chief inspector stops being satisfied there are reasonable grounds for retaining it, the chief inspector must return it to its owner.
- (5) Without limiting subsections (3) and (4), there are reasonable grounds for retaining the thing if—
 - (a) the thing is being, or is likely to be, examined; or
 - (b) the thing is needed, or may be needed, for the purposes of—
 - (i) an investigation, board of inquiry, coroner's inquest or proceeding for an offence against this Act that is likely to be started; or
 - (ii) an investigation, board of inquiry, coroner's inquest or proceeding for an offence against this Act that has been started but not completed; or
 - (iii) an appeal from a decision in a proceeding for an offence against this Act; or
 - (c) it is not lawful for the owner to possess the thing.
- (6) In this section—

examine includes analyse, test, measure, weigh, grade, gauge and identify.

owner, of a seized thing, includes a person who would be entitled to possession of the thing had it not been seized.

212C Amendment of s 111 (Application for external review)

Section 111—

insert—

- (5) An owner of a seized thing who is given an information notice under section 95(3)(a) for a decision to retain the thing may apply, as provided under the QCAT Act, for an external review of the decision.

212D Insertion of new pt 10, div 4

Part 10—

*insert—***Division 4 Transitional and validation provision for Water Reform and Other Legislation Amendment Act 2014****146 Return of seized things**

- (1) New section 95 applies in relation to a thing seized under part 6 before the commencement that, on the commencement, is still seized.
- (2) If, at any time before the commencement, a thing seized under part 6 was not returned to its owner within the time required under old section 95—
 - (a) the retention of the thing is taken to have been as lawful as it would have been apart from the non-compliance with old section 95; and
 - (b) the State is not liable to pay compensation, and does not incur any other liability, for the retention of the thing in contravention of old section 95.
- (3) Subsection (2) applies for all purposes including a legal proceeding started before the commencement.
- (4) In this section—

new section 95 means section 95 as in force from the commencement.

old section 95 means section 95 as in force from time to time before the commencement.

66 Clause 215 (Amendment of s 175 (Application of div 4))

Page 369, line 22—

omit, insert—

Section 175—

67 After clause 216

Page 370, after line 9—

*insert—***216A Replacement of s 146 (Return of things that have been seized)**

Section 146—

*omit, insert—***146 Return of seized things**

- (1) This section applies if a seized thing has some intrinsic value and is not forfeited.
- (2) If the thing is not returned to its owner within 1 year after it was seized, the owner may apply to the chief inspector for its return.
- (3) Within 30 days after receiving the application, the chief inspector must—
 - (a) if the chief inspector is satisfied there are reasonable grounds for retaining the thing and decides to retain it—give the owner written notice of the decision, including the grounds for retaining the thing; or
 - (b) otherwise—return the thing to the owner.
- (4) If, at any time after the thing was seized, the chief inspector stops being satisfied there are reasonable grounds for retaining it, the chief inspector must return it to its owner.
- (5) Without limiting subsections (2) and (3), there are reasonable grounds for retaining the thing if—
 - (a) the thing is being, or is likely to be, examined; or
 - (b) the thing is needed, or may be needed, for the purposes of—
 - (i) an investigation, board of inquiry, coroner's inquest or proceeding for an offence against this Act that is likely to be started; or
 - (ii) an investigation, board of inquiry, coroner's inquest or proceeding for an offence against this Act that has been started but not completed; or
 - (iii) an appeal from a decision in a proceeding for an offence against this Act; or
 - (c) it is not lawful for the owner to possess the thing.
- (6) In this section—

examine includes analyse, test, measure, weigh, grade, gauge and identify.**owner**, of a seized thing, includes a person who would be entitled to possession of the thing had it not been seized.**216B Amendment of pt 13, div 2, hdg (Appeals against chief inspector's directives and review decisions)**

Part 13, division 2, heading, 'review'—

omit, insert—

particular

216C Amendment of s 223 (Who may appeal)

- (1) Section 223(a) and (b)—
renumber as section 223(b) and (c).

- (2) Section 223—

insert—

- (a) a decision of the chief inspector under section 146(3)(a) to retain a seized thing;

216D Amendment of s 224 (How to start appeal)

- (1) Section 224(2)(a) and (b)—
renumber as section 224(2)(b) and (c).

- (2) Section 224(2)—

insert—

- (a) if the appeal is from a decision under section 146(3)(a) to retain a seized thing—the day the appellant receives the notice of the decision; or

216E Amendment of s 226 (Hearing procedures)

Section 226(2), 'review'—
omit.

216F Amendment of s 228 (Powers of court on appeal)

Section 228(1), 'review'—
omit.

68 After clause 217

Page 370, after line 26—
insert—

217A Insertion of new pt 20, div 3

Part 20—
insert—

Division 3 Transitional and validation provision for Water Reform and Other Legislation Amendment Act 2014**280 Return of seized things**

- (1) New section 146 applies in relation to a thing seized under part 9 before the commencement that, on the commencement, is still seized.
- (2) If, at any time before the commencement, a thing seized under part 9 was not returned to its owner within the time required under old section 146—
 - (a) the retention of the thing is taken to have been as lawful as it would have been apart from the non-compliance with old section 146; and
 - (b) the State is not liable to pay compensation, and does not incur any other liability, for the retention of the thing in contravention of old section 146.
- (3) Subsection (2) applies for all purposes including a legal proceeding started before the commencement.
- (4) In this section—

new section 146 means section 146 as in force from the commencement.

old section 146 means section 146 as in force from time to time before the commencement.

69 After clause 217

Page 370, after line 26—
insert—

Division 3A Amendment of Petroleum Act 1923**217B Act amended**

This division amends the *Petroleum Act 1923*.

217C Amendment of s 2 (Definitions)

Section 2, definition *safety management plan*, 'plan'—
omit, insert—

system**217D Amendment of s 76R (Restriction)**

Section 76R(1)(a)—
omit, insert—

- (a) the mining lease holder has agreed in writing to the carrying out of the activity and to the joint interaction management plan developed by the site senior executive and the authority holder; and

217E Amendment of s 76V (Content requirements for CSG statement)

- (1) Section 76V(1)(b) and (2), 'safety management plan'—
omit, insert—
safety management system

- (2) Section 76V(2), 'sections 388 and 675'—
omit, insert—
sections 675 and 705C

217F Amendment of s 76W (Applicant's obligations)

Section 76W(1)(b) and (d), 'safety management plan'—
omit, insert—
safety management system

- 217G Amendment of s 77 (Submissions by coal or oil shale exploration tenement holder)**
Section 77(3)(d), 'safety management plan'—
omit, insert—
safety management system
- 217H Amendment of s 77T (Requirements for making application)**
Section 77T(2), 'safety management plan'—
omit, insert—
safety management system
- 217I Amendment of s 78CI (Statement about interests of overlapping tenure holder)**
- (1) Section 78CI(b), 'safety management plan'—
omit, insert—
safety management system
- (2) Section 78CI(c), 'plans'—
omit, insert—
plan or system
- 217J Amendment of pt 6FA, div 4, sdiv 1, hdg**
Part 6FA, division 4, subdivision 1, heading, 'safety management plans'—
omit, insert—
safety management systems
- 217K Amendment of s 78CK (Requirements for consultation with particular overlapping tenure holders)**
Section 78CK(4), (5), (7) and (8), 'plan'—
omit, insert—
system
- 217L Amendment of s 78CL (Application of 2004 Act provisions for resolving disputes about reasonableness of proposed provision)**
- (1) Section 78CL(1), 'safety management plan'—
omit, insert—
safety management system
- (2) Section 78CL(2) and editor's note—
omit, insert—
- (2) Either party to the dispute may refer it to the chief inspector to decide whether the proposed provision is reasonable.
- (3) The referral must be written and be lodged.
- (4) Before deciding the dispute, the chief inspector must give each party a reasonable opportunity to lodge submissions about the dispute.
- (5) The chief inspector's decision binds each party to the dispute.
- (6) The chief inspector must give each party an information notice about the decision.
- (7) The chief inspector's decision is not, of itself, evidence that a safety management system, or purported safety management system, for an operating plant complies with the 2004 Act, section 675.
- (8) In this section—
chief inspector means the person who, under the 2004 Act, section 735, holds appointment as the chief inspector, petroleum and gas.
- 217M Amendment of s 177 (Obligation of lessee to give access to MDL holder)**
Section 177(2)(b)(ii), 'safety management plan'—
omit, insert—
safety management system
- 217N Amendment of schedule (Decisions subject to appeal)**
Schedule, under Common provisions—
insert—

78CL decision about whether proposed provision for safety management system is reasonable

70 After clause 230

Page 383, after line 15—

*insert—***230A Amendment of s 732 (Increase in maximum penalties in circumstances of aggravation)**

Section 732(1), 'part 2, 4 or 6'—

omit, insert—

this chapter

71 After clause 231

Page 384, after line 4—

*insert—***231A Replacement of s 772 (Return of seized things)**

Section 772—

*omit, insert—***772 Return of seized things**

- (1) This section applies if a seized thing has some intrinsic value and is not forfeited.
- (2) If the thing is not returned to its owner within 1 year after it was seized, the owner may apply to the chief inspector for its return.
- (3) Within 30 days after receiving the application, the chief inspector must—
 - (a) if the chief inspector is satisfied there are reasonable grounds for retaining the thing and decides to retain it—give the owner an information notice for the decision; or
 - (b) otherwise—return the thing to the owner.
- (4) If, at any time after the thing was seized, the chief inspector stops being satisfied there are reasonable grounds for retaining it, the chief inspector must return it to its owner.
- (5) Without limiting subsections (3) and (4), there are reasonable grounds for retaining the thing if—
 - (a) the thing is being, or is likely to be, examined; or
 - (b) the thing is needed, or may be needed, for the purposes of—
 - (i) an investigation, board of inquiry, coroner's inquest or proceeding for an offence against this Act that is likely to be started; or
 - (ii) an investigation, board of inquiry, coroner's inquest or proceeding for an offence against this Act that has been started but not completed; or
 - (iii) an appeal from a decision in a proceeding for an offence against this Act; or
 - (c) it is not lawful for the owner to possess the thing.
- (6) In this section—

examine includes analyse, test, measure, weigh, grade, gauge and identify.

72 Amendment of clause 233 (Amendment of s 837 (Offences under Act are summary))

Page 384, line 23, '8 or 9'—

omit, insert—

8, 9 or 10

73 Clause 234 (Insertion of new ch 15, pt 19)

Page 385, line 8, 'provision'—

*omit, insert—***and validation provisions****74 Clause 234 (Insertion of new ch 15, pt 19)**

Page 386, after line 16—

*insert—***991 Return of seized things**

- (1) New section 772 applies in relation to a thing seized under chapter 10, part 1 before the commencement that, on the commencement, is still seized.
- (2) If, at any time before the commencement, a thing seized under chapter 10, part 1 was not returned to its owner within the time required under old section 772—
 - (a) the retention of the thing is taken to have been as lawful as it would have been apart from the non-compliance with old section 772; and
 - (b) the State is not liable to pay compensation, and does not incur any other liability, for the retention of the thing in contravention of old section 772.

(3) Subsection (2) applies for all purposes including a legal proceeding started before the commencement.

(4) In this section—

new section 772 means section 772 as in force from the commencement.

old section 772 means section 772 as in force from time to time before the commencement.

75 Clause 235 (Amendment of sch 1 (Reviews and appeals))

Page 386, before line 22—

insert—

(3) Schedule 1, table 1, entry for section 772(1)(c)—

omit, insert—

772(3)(a) Decision to retain a seized thing

Amendments agreed to.

Clauses 69 to 256, as amended, agreed to.

Schedules 1 to 3—

Mr CRIPPS (4.25 pm): I seek leave to move amendments en bloc.

Leave granted.

Mr CRIPPS: I move the following amendments—

76 Schedule 1 (Minor or consequential amendments of particular legislation)

Page 404, after line 13—

insert—

Survey and Mapping Infrastructure Act 2003

1 Section 70(2), 'declared under the Water Act 2000, section 1006(1)'—

omit, insert—

identified on the watercourse identification map under the *Water Act 2000*

77 Schedule 1 (Minor or consequential amendments of particular legislation)

Page 412, line 10, 'grated'—

omit, insert—

granted

78 Schedule 1 (Minor or consequential amendments of particular legislation)

Page 413, after line 17—

insert—

3A Schedule 3, part 2, table 4, item (1)(a)(i), 'part 2, division 1A'—

omit, insert—

part 3, division 1

79 Schedule 2 (Amendment of Water Resource Plans)

Page 417, after line 3—

insert—

2 Section 41—

omit, insert—

41 Taking water for stock or domestic purposes

(1) For section 20A(5) of the Act, an owner of land may take water from a watercourse, lake or spring in the plan area—

(a) if the taking is from a watercourse within the Barker Barambah, Boyne River and Tarong, Bundaberg, Three Moon Creek or Upper Burnett Water Supply Schemes—only by using existing stock or domestic works; or

(b) if paragraph (a) does not apply—in any way.

(2) In subsection (1)—

existing stock or domestic works, in relation to an owner of land, means works that are in place at the commencement of this section and had been used by the owner, before the commencement, to take water from a watercourse within the Barker Barambah, Boyne River and Tarong, Bundaberg, Three Moon Creek or Upper Burnett Water Supply Schemes for stock or domestic purposes on the owner's land.

Amendments agreed to.

Schedules 1 to 3, as amended, agreed to.

Mr DEPUTY SPEAKER (Mr Krause): Order! The House will now consider the postponed clause.

Clause 2—

Mr CRIPPS (4.25 pm): I move the following amendment—

1 Clause 2 (Commencement)

Page 28, lines 7 and 8—

omit, insert—

- (1) The following provisions commence on assent—
 - parts 3A, 6A and 6B
 - sections 208A to 208E
 - section 210, other than to the extent it inserts new section 303
 - part 9, division 1A
 - part 9, division 3, other than section 217
 - section 231A
 - section 234, other than to the extent it inserts new section 990
 - section 235(3)
- (2) The remaining provisions of this Act commence on a day to be fixed by proclamation.

Amendment agreed to.

Clause 2, as amended, agreed to.

Third Reading

Hon. AP CRIPPS (Hinchinbrook—LNP) (Minister for Natural Resources and Mines) (4.26 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. AP CRIPPS (Hinchinbrook—LNP) (Minister for Natural Resources and Mines) (4.27 pm): I move the following amendment—

80 Long title

Long title, from 'the *Mineral and Energy Resources (Common Provisions) Act 2014*' to 'the *River Improvement Trust Act 1940*'—

omit, insert—

the *Explosives Act 1999*, the *Mineral and Energy Resources (Common Provisions) Act 2014*, the *Mineral Resources Act 1989*, the *Mineral Resources Regulation 2013*, the *Mining and Quarrying Safety and Health Act 1999*, the *Petroleum Act 1923*, the *Petroleum and Gas (Production and Safety) Act 2004*, the *River Improvement Trust Act 1940*, the *South-East Queensland Water (Distribution and Retail Restructuring) Act 2009*, the *Sustainable Planning Act 2009*

Amendment agreed to.


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

Motion agreed to.

HEALTH LEGISLATION AMENDMENT BILL

Resumed from 9 September (see p. 2973).

Second Reading

 **Hon. LJ SPRINGBORG** (Southern Downs—LNP) (Minister for Health) (4.27 pm): I move—

That the bill be now read a second time.

At the outset, I would like to table a copy of the Queensland government's response to report No. 59, prepared by the Health and Community Services Committee on the bill.

Tabled paper: Health and Community Services Committee: Report No. 59—Health Legislation Amendment Bill 2014, government response [6598].

I would like to thank the committee for its consideration of the bill and note that it recommended that the bill be passed. As members of the House would be aware, Queensland is well known for having some of the strongest tobacco legislation in Australia. This bill reinforces that position by amending the tobacco act to further strengthen Queensland's smoking bans by imposing restrictions on the use and availability of electronic cigarettes.

Electronic cigarettes, or personal vaporisers, are designed as an alternative to tobacco smoking. They are designed to simulate smoking by mimicking the look, feel and function of tobacco cigarettes, but do not contain tobacco leaf. E-cigarettes vary widely in design and operation, but generally heat a form of liquid nicotine or other substance into a fine vapour. Because they do not contain tobacco leaf, existing laws regulating cigarettes and other tobacco products do not apply to personal vaporisers. This means that there are no restrictions on the sale or supply of these devices. They can be sold to children, and existing laws regarding smoke-free zones do not apply to the use of these devices.

There are concerns regarding the long-term health effects associated with the use of personal vaporisers and their effectiveness as a quit-smoking device and that remains very, very unclear. The government is committed to protecting the health of Queenslanders from the potential risks associated with the use of e-cigarettes. The bill amends the Tobacco Act to capture personal vaporisers and associated products as smoking products. The intent of these amendments is a 'same rule applies' approach. The use or sale of personal vaporisers in Queensland will not be prohibited; rather, personal vaporisers will be subject to the same restrictions that apply to the sale, supply, promotion and use of tobacco and other smoking products. Queensland is the first Australian jurisdiction to regulate personal vaporisers in this way. I am pleased to advise that the Health and Community Services Committee supported the amendments to regulate personal vaporisers in the same way as tobacco and other smoking products.

Submissions made to the Health and Community Services Committee and to the Department of Health about the bill raised concerns about whether the proposed definition of a personal vaporising device was sufficient to meet the policy intent. The intent is to capture all devices that create a vapour that is inhaled into the lungs regardless of how they operate and whether or not they contain nicotine. In its report the committee recommended that the bill be amended to ensure that the definitions of 'personal vaporiser' and 'personal vaporiser related product' capture all of the vaporiser devices and products that are intended to be regulated. I support this recommendation and I will be moving amendments during consideration in detail of the bill to ensure the definitions capture all devices and products the government intends to regulate. At this time I also wish to table an erratum to the explanatory notes. This erratum clarifies that a personal vaporising device also captures a device that delivers an aerosol of liquid for inhalation into the lungs.

Tabled paper: Health Legislation Amendment Bill 2014, erratum to explanatory notes [6599].

Regulating personal vaporisers is just one element in Queensland's strategy to reduce smoking rates and further protect the health of Queenslanders. The bill further supports Queensland's tough tobacco legislation by introducing blanket bans on smoking at schools and hospitals as well as introducing a five-metre buffer zone. These amendments send a clear message that schools and hospitals are places for learning, care and the promotion of healthy living.

The bill also amends the Tobacco Act to remove an exemption that previously enabled smoking in Queensland's correctional facilities. These amendments support the prohibition on smoking at all public and private correctional facilities announced by the honourable member for Kawana, the Attorney-General, in November of last year. The reforms to the Tobacco Act reinforce Queensland's position as a leader in public health protection and promotion across Australia.

The next key policy initiative in the bill relates to the amendment of the Public Health Act to transfer civil liability for asbestos related matters from local government to the state. These arrangements respond to a key recommendation of the Queensland Ombudsman's *Asbestos Report* which investigated the regulation of asbestos in Queensland. The *Asbestos Report* was tabled in parliament in March of 2013. In the report the Ombudsman was critical of the lack of coordination and strategic planning by state agencies and councils responsible for responding to asbestos events and issues. When the provisions in the Public Health Act dealing with asbestos commenced in 2007 it was intended that the management of asbestos related public health risks would be the responsibility of

local governments. However, local governments have been reluctant to do so because of concerns about their ability to obtain insurance to cover this work and the costs involved. Local governments consider that the protection from civil liability currently offered by the Public Health Act is insufficient. In light of this, local governments have typically referred some specific asbestos related matters to the state so that the state could manage these matters on local government's behalf. There has been ongoing work between the Queensland government and the Local Government Association of Queensland to address local government concerns about the lack of protection from civil liability for asbestos related matters.


The Statewide Strategic Plan for the Safe Management of Asbestos in Queensland 2014-19 was launched in April of this year and responds to the issues raised in the Ombudsman's report. The plan focuses on implementing a more collaborative approach for managing and responding to asbestos related risks in Queensland and acknowledges the continuing role of local government within this framework. The bill amends the Public Health Act to provide protection from civil liability to local governments for the management of asbestos related public health risks in non-workplace settings. In transferring civil liability from local governments to the state, the bill authorises the state to recover a financial contribution from local government for any liability indemnified in certain circumstances. For example, if the liability resulted from conduct that was negligent on the part of local government the state may recover a contribution.

In its report the Health and Community Services Committee noted that the provision enabling the state to recover from local government is potentially ambiguous. The committee recommended that the bill be amended so there is no doubt about the circumstances in which the state may recover a financial contribution from local government. While the bill as it is currently drafted meets current drafting practices, I agree that further drafting would remove this ambiguity. I therefore support this recommendation and I will be moving amendments to this provision during consideration in detail of the bill.

The bill also makes a range of operational amendments to the Transplantation and Anatomy Act. The act was introduced 35 years ago and reflects the model legislation drafted and proposed in 1977 by the Australian Law Reform Commission. The model legislation included the requirement that the minister approve any advertisement in relation to the buying of human tissue. This requirement reflects the intent of the Transplantation and Anatomy Act to prohibit trading in human tissue and enables the minister to monitor the legitimacy of advertisements to buy tissue. Currently there is no power of delegation in the act, which means that the minister must exercise these functions personally. To improve the operational efficiency of the act, the bill enables the minister to delegate powers and functions to an appropriately qualified official such as the Chief Health Officer. Submissions to the committee and to the Department of Health about the bill raised concerns about whether the act should continue to regulate advertisements about the buying of human tissue in this manner. In particular the committee queried the impacts of this requirement on individuals seeking or receiving fertility treatment who wish to advertise for a gamete donor. The committee recommended that options be examined to remove the requirement for the minister to approve advertisements for altruistic non-commercial donations of sperm or eggs for use in fertility treatment. I note the committee's recommendation in relation to section 41 of the Transplantation and Anatomy Act. The government is supportive of assisting individuals who require the altruistic donation of ova or sperm in order to have a chance at starting a family. I note that advertising for a gamete donor can be a part of this process.

Therefore, during consideration in detail I will be moving amendments to the Transplantation and Anatomy Act. These amendments will ensure individuals acting on their own behalf seeking altruistic donation of human gametes for fertility treatment are exempt from the prohibition on advertising to buy tissue. The bill goes on to make a range of amendments to other pieces of Health portfolio legislation to create efficiencies and improve operational effectiveness. These amendments include measures to reduce red tape and regulatory burden by 20 per cent by 2018.

I take this opportunity to thank those stakeholders who provided submissions to the Health and Community Services Committee for their interest in and support of this bill. Again, I very strongly commend the committee for its excellent work and very common-sense suggestions to improve the operation of the act, which is proposed in this bill. I commend the bill to the House.

 **Mr RUTHENBERG** (Kallangur—LNP) (4.40 pm): I rise in support of the Health Legislation Amendment Bill 2014. It is important that we note that the committee recommended the bill be passed. I thank the secretariat for their significant help in the preparation of our report. I use this

opportunity to thank the team for their hard work and dedication over the last 12 months. Our committee is truly appreciative of their efforts and counsel. The team includes Ms Sue Cawcutt, our research director; Mr Karl Holden was acting research director for most of the time that this report was being prepared; Ms Kathleen Dalladay, our principal research officer; and Ms Stephanie Cash, our executive assistant. I thank the Technical Scrutiny Secretariat for their efforts over the past 12 months and specifically for their work on this bill. As a committee, we have found their work to be excellent.

The bill invoked some robust conversation between committee members and during the hearings. I am pleased to see that the minister has taken up many of our recommendations and I thank him for that. In summary, the bill provides a platform for the following changes: amendments to the Tobacco and Other Smoking Products Act 1988; indemnity for local governments from civil claims arising from the management of asbestos related public health risks in non-workplace settings; amendments to the Transplantation and Anatomy Act 1979; amendments to implement recommendations arising out of the *Review of Root Cause Analysis Legislation*; amendments to the Radiation Safety Act 1999; a new exception to the duty of confidentiality in the Health and Hospital Boards Act 2011; and amendments to the Health Ombudsman Act 2013.

The bill was introduced into this place on 9 September by the Minister for Health and we reported back on 17 November. The department briefed the committee on 10 September. The committee directly invited 119 stakeholders to make submissions on the bill and advertised for submissions on our website and by notice to subscribers. We held a public hearing on 29 October and we made eight recommendations.

The bill amends the Tobacco and Other Smoking Products Act 1998 to implement the following three changes to Queensland tobacco law to ensure Queensland smoking legislation remains the strongest in the nation. The first was regulating personal vaporising devices such as electronic cigarettes or e-cigarettes. The second was expanding smoking bans to schools and hospitals, including a five-metre buffer zone around those places. The third was supporting smoking bans at prisons. I will make a brief comment on each of those areas as there was a reasonable amount of discussion on the amendments.

The committee supports the amendments which ensure that the tobacco act is consistent with the Corrective Services Act. The committee understands that support mechanisms are already in place for prisoners who smoke. At the committee's public briefing, the department advised the committee that the transition to smoke-free prisons went very smoothly. Over 80 per cent of offenders who smoked accessed nicotine replacement therapy to help their cravings and potential irritability.

The amendments to ban smoking on and around health facilities and schools generated much conversation during the hearings and from written submissions from those supporting and those asking questions about the proposed amendments. The bill bans smoking on or within five metres of public or private health facilities and state and non-state schools. There were difficult questions and thoughts expressed, including enforcement costs and authority, rostering and safety of health workers, safety and security of patients and staff escorting patients off site. The committee spoke at length about those issues. The committee noted the concerns raised by the Private Hospitals' Association of Queensland and the Townsville HHS about the impact on vulnerable patients of a smoking ban on and around health facility land. The committee recommended that the minister ensure that the department works with the HHSs and private health facilities to ensure appropriate nicotine replacement therapy products are made available to relevant patients during their stay at a health facility. We felt that would help sufficiently to manage the issues raised. Specifically on this issue, we had concerns around palliative care patients. Mr Deputy Speaker, as a member of the committee who was involved in those conversations, you will agree. For example, we were not oblivious to the conversation around mental health patients and their management. However, we felt that in the end this was a balanced approach and thus our recommendation.

On regulating personal vaporising devices such as electronic cigarettes or e-cigarettes, the committee considered this aspect of the bill carefully. Recommendations 4, 5 and 6 of our report all relate to this aspect of the bill. The committee noted that, given their recent introduction to the market, other Australian jurisdictions and countries are still considering how best to regulate the use of vaporisers. The committee looked at the approach to regulating vaporisers in other Australian jurisdictions and internationally. The committee supports the same rule applies approach adopted by the government for the regulation of vaporisers. The committee noted concerns raised by Peregrine Corporation and Clubs Queensland about the regulation of non-nicotine devices and their potential

positive role as part of a harm-reduction strategy for smokers of cigarettes and other tobacco products. The committee supports Dr Gartner's view that the proposed regulation of vaporisers would not prevent vaporisers playing a full and effective role in any harm-reduction strategy for current cigarette smokers. The committee acknowledged the current lack of evidence to conclusively demonstrate the harm caused, both directly and indirectly, by the use of nicotine and non-nicotine vaporisers and whether vaporisers could be a gateway product for future cigarette smoking. However, the committee considered it appropriate for the government to take precautionary steps now to protect Queenslanders from the potential harm from using vaporisers, rather than waiting until the supporting evidence becomes available, specifically, once we heard and saw the evidence from some of the submissions. I note our thoughts around the need for Australian-wide product standards and health warnings on vaporiser products. I ask the minister to take that further with his counterparts, as there is a need for Australia-wide regulations.

The bill amends the Public Health Act 2005 to transfer civil liabilities for the management of asbestos related public health risks in non-workplace settings for local governments to the state. This initiative responds to a key recommendation accepted by the government under the Queensland Ombudsman's 2013 report, *The asbestos report: an investigation into the regulation of asbestos in Queensland*. The Ombudsman provided 36 recommendations that sought to improve the management of asbestos matters across agencies in Queensland. The department of health has worked with the Local Government Association of Queensland—and I want to acknowledge that—to address local governments' lack of protection from civil liability in asbestos related matters. A whole-of-government strategy, the Statewide Strategic Plan for Safe Management of Asbestos in Queensland 2014-19, provides for a streamlined and collaborative approach to seamlessly address risk across agencies and local governments. This is a really innovative outcome for Queensland that I think should be held up as an example for cross-agency activity. It is a great outcome for Queensland.

This is a little bit of a personal issue for me. As a member of the Royal Australian Air Force, I actually worked in brake shops where asbestos was a part of everyday life. Seeing this sort of legislation come into play is very important, especially for those of us who have been exposed to asbestos at some point.

During the public hearings the LGAQ raised what I think was their major concern—this was also raised by the Logan City Council in its written submission—and recommended that a stand-alone cost recovery fund be established for the recovery of asbestos clean-up costs where the responsible party cannot be found or is unable to pay for site decontamination. The LGAQ suggested that a model similar to the orphan spill fund be established. The department advised the committee that cost recovery issues for asbestos clean-up where costs cannot be recouped by councils will be considered by the government in 2015 as part of further work about asbestos issues which is being led by the Department of Justice and Attorney-General. I welcome that.

The committee considers that the suggestion that a stand-alone cost recovery fund be established for the recovery of asbestos clean-up costs is worthy of consideration. The committee understands that there is no legal barrier to local governments, however, establishing such a fund and suggested that the LGAQ and its members further consider establishing the administration of a stand-alone cost recovery fund for asbestos related events. The committee also notes the department's advice that the government will further examine this in 2015, as I have said.

I turn now to the amendments to the Transplantation and Anatomy Act. The bill amends the Transplantation and Anatomy Act 1979 to facilitate national blood supply arrangements to facilitate the legitimate trade in tissue based therapeutic products to allow the minister to delegate functions under the act and to clarify that section 17 of the Research Involving Human Embryo and Prohibition of Human Cloning for Reproduction Act 2003 prevails to the extent of any inconsistency. The act was introduced 35 years ago. It has not been comprehensively reviewed in that time. A review of the act is in its initial stages. In the meantime, there are a number of operational issues that need to be addressed. This amendment caused the most conversation among the committee.

The committee notes that section 41 of the Transplantation and Anatomy Act applies to advertising relating to the buying and taking of all human tissues as defined in section 4 of the Transplantation and Anatomy Act and not just egg and sperm. For example, section 41 would apply to advertising relating to buying organs, such as kidneys. However, trade in such tissue is also prohibited. The committee considers that it is still appropriate for advertising for certain human tissues to be approved by the minister and/or his delegate.

The committee considers that the timely processing of approvals will be important for people undertaking fertility treatment who seek eggs or sperm. The proposed amendments should result in a timely process for approving advertising given that the power to approve an advertisement may be delegated by the minister.

The committee notes that advertising has changed substantially over the years and that the regulation of internet advertising is complex. It is possible that there would be difficulties in enforcement of the existing advertising requirements in relation to advertising by individuals who seek sperm or eggs for fertility treatment.

The committee also notes that regulation of advertising of human tissue should, to the greatest extent possible, be consistent across Australia. The committee considers that more detailed examination is warranted of the current requirements for approval of altruistic, non-commercial advertisements for sperm and egg donors. The committee, therefore, recommended that the minister examine the possibility of removing these requirements. Minister, we welcome your amendments to this bill in that regard.

I turn to the amendments to implement recommendations arising out of the review of root-cause-analysis legislation. I used to fly around the world advising very large heavy industry companies on maintenance activity. One of the mechanisms we used to help us in the review of bad situations was root-cause analysis. In fact root-cause analysis had its genesis at NASA. It is interesting that Queensland Health use a form of root-cause analysis to review incidents that are reported.

The bill amends the Ambulance Service Act 1991 and the Hospital and Health Board Act to make recommended amendments to the legislative framework for root-cause analysis arising out of the 2013 report of the review of root-cause-analysis legislation.

This amendment is not controversial. I think it is fair to say that only two submissions made comment on this and both were in support of it. The committee considered that the amendments are appropriate and note that they were developed after detailed consideration through the RCA report which was tabled in the parliament late 2013.

This is the type of background research that as a committee we have come to appreciate out of the department of health. Minister, would you pass on to the department and your people that it is actually very refreshing that when we ask questions there is always a rationale behind a lot of the answers. A bill like this shows the amount of research and work that goes on behind the scenes prior to it arriving in the House. That level of detail and that ability to defend decisions is greatly appreciated by the committee and I think by the broader community in Queensland.


I want to talk briefly about the Radiation Safety Act 1999. The bill amends the Radiation Safety Act 1999 to allow the renewal of recently expired renewable act instruments. This is really an update. There was nothing controversial about this. I will not speak further on that.

I want to now speak to the new duty of confidential exception in the Hospital and Health Boards Act. The bill amends the Hospital and Health Boards Act 2011 to create a new exception to the statutory duty of confidentiality, to allow the sharing of patient information with non-government service providers who provide public health services in Queensland. This is an important amendment especially as we start to utilise the expertise and professionalism of all healthcare providers in Queensland not just Queensland Health workers. I think it is important that we have a seamless capability as patients move around the state between various healthcare providers, be they government or non-government.

The committee considered whether sufficient safeguards are proposed to protect the privacy of individuals who receive treatment from the public health service. The committee notes that the bill includes the following safeguards: the chief executive of Queensland Health or a HHS executive chief must authorise access to an information system by an external service provider or a person engaged by the external service provider; the chief executive of Queensland Health or a HHS chief executive must be satisfied that the disclosure of patient information is necessary for the external service provider to provide a health service in order to make an authorisation; the authorisation must be in writing, must describe the information system to which the authorisation relates and must be given on conditions stated in the authorisation; the external service provider is bound by the national privacy principles under the Privacy Act. I can report that the committee is very satisfied with the safeguards proposed in the bill.

The bill amends the Health Ombudsman Act 2013 to correct a reference to the act under which the Privacy Commissioner is appointed. Can I use this opportunity to thank the Health Ombudsman and his team for the excellent work they have done since coming into existence midyear. I think it is fair to say that they have made a very positive start. I use the opportunity to wish the Health Ombudsman and his team a very merry, restful and safe Christmas.

As I wrap up, can I also thank the members of the committee for their dedication and contribution to our work this last 12 months. Our conversations are sometimes robust and lively and sometimes we do not agree with each other, but our efforts are always in good faith and our recommendations are always made with the best of intentions. I thank the minister and his staff and the staff of the department for their good work in providing information in a timely manner and in helping us understand the issues and the background to the issues as outlined in bills they have brought forward. I am glad to support this bill.

 **Dr LYNHAM** (Stafford—ALP) (4.58 pm): Firstly, I would like to thank the minister for his brevity in speaking to this bill. I rise on behalf of my colleague the member for Bundamba and shadow minister for health to speak to the Health Legislation Amendment Bill 2014. I sure some of those opposite are disappointed that the member for Bundamba is away from the House today on medical grounds, but rest assured she is probably watching the broadcast online. She specifically asked me to wish well all those who will not be returning in the new year.

The Health Legislation Amendment Bill 2014 was introduced on 9 September 2014 and referred to the Health and Community Services Committee for consideration. The committee report was tabled on 17 November 2014 making a number of recommendations.

This omnibus bill seeks to amend eight Health portfolio acts. Amendments to five of the acts addressed by this bill are largely technical in nature and uncontroversial with stakeholders. However, amendments to the Tobacco and Other Smoking Products Act 1998, the Transplantation and Anatomy Act 1979 and the Public Health Act 2005 warrant more detailed attention.

Of the technical amendments I would simply make the following observations. The Ambulance Service Act 1991 and the Hospital and Health Boards Act 2011 are amended to improve the legislative framework for root-cause analysis, or RCA, of critical incidents in hospitals and health services. These improvements were recommended by a ministerial review tabled on 22 November 2013. RCAs are a valuable tool in patient safety and quality improvement systems.

With the minister's disestablishment of the Health Quality and Complaints Commission, together with the loss of Health Quality and Complaints Commission's state-wide quality improvement function and the axing of 80 positions in the former patient safety centre, we need to do what we can to resurrect patient safety as a focus for our health system. Root-cause analysis is an essential component of this health system function.

The Hospital and Health Boards Act 2011 is further amended to enable hospital and health services to share patient information with third-party service providers without breaching the duty of confidentiality under the act. While the explanatory notes for this bill refer to the case of the Cape York and Torres Strait hospital and health service working in partnership with the Royal Flying Doctor Service and the Apunipima Cape York Health Council, most HHSs are expanding the engagement of third-party providers of clinical services with whom they intend to share patient information. Patient confidentiality must be ensured in service agreements with such third parties to keep the trust of patients in our hospital and health services.

The Health Ombudsman Act 2013 is amended to rectify an error in this act caused by hasty drafting and a lack of effective consultation. This amendment will ensure the Privacy Commissioner is referred to under the Information Privacy Act 2009, not under the Right to Information Act 2009 as is currently the case. This amendment may not have been necessary if the respective commissioners had been properly engaged during the preparation of the Health Ombudsman Act.

The Mental Health Act 2000 is amended here to include 'area of need' medical registrars practising psychiatry with 'limited registration'. The Royal Australian and New Zealand College of Psychiatrists' Queensland branch committee has acknowledged the need for this amendment to the act.

The Radiation Safety Act 1999 is amended to allow the renewal of recently expired renewable licences rather than require completely new applications and associated fees. Radiologists have corresponded with the opposition on this issue, voicing their concerns about the antiquated and punitive provision of the act that this amendment now addresses. Amendments to the Radiation

Safety Act 1999 also clarify the operation of the act in relation to banned radiation sources and banned radiation practices, and the responsibilities for records of the former Radiological Advisory Council of Queensland.

In relation to the asbestos liability and the Public Health Act 2005, more substantial issues are addressed in the amendment of the Public Health Act 2005 with the transfer of civil liability for asbestos related matters from local governments to the state. Again, this is important to me as, when I was in the military service, I, too, had a large asbestos exposure, and one has to worry about this into the future. It is a very serious issue for the majority of Queenslanders concerned and it is a disease we will see a lot more of in the future.

On 21 March 2013, *The asbestos report: an investigation into the regulation of asbestos in Queensland*, prepared by the Queensland Ombudsman, was tabled. This report detailed significant gaps and shortcomings in the regulation of asbestos in Queensland, including a lack of coordination and strategic planning by state agencies and councils responsible for responding to asbestos events and issues. The asbestos report made 36 recommendations, which were accepted by the government. Of these, recommendation 15 proposed that the department of health work with local governments to resolve whether asbestos should remain a local government public health risk, as defined by the Public Health Act 2005, and take steps to implement the agreed approach.

Amendments in this bill give effect to this intent by addressing the protection from civil liability risks for asbestos related matters—a key barrier that has prevented local government from being able to fully assume responsibility for the administration and enforcement of asbestos related matters. The submissions by the Local Government Association and the Brisbane City and Logan City councils have requested that the state government establish a special-purpose pooled fund to pay for asbestos clean-up where a liable person cannot be identified. These local government bodies have asked for state funding for this pooled fund and for ongoing financial support for training of local government officers with asbestos related responsibilities. The opposition will watch with interest how this government negotiates this funding request given the Premier's pledge of a surplus in the next budget.

The Transplantation and Anatomy Act 1979 is amended by this bill to facilitate national blood supply and cord blood supply arrangements and to permit the minister to delegate functions under the act to facilitate legitimate trade in tissue based therapeutic products. Amendments also seek to clarify that section 17 of the Research Involving Human Embryos and Prohibition of Human Cloning for Reproduction Act 2003 prevails to the extent of any inconsistency. No concerns have been raised by stakeholders about amendments to facilitate national blood supply and national cord blood supply arrangements.

Section 41 of the Transplantation and Anatomy Act 1979 currently requires specific ministerial approval to advertise to acquire or supply human tissue for therapeutic purposes including human sperm and egg donation for assisted reproductive technologies. Mr Stephen Page, a leading IVF lawyer, submitted to the committee that the Transplantation and Anatomy Act 1979 is poorly framed and does not actually cover sperm donation. Mr Page submitted that in his view, section 41 of the Transplantation and Anatomy Act 1979—

... does not give the Minister power to regulate the advertising of sperm donors, though the Director-General believes otherwise. It imposes an unnecessary bureaucratic approval process that ultimately increases costs, with little real public benefit.

He goes on to say—

We should as a society be removing barriers to enable doctors to advertise to attract both egg and sperm donors, and removing red tape, while keeping the sensible licensing regime for IVF units.

In evidence before the Health and Community Services Committee, Dr David Molloy of the Queensland Fertility Group gave evidence to the effect that he was in breach of the act having never sought ministerial approval in 34 years of commercial operation. Dr Molloy stated—

There is no evidence that advertising in relation to donor gametes in Queensland needs such regulation.

Most advertising is now web and electronically based making its access and distribution in Queensland almost impossible to police and control.

Significant numbers of advertisements are community and patient generated, not corporate.

It is Dr Molloy's opinion that section 41 of the act should be removed rather than amended and, further, that the regulatory burden—dare I say LNP red tape—of requiring departmental approval by fertility compromised patients seeking tissue donation online could not and should not be regulated. As well as the commercial burden, Dr Molloy argued that enforcement of this requirement to gain prior

approval to advertise would further decrease domestic sperm and egg donation and force Australians to seek these donations in an overseas market. The opposition does not support Dr Molloy's call for the removal of section 41.

Given that a more extensive review of the Transplantation and Anatomy Act 1979 by the department of health is underway, the opposition argues that the amendment of section 41 should be addressed after more thorough consideration and consultation with both fertility patients and clinicians affected by these amendments. I note that the minister has now introduced further amendments to the bill to exclude donation of human sperm and ova under section 41. These amendments are a sensible interim measure until a more thorough review of the Transplantation and Anatomy Act 1979 is undertaken.

Turning to personal vaporisers, extended smoking bans and the Tobacco and Other Smoking Products Act 1998, this act is amended by the bill to extend smoking bans on and around health facilities, school grounds and in prisons. Further amendments seek to apply existing tobacco laws to personal vaporising devices, including prohibiting sale and supply to children, restricting advertising and display at retail outlets, and prohibiting use in smoke-free places.

A significant number of stakeholders expressed support for both, including personal vaporisers, in existing tobacco control strategies and the extension of smoking bans. The Private Hospitals Association and the Townsville HHS raised concerns about the challenges of managing nicotine-dependent patients, particularly mental health and elderly patients, who wish to smoke while receiving care. Other stakeholders emphasised the need to provide nicotine replacement therapy and other support to both nicotine-dependent patients and prisoners. A number of these stakeholders also recommended that smoking bans be extended to include pedestrian malls, public transport waiting points and in the grounds of all training colleges and universities.

These views are supported by the Health and Community Services Committee and were also eloquently articulated to the minister by the Chief Health Officer at the Heart Foundation breakfast earlier this week. The Labor opposition supports in principle the extension of smoking bans and calls on the government to act on the research evidence for these effective tobacco control strategies. I, too, as a doctor support these measures.

I now ask: why does the government accept research evidence for the effectiveness regarding this issue but ignores just as rigorous evidence for the control of violence in our community? This is the only government I am aware of that seeks to decrease violence by increasing very late trading hours and the availability of alcohol. Again, no credible evidence anywhere in the world supports their safe night out legislation. As we move into the Christmas holiday period this government can be directly blamed for one-third of all assaults that occur on our streets simply because they ignored evidence. Listen, as I have, to the research evidence and expert opinion for smoking prevention and listen to the same evidence as it relates to alcohol related harm.

Mr Grimwade: What a load of rubbish.


Dr LYNHAM: The cries of the ignorant, Mr Deputy Speaker. This bill mixes technical improvements to a number of acts with some patch-up jobs on poorly drafted legislation. Future legislation by the next Labor government will address the real issues in promoting health and wellbeing for all Queenslanders.

I wish to take a few moments of the House's time to address the amendments to the Health Legislation Amendment Bill 2014 which have been circulated by the Minister for Housing and Public Works. The amendments do not relate to any of the provisions of this bill. They do not relate to the legislation which is currently being amended. In fact, they do not relate to the Health portfolio at all. The reason these amendments are being moved now is that the Building and Construction Industry Payments Amendment Bill 2014 was a deeply flawed and poorly drafted piece of legislation, unfortunately. These amendments are being moved to address a small number of the mistakes that were identified by stakeholders during the committee examination and afterwards. The Queensland Labor Party opposed the BCIPA Bill because we recognised that it fell significantly short of the standards we expect from legislation. As my colleague the member for Redcliffe said during debate on that bill—

... there are elements of this bill which the opposition does not philosophically oppose and we would be willing to consider them if they were presented to the House in coherent, credible legislation. Unfortunately, this bill has not been presented to this House in such a fashion. Unfortunately, this is a dog's breakfast of a bill that should not have been introduced in its current state.

The Labor Party cannot and will not support such slip shod legislative processes and policy development. The fact that this bill was introduced raises serious questions about the minister's competence and about the quality of cabinet consideration under the Newman government. Because of the many severe deficiencies contained within this bill, the opposition will be voting against it.

How right the member for Redcliffe was. Here we are just a few short weeks later with the minister being forced to make changes to that legislation. For what it is worth, the opposition does not oppose the amendments we are currently considering. They address some of the flaws of the legislation the government rammed through this House just two months ago. Our objection lies solely with the terrible processes of these amendments and the changes to the BCIPA legislation that the Minister for Housing and Public Works has overseen.

 **Ms BATES** (Mudgeeraba—LNP) (5.13 pm): I rise to speak to the Health Legislation Amendment Bill 2014. This bill is yet another example of the way this government and our outstanding Minister for Health are working hard to ensure that Queensland leads the nation in the regulation of health services. As a registered general nurse of over 30 years and member of the Health and Community Services Committee, I support this bill which appropriately amends past acts of this parliament to ensure their efficient operation and co-existence with other relevant legislation. This bill takes common-sense steps to amend particular acts to ensure that, as new health products emerge or regulatory frameworks are adjusted, so, too, are our laws improved to reflect and address wider trends.

This bill amends the Tobacco and Other Smoking Products Act 1998 to modernise Queensland's tobacco laws, particularly when it comes to personal vaporising devices such as e-cigarettes and smoking at schools, hospitals and prisons. Following decades of antismoking campaigns on a global scale, there can be no doubt that smoking is far less socially acceptable today than it was in the past. In recent years, e-cigarettes have emerged as a commonly used alternative to regular cigarettes as they simulate smoking but do not contain tobacco, despite the fact that their safety, quality and effectiveness as aids to quit smoking remain unproven.

As it stands, our current laws for smoke-free places do not apply to e-cigarette use. This means they can be used freely in public places and even in front of young children who could be exposed to second-hand, simulated smoke from e-cigarettes. This bill will regulate these devices and the same rules will now apply to e-cigarettes as they do to regular cigarettes, strengthening our ability to provide smoke-free environments for our nonsmokers and young people.

This bill also provides for total smoking bans at schools and hospitals including a five-metre buffer zone from their perimeter, further protecting the health of Queenslanders. Whilst I understand the premise of this, I did raise a number of issues during the committee hearings which I am sure will come as no surprise to the minister because I have raised the issues with him personally. In particular, my concern always is for staff, particularly nurses who may still smoke who need to leave the premises of a hospital to have a cigarette. I know that at Logan Hospital nurses generally congregate at the bus stop down the road. At the Gold Coast University Hospital at the moment they are currently still on the grounds but with this legislation they will be out on the road in Southport. Again, my concern is that something may happen to them while they are outside on a cigarette break and I would hate to see that happen. I raised this matter with the Private Hospitals Association too, given that it was not clear exactly who would be legally liable if a staff member were, for instance, assaulted when leaving the premises to smoke if they were not allowed to smoke on the grounds. They are just a number of issues that I have raised with the minister before, but it is a general issue that has been raised with me by nurses as well. In addition, smoking will also be banned at correctional facilities, with this bill removing an exemption that previously enabled smoking.


This bill will also work to transfer civil liability for the management of asbestos related public health risks in non-workplace settings to the state from local governments, responding to important recommendations made as part of the Queensland Ombudsman's 2013 report. This will improve the management of asbestos matters across agencies in Queensland and address the local government's lack of protection from civil liability in asbestos related matters. I also raised this as an issue with the Local Government Association. As the former shadow minister for public works, one of the issues we encountered in opposition was the fact that a lot of former QBuild staff were removing asbestos from public buildings in an unsafe manner. There are particular levels of complexity in removing asbestos, and most of the QBuild staff were at a B-grade level not an A-grade level. We had instances even here in the parliamentary precinct where high-pressure gurnis were used to hose down the building. We had some asbestos that fell down from the seventh floor onto the Speaker's Green. They were a few of the issues that we raised as well.

This bill will amend the Transplantation and Anatomy Act 1979 to facilitate national blood supply arrangements and help simplify legitimate trade of tissue based therapeutic products. This will be the first comprehensive review of the Transplantation and Anatomy Act in 35 years, and will

address a number of operational issues. With technological advances and evolutions in human tissue based health technologies, it is important that this government keep up with the changing nature of this sector, and that is exactly what we are doing with this bill.

This bill makes recommended amendments to the legislative framework for root-cause analysis arising out of the 2013 report *Review of root cause analysis legislation*. It provides clarity in relation to radiation safety under the Radiation Safety Act 1999 by providing certainty surrounding the renewal of licenses and approvals and the operation of banned radiation sources and practices as well as removing redundant definitions from the act as the sector changes. As we recognise the importance of non-government service providers to providing health services to Queenslanders, this bill appropriately amends the Hospital and Health Boards Act 2011 to allow the sharing of necessary patient information with non-government service providers who provide public health services for Queensland Health. Finally, this bill corrects an anomaly in the Health Ombudsman Act surrounding the appointment of the Privacy Commissioner.

I am proud to be part of a government that recognises that, as society moves forward and advancements are made in the health sector, it is really important to make sure that our legislation is up to date, it is relevant and it provides certainty. I am also proud to have worked with the Minister for Health to ensure that Queensland's health system is no longer plagued by waste and inefficiency, as it was just three short years ago. Health care is vitally important not just to me as a registered nurse but to all Queenslanders. That is why we have worked to ensure that at hospitals like Robina Hospital in my electorate waiting times have been drastically reduced, patients are treated when they need to be and hospitals are run efficiently, effectively and locally. I congratulate the minister on the tremendous progress he continues to make, and I commend this bill to the House.

 **Dr DOUGLAS** (Gaven—Ind) (5.20 pm): This is an omnibus health legislative amendment bill that addresses primarily public health matters that deliver quite major outcomes, despite their probable lack of obvious significance. I support the legislative step because this step is proportionate, it is progressive, it is logical and it is timely. I have some minor concerns with one aspect that was originally within the transplantation act but I believe it has been dealt with and I will explain that. The amendments appear to have addressed that.

In fairness, I think the minister has addressed all of those concerns in large part in response to the request of the committee. I know that he is a long-time nonsmoker and that he has the same views that the majority of us have—that we need to stop this scourge of smoking. To get some idea of how serious smoking is, I will quote from the latest report by Jeanette Young, *The health of Queenslanders 2014*, which the Chief Health Officer released officially at the Heart Foundation breakfast on Tuesday of this week. The report states—

Tobacco smoking is a leading cause of preventable death and disease, and health inequality in Queensland. Two-thirds of deaths in current smokers can be directly attributed to smoking. One third of smokers die in middle age losing at least 20 years of life (42% of lung cancer deaths occur in the 45-64 year old age group, and 18% of COPD deaths). This will continue probably until 2035.

What people need to know is that there has been a minor increase in the number of women between the ages of about 28 to 40 who are smoking; there has been a slight rise in recent times. That is the only group where there has not been a decline. The concern is that it is being driven by social acceptance—in other words, they do it as a kind of recreational thing. It is a worrying trend. A lot of other things that relate to smokers are covered in this report, and I implore all members to get as many copies of this as they can and read it and know the facts, because this is really the basis of a public health document in real time.

The bill was extensively reviewed by the committee and there was a most enlightening public hearing on some of the matters. I thank all of those who made oral and written submissions. In my case, I also appreciated the individuals' open and candid answers to my own questions regarding their submissions and their statements. I do admit to being rather probing about them. There were some presentations where it was difficult for a variety of reasons. There was a person who presented using an electronic means and it was a little bit difficult to really communicate some of the sensitivities of what we were requesting from them but they did a good job.

To the committee chair, who is the Deputy Speaker here today, and to the director and secretariat of our committee, I thank you very much for the efforts you have made to have this legislation fairly considered. I was unaware of the concerns of the Labor Party until today, and I would respectfully ask them to consider supporting a good part of the bill because there are a lot of good things contained within it. There may be a couple of things which we were unaware at the time were contentious.

The major issue is the expansion of the restrictions applying to smoking in public places, and that is a really good step. It is contentious because it limits what people can do on public property. There are also restrictions on those vaporising products, including e-cigarettes, and that has been discussed extensively in the early part of this debate. Fortunately, as has been mentioned today, the minister is using wide-ranging descriptions and he is defining extensively what these vaporising devices are so that we will not see a group getting through on mere technicalities. These e-cigarettes have gained enormous market attraction and penetration. Those people who have travelled would know that they are widely available in most shopping centres in the US and Canada and to some extent now in the UK and certainly in parts of Europe. People unfortunately are using them.

I endorse the current approach of continuing the antismoking approach of all Australian governments, businesses, the public and all manner of other groups. They do so knowing that the smoking rate in Queensland has fallen nearly 10 per cent in the last three years to now be 14 per cent. Smoking related deaths are declining but it is slow. Sadly, colorectal cancer is now the most common malignancy in both males and females. For females alone, it is breast cancer. Sadly, heart disease remains obstinately all too common and it is directly related to smoking. It is one of the significant factors, and people must understand these two illnesses are directly related.

Smoking rates have almost exactly followed the same current trend down as obesity has risen. Interestingly enough, if we look at the obesity rates over a relatively shorter period of time, we see that they are rising at double the rate effectively of the decline of smoking. But over the longer term, the curves look a little bit the same, so the obesity rate is rising and I will get to that in a moment. Queensland is now the most obese state in the nation and we are getting worse. Our new medical problems reflect that problem, and they are a compounding effect on what we have already seen with smoking. The changes being made to restrict smoking are proportionate and they are the logical extension of existing restrictions that we already have in place. They are also beginning to take the same approach that we had when all governments supported plain paper packaging of cigarettes and tobacco products, despite the entreaties of the tobacco industry.

The bill extends smoking bans on and around health facilities, school grounds and prisons. I know that is difficult but we have got to take difficult steps to actually get some real responses and real outcomes. If the extensions did not do this, it would reflect also a lack of real willingness on the part of governments to be serious about working towards an ultimate ban of smoking. In other words, that should be the objective. Whilst I have some sympathies for health workers and the prisoners, these changes reflect the determination to achieve real change in the issue of smoking.

Similarly, the decision to restrict the e-cigarette threat with this legislation has been taken at the same time. The minister has clearly said that he has used a wide definition of what a vaporising product is. I can honestly say, and I stated this at the committee hearings, that there is a wide variation of vaporising products, particularly since the three majors have taken key investments in about nine of the major providers. We are seeing some serious attempts to get around what is a vaporiser and what may be a vaporiser. Interestingly, at the same time, they are heavily marketing the fact that these can be diversion strategies. They are not diversion strategies. There is no evidence to support their use in diversion strategies. E-cigarettes have gained major market penetration globally, especially in the United States. But the false claims regarding the issue of the diversion strategies are not supported by any medical evidence whatsoever. We hear people say, 'We should be having e-cigarettes because the evidence is there,' but I can say that there is no significant scientifically available evidence on diversion strategies attached to e-cigarettes. If people present these arguments to honourable members, no matter which committee they sit on, tell people to present what that evidence is because there is none.

Having said that, there is plenty of evidence on tablets, patches, lozenges and a variety of different things which demonstrates very good delivery and achievement of diversion strategies. Correctly, this legislation does not do anything to affect those products. We need to support diversion strategies to try to keep smokers off cigarettes. It would be good if the Commonwealth continues with its initiatives regarding medication that diverts people into stopping smoking.

My original concern with the legislation did lie with the changes proposed within the old regulations which have now been changed to proposed new section 42AC. I think the minister has correctly addressed the issue of advertising relating to transplantation and specifically with regard to eggs and sperm in the IVF area. This was widely discussed at the hearing and lots of people have approached various committee members. I am sure that the minister has also spoken to quite a few. People need to understand that just under a third of babies that are actually conceived are IVF babies

and that there is a huge dearth of donor eggs. It is down to such low levels that it is almost prohibitive to think about how we would manage the problem. The other problem is that since there have been legal issues relating to donor sperm, we have seen a decline in the availability of good quality donor sperm. For those who are uncertain, we really want young people to be in that pool because they have a much higher fertility rate in terms of getting ladies pregnant. They are the difficulties of it. Remember that a lot of people are in that category of trying to fall pregnant and they have infertility issues.

Correctly, this legislation is modified by that amendment. I think it has been well described by the chair. I think the changes reflect the sorts of things that former AMA president and one of Brisbane's leading IVF experts, David Molloy, who came and spoke to the committee, addressed in terms of the sensitivities and realities of what is required to achieve pregnancies in a modern-day world. People may not realise that we have zero population growth even with that and we have to get our numbers up. There is also a magical number of 270,000 immigrants required on top of that. Otherwise, as a nation, economically, we would be in our death throes because we are not maintaining our population. What David Molloy clearly was able to state was that the issues relating to the advertising restrictions have come and gone and they are largely irrelevant. Any changes would have been cosmetic. To restrict patients' activities with regard to social media where they attempt to exchange this information would have meant that any regulation proposed regarding it would have been irrelevant. I think the minister's amendment is very satisfactory. It just goes to show that the committee process can have some outcomes which are very positive in terms of improving the legislation.

The department responded very well. I would like to congratulate the deputy director, who took a lot of questions from us and endeavoured to follow up with us. He relayed the types of concerns and did so in a way that gave great dignity to the situation. Of course, the concern, ultimately, was to emphasise that the legislation was to restrict the sale of greater organ parts. We do not want to see markets develop, particularly for kidneys, livers et cetera. However, these sorts of markets will develop because of what is happening overseas. Certainly having some kind of regulatory steps and suitable laws relating to issues of organ transplantation markets, if they were to develop, is appropriate. Again, I believe that the committee process was responsible for ensuring that good outcome.

I turn to the issue of asbestosis, and I will not go into any of the other specifics of the legislation with regard to it. Asbestosis is a critical problem. Its peak impact on our health system is still probably 15 to 20 years away. In other words, we are going to see more people with not just mesothelioma, but significant chronic airways disease leading to the need for both oxygenation and a variety of other supports. There is a direct relationship between smoking, asbestos and lung disease, which is another independent illness. We are going to see a continuing problem with that. It is a very unfortunate illness. A lot of the people suffering certainly had no idea what they were being exposed to. There are wives and children who were exposed to asbestos inhalation by virtue of their husband or father working in buildings and they themselves had no connection. We are starting to see some of those people coming into play. There are a lot of ex-Navy people who were exposed to lagging, and there are a variety of other industries affected. They hold a church ceremony at Christmas time. It is quite amazing to see the numbers of people and the families affected. I would ask that everyone be very supportive of what is a very tragic way to suffer. It is a horrible death for those who will succumb to the effects of asbestosis, which is an occupational lung disease. Unfortunately, we probably did not act early enough.


I think it is timely that this health legislation sees amendments that have been placed for debate at this time. There are many reasons to say that. In no specific order, it is important to address those issues that are confronting us and they are things that we probably take for granted. I certainly speak of the lethal habit of smoking and, similarly, the impacts of smoking on others because when you stop people smoking in public places you are addressing the issue of passive smoking and, as we know, passive smoking is nearly as dangerous as active smoking. This legislation has also approached the delivery mechanisms to try to take positive steps to stop more people becoming addicted. We have tried to address the issue of those children who may take up smoking by trying to diminish the new intakes but, equally, this legislation addresses the issue of fertility, which correctly is an important issue at this time. In case members do not know, most girls who get pregnant do so at Christmas time

and have their babies at the end of the winter. Traditionally, that is what happens in any First or Second World society. The amendments themselves are innocuous, but they are beneficial. I would like the ALP to consider them.

However, I will say that I was disappointed that the legislation avoided the elephant in the room with regard to the serious matters of public health—those issues relating to obesity, depression and life choices, but particularly obesity. In her speech given to the parliament earlier this week, the Chief Medical Officer, Jeanette Young, described smoking as a really major health challenge. However, our greatest health challenge that threatens to swamp all of our systems is—and she correctly stated it—obesity because being overweight is the new norm. Unfortunately, in Queensland two in three adults and three in 10 children are obese, we have the highest rate in the nation and the average weight gain is roughly a kilo a year after people receive their licence. In a very elegant description of what we could do, Rachelle Foreman from the Heart Foundation clearly said that we have to focus on this as a national objective. I would have liked to have seen at least something with regard to that within this bill. I would ask the minister to consider that, if nothing else, when we make these minor amendments we seriously approach disease—we must do that every time we can—and these sorts of things can be approached in these public health amendment bills. The list of things we could do is endless.

Earlier this week Rachelle Foreman gave us a big challenge. On behalf of the Heart Foundation she is calling on the Queensland government to introduce legislation requiring fast food chains to display the kilojoule content of the food and drinks they sell and, secondly, to run an education campaign to help Queenslanders use the kilojoule information to make healthier choices when eating out. They are fairly simple things and I think it is a good initiative. We really have to take the bull by the horns. We have to set examples. The minister has really shown courage. This is a really tough area. There are people who want to still be able to smoke in public places and they do want vaporisers. There are lots of them and they have supporters, but we have to try to do something.

I think that the Heart Foundation's request is reasonable. I would also add that if you are thinking of a third one, what about converting the Strong Choices campaign, which is currently being directed into selling state assets, into a program of food, exercise and lifestyle choices? The public will support it; it is value for money; and the minister could do it today.

 **Mr SHUTTLEWORTH** (Ferny Grove—LNP) (5.40 pm): Mr Deputy Speaker, I rise in the House today to speak in support of the Health Legislation Amendment Bill 2014. This amendment bill will amend eight pieces of legislation and provide indemnity to local councils for civil claims arising from the management of asbestos related public health risks in non-workplace settings; however, it is the amendment to the Tobacco and Other Smoking Products Act that drew the most significant interface with the public and is perhaps where the majority of my contribution will also focus.

Before I turn my attention to the amendments to the Tobacco and Other Smoking Products Act, I want to briefly overview the primary objectives contained within the other sections of this bill. In regard to the amendments to the Ambulance Service Act and the Health and Hospital Boards Act, these amendments will ensure that the recommendations of the review of the root-cause analysis legislation are implemented. The primary object of the root-cause analysis is to ensure that there is a process for continual improvement through the undertaking of root-cause analyses to ensure that the service provided by our public health services and the Queensland Ambulance Service are enveloped within a process of continual improvement. Only two submissions were made in relation to this segment of the amendment bill, and both were favourable and supportive.

There are simple amendments too for the Radiation Safety Act 1999, which ensures that a holder of a renewable act instrument such as a licence, a certificate or approval to acquire can now be afforded a 30-day period of grace for applications which may have recently expired. In the great established tradition of our government, this red-tape reduction assists both businesses and departments to manage the cost and burden of compliance. Once again there were few submissions in relation to these components of the bill; however, notably the Royal Australian and New Zealand College of Radiologists supported the amendments.

The third section of change is to the Health and Hospital Boards Act 2011 in relation to the duty of confidentiality and the sharing of patient information with external service providers. The amendment essentially ensures that Queensland Health staff members do not breach the duty of confidentiality in circumstances where staff of other organisations with funding, service or partnering arrangements with Queensland Health may have accessed Queensland Health information systems. Throughout the departmental briefings the committee became satisfied that the safeguards within the bill are sufficient to allay concerns around the protection of patient privacy.

The submissions from the Royal Australian and New Zealand College of Psychiatrists supported amendments to the Mental Health Act 2000 in relation to the definition of psychiatrist, as did the Queensland division of Occupational Therapy Australia. There was an understanding that these amendments may well assist with the provision of care in remote and regional parts of Queensland and may encourage greater development of the Queensland mental health workforce.

It also provides an amendment to the Public Health Act 2005 in relation to civil liabilities for asbestos. This amendment will essentially provide a level of indemnity to local council authorities against civil liability for management of asbestos related health risks in non-workplace situations. To effectively conform to the indemnity, however, local authorities must ensure that the level of training and recording is supportive of their claim. Of course like almost every case where workplace incidents may be covered through indemnity, there must not be actions that are deemed negligent and actions should be undertaken in good faith. Submissions made in relation to this component were largely concentrated on the establishment of a stand-alone cost recovery fund. Whilst the committee understands that this might well be a prudent undertaking, it was our collective view that this could be established through the LGAQ and its members.

The section relating to the Transplantation and Anatomy Act did generate a level of interest, particularly through the submission and attendance at the public briefing by the Queensland Fertility Group. Mr Page, a surrogacy lawyer, expressed concern about the effect that this amendment may have on legitimate and socially acceptable businesses relating to the advertising of human eggs and human sperm for use in the management of fertility treatments. It is pleasing to note that the recommendation of the committee is being dealt with by the minister and his department through the amendments distributed today which exclude individuals acting on their own behalf seeking fertility treatment from prohibition in section 41 of the Transplantation and Anatomy Act 1979. This is a great example of how the wider public can engage with the committee process of our parliament, express their concerns and facilitate change for the betterment of legislation before this House.

I now move to the most significant in terms of submissions and public interest, and that is the amendments to the Tobacco and Other Smoking Products Act 1998. There are two significant areas within the amendments to this act: one relating to smoking bans in correctional facilities and around health facilities and schools, as well as the application of these laws to the use of personal vaporising devices.

I am sorry, Mr Deputy Speaker, are you able to hear me? I am having trouble thinking here.

Mr DEPUTY SPEAKER: Thank you for your guidance, member for Ferny Grove. Members, please tone your conversations down or take them outside. I would like to hear the member for Ferny Grove a little bit better. Member for Ferny Grove, you have the call.

Mr SHUTTLEWORTH: Thank you, Mr Deputy Speaker. The large majority of submissions were overwhelmingly in support of the proposed changes to the expansion of existing banned areas. There was, however, a submission from the Queensland Law Society that called for consideration of the implementation of practical support mechanisms such as nicotine replacement therapy, education and quit-smoking campaigns to assist with the management of smokers at correctional facilities. Following discussions with the department, the committee supports consistency between the Correctional Services Act and the tobacco act. We were of the view there are already a number of well-established support mechanisms in place.

While the vast majority of submissions were supportive of the amendments from the public safety standpoint, there was also a level of understanding and compassion from committee members with regard to the management of smoking by patients who may be terminally ill or friends and relatives of patients who are suffering terminal illnesses and may have extended periods within a health facility. While there is a great level of compassion for those unfortunate enough to be in these difficult circumstances, there is also the level of public safety that is essential to address. It was therefore proposed that the minister consider the provision of appropriate nicotine replacement therapy at public and private health facilities to assist patients during this most difficult period. There was a clear appetite among the submitters to seek an even greater extension of areas where smoking is banned, and again it was the committee's view that further consideration by the minister may be warranted.

Perhaps the most contentious component of this amendment bill is the extension of the Tobacco and Other Smoking Products Act to also apply to personal vaporising devices. I think that one of the most significant statements considered by the committee was when the Therapeutic Goods Administration, in their submission to the Commonwealth, outlined that without the thorough

assessment of these electronic cigarettes, the quality and safety of the device is not known. There were a number of submissions and comments at the public inquiry that mirrored these concerns. There seems not to have been any significant undertaking at this point and certainly not a length of time that would support any commentary around the safety of these products.


As the minister outlined earlier this afternoon, amendments will be made to ensure there will be no personal vaporising products that could be distributed outside of this legislation. This ensures that the significant risks that these products pose—in that they aim to re-establish social norms and habitual behaviour that mimics the use of tobacco products—will hopefully be overcome. During the public hearing I asked whether this outcome could be even anecdotally considered to be the primary driver behind the decision of large tobacco manufacturers to purchase the manufacturers of these vaping products. There were numerous nods and signs of affirmation for this statement, which in my mind ensured that we were on the right track with these amendments.

Since the public hearing I have made several casual inquiries throughout my own electorate of Ferny Grove and at other venues I have visited on occasion, and the venues were quite supportive of the move to treat these devices and tobacco products similarly for ease of enforcement. In fact, many were of the thought that this was already the case.

I would like to thank the minister and his department for making these amendments at this time when, clearly, there are a large number of opinions with regard to the use of personal vaporising products. I believe that we have acted appropriately in light of the fact that throughout the world there is no long-term study into the harmful effects of vaporisers and any effects of second-hand chemicals of these devices.

Throughout the public hearing it was also argued that the use of non-nicotine vaporising products might indeed be beneficial and assist when devices are used for quitting smoking or other types of interaction methods. I argued, however, that post the point of sale there would be no capability for enforcement of non-nicotine products and nicotine products as the consumer may adapt or modify the vaporising device after the point-of-sale transaction. It is therefore very much the view of the committee that all vaporising products should be treated as if they could deliver nicotine and therefore are treated without exception within this amendment bill.

In closing, it is with great respect that I thank the minister and his department for the thoroughness of this amendment and for the consideration of the recommendations made within the Health and Community Services Committee report No. 59. Once again, the report was compiled substantially through the efforts of the committee secretariat under the leadership of Sue Cawcutt and temporarily Karl Holden. I thank them again for their diligence and effort. I support the passage of this bill through the House.

 **Mrs FRECKLINGTON** (Nanango—LNP) (5.51 pm): I rise to make a very short contribution in support of the Health Legislation Amendment Bill 2014. I thank the Minister for Health, the Hon. Lawrence Springborg, for bringing this bill before the House. I often get a chance to stand in this great House to talk about the wonderful common-sense legislation that our ministers have been bringing before this House. I also note that you, Mr Deputy Speaker Ruthenberg, as chair of the committee, recommended that this bill be passed. Again, these are common-sense changes. I note that this bill is an extensive reform of the eight Health portfolio acts, with key amendments across a very broad spectrum of health services.


Today I will quickly touch on something extremely important, given the fact that I have three teenage daughters—that is, the extension of the reforms around smoking bans and personal vaporising devices. I want to talk on this issue briefly because I firmly believe that the extension and the standardisation of those smoking bans to our schools and our hospitals is just an excellent step. It will mean that people have to extinguish their cigarettes no less than five metres from the entrance to a school or a hospital.

I can recall being at the Miles hospital years ago—this is one of those generational changes that I am so pleased we are now enshrining in legislation—and seeing the old men smoking. The number of cigarettes patients were able to have was limited to, I think, five a day. Quite often the patient's spouse—their wife or their husband—would bring in their cigarettes and they would sit out on the veranda and puff away. That was that generation. Thankfully, generational change has just gradually happened. I am really proud to be standing here supporting this legislation. By the time my daughters are my age—in many years to come—there will be no smoking. Let us hope that that is the world we are bringing our children into.

This change, again, is common sense. One of the issues we have is that smokers just happen to congregate. At the Kingaroy regional hospital in my area you see all those smokers. You may have a nine-month pregnant woman coming in to the hospital to have a baby. While I am on that point, can I say that we have more babies in Kingaroy than any other regional hospital bar Mount Isa. That is to the credit of the amazing nurses and the amazing Darling Downs health board. It will be wonderful that the mums, dads and little kids coming to the hospital will no longer have to walk through a smoke haze. The same applies to kids going to school. The reason this is so important—I do not mean to labour the point—is that it is the little children who are watching the parents smoke. So this change will mean that there is another place where children do not see adults smoking.

Earlier one of the other members spoke about the health of staff. That is also really important. If no smoking is allowed anywhere near our hospitals and our schools, staff will not be exposed either. It would be great to stand here and talk about how wonderful it would be to extend this further, but obviously we have rights and freedoms.

I might leave it there because I know that there are many other people who would like to speak to the bill and most of the issues have been covered. But I will make one very brief comment. I had to sit in this House and listen to one of the Labor members opposite really not be nice about the changes we have made to the amazing health system we now have here in Queensland. If I have not said it before, I say to my colleagues today in the House: the South Burnett regional hospital, thanks to this health minister and this government, is now performing operations. We are providing a service that the Labor Party never provided to my locals. The reason that is so important is that the good people who live in my area no longer need to travel to receive treatment, even though we have doubled the patient travel subsidy. I always like to point that out. Our hospitals are now running more efficiently. They are being run by local boards. Under this health minister and this government, our hospital system is now the best health system in the country. If this health minister keeps going with the reform he is implementing and keeps improving services, we can become the best health system in Australasia if it is not already. I fully support this bill.

 **Mr HATHAWAY** (Townsville—LNP) (5.56 pm): I rise as a member of the Health and Community Services Committee to speak in support of the Health Legislation Amendment Bill 2014. We have already heard from a number of speakers that this bill makes a significant number of amendments across a number of acts including the Tobacco and Other Smoking Products Act, provides indemnity for local governments, makes amendments to the Transplantation and Anatomy Act 1979, makes amendments to implement recommendations for root-cause analysis, makes amendments to the Radiation Safety Act 1999, provides a new duty of confidentiality for hospital and health boards and makes amendments to the Health Ombudsman Act 2013.

During my discourse tonight I will cover only two of the areas that are part of the legislation. Suffice it to say, I do welcome the health minister and his department introducing this bill and these amendments to the House because I think they will go an extremely long way to making Queensland a safe place and a healthy place in which to raise a family.

As I said, I will cover two particular areas. They are probably the ones the committee discussed the most and about which we heard the widest variety of views. I also think the minister has come up with a pretty good solution. I do welcome the minister's foreshadowed amendments, which address a number of the issues raised by the committee. In particular, his amendments directly relate to recommendations 4, 8 and 7 quite clearly.

The bill proposes to amend the Tobacco and Other Smoking Products Act 1998 to implement three changes to Queensland tobacco laws to ensure Queensland's smoking legislation remains the strongest in Australia. At the outset I have to declare that I was a smoker for many years. I know that the minister does not know that I was a smoker, but I was a young kid who smoked behind the toilet block and so on. I then joined the Army, where smoking was almost *de rigueur* and quite prevalent. The weapon of choice in those days was Winnie reds for diggers and Winnie blues for officers.

Given that background, I understand the critical health impacts of smoking because I have been suffering from them. I also understand the addiction of it and its impact on others and the cost that smoking and smoking related products have on our community. I stand proudly here and say that, despite smoking at the time, the defence department was probably one of the first departments

to bring in smoke-free workplaces in 1991—I recall the day actually—but prior to that we used to be able to smoke in our vehicles, smoke in our offices, smoke everywhere. On that particular day in 1991 that practice ended, and with good reason. This legislation refers to alternatives, particularly vaping devices or electronic cigarettes or e-cigarettes. I welcome the minister extending the smoking bans to our schools and hospitals. As a place of care or a place of nurturing, they should be sacrosanct and we should protect them in all regards, including the five-metre buffer around those areas. As the previous speaker said, walking through a throng of people at the entrance to a hospital or a school negates the process. I also understand and support the smoking bans in prisons.

Our committee made a number of recommendations, and I want to cover a couple of them. In recommendation 2 we sought that the Minister for Health ensure that appropriate nicotine replacement therapy products are made available to patients in any health facility, and I support that. There are about six different types of nicotine replacement, and let the record show that I am holding up one particular type which is a gum product. We also sought that the minister ask the department of health about a possible extension for local governments in terms of their use of current powers for smoking in public places, particularly at transport waiting points, pedestrian malls and the like. In recommendation 4 the committee recommended that the bill be amended to ensure the definitions of a personal vaporiser. We had proponents of these devices trying to justify that their particular device was safe as opposed to other devices which were not safe. As I said, the minister's amendments will clearly define that if it is the intent of any device to emulate or replicate a smoking or tobacco based smoking product then we do not want it in our state. The committee recommends in recommendation 5 that, if evidence becomes available on the potential harm caused by the use of nicotine and non-nicotine vaporisers, the minister initiate a review as proposed in the bill. The committee recommended that the Minister for Health work with his colleagues in the health council of Australian governments to ensure that we introduce statutory product standards for all vaporiser devices and a requirement for all vaporisers and packaging to have health warnings.

By way of background, there are two types of e-cigarettes—nicotine based and non-nicotine based. We know that nicotine is defined as a poison in the poisons act and that e-cigarettes contain liquid nicotine and cannot be legally sold or used in Queensland. However, there is confusion in the public and there is also confusion in terms of products that come from outside our jurisdiction of what is legal and what is not legal. Therefore, this suite of legislation encompasses all e-cigarette products to ensure that none of them can be used in any smoke-free place, regardless of whether it is smoke from combustion or otherwise, or sold to children or displayed, promoted or advertised in any of those retail places. With these amendments, the law captures all of those devices.

A number of public health concerns have been raised concerning the use of e-cigarettes given the fact that people are potentially using them in smoke-free places and therefore people can be exposed to sidestream smoke, by-product, exhalation or whatever you want to call it of whatever product happens to be passing through that particular vaping device. I think that that is pretty unhealthy. I also note that the World Health Organisation has issued warnings particularly for the use of these sorts of products and devices with children and, as always, pregnant women because they are nurturing the most unprotected people in our community. I want to talk about smoking in school, and I have indicated that I started smoking at school as a young fellow. As a result, I had a couple of appointments with the principal at different times—

An honourable member: Did you inhale?

Mr HATHAWAY: I am sad to say, yes, I did unfortunately.

Mr Crandon: How many cuts did you get?

Mr HATHAWAY: We did have cuts of the cane. We also had suspensions in those days. What brought it home to me, however, was some years ago when I was still in the Army as a lieutenant colonel I was invited to be principal for a day at Annandale State School where my children attended at that time when I was still smoking. Whilst I was kept busy all day, I did manage to sneak off campus to have that durrie. I of course left the school enclosure and went outside into the street and I felt like part of the great unwashed and, to be honest, I did not actually miss it all that much because, despite only having one cigarette that whole day, I survived. People will learn to survive and people will learn to find alternatives or perhaps try nicotine replacement therapy to give up this product which is impacting on the health of us all and on all of our communities.

I have covered smoking bans in schools and hospitals, and I fully support that move. As I said at the outset, there are many people in hospital who have no choice but to be in hospital and they do not necessarily want to be put at risk by other people. Whilst it might be tough for some patients, there is a suite of nicotine replacement therapies that are available for people who still insist on using nicotine. There is an alternative product to do that that does not harm them and, furthermore, does not harm other patients or indeed schoolkids and the like. I am happy to say that 46 per cent of public hospitals in Queensland are nonsmoking, but I definitely would like to see that get up to 100 per cent. This legislation will ensure that that is the case. The bill also removes the discretion to nominate smoking places at those facilities, because I think it is quite inconsistent that at a place that is trying to return you to health you are told, 'You can smoke over there.' That is also a good part of the legislation. I am aware of the smoking ban introduced to all of our prisons on 5 May this year, and the bill brings the legislation up to speed to enforce that ban. Again, we are talking about not only the health of prisoners but also the health of corrective service officers. I fully support that.

I turn now to the changes to the Transplantation and Anatomy Act 1979. This bill makes amendments to the Transplantation and Anatomy Act 1979 to facilitate national blood supply arrangements, to facilitate legitimate trade in tissue based therapeutic products and to allow the minister to delegate functions under the act. It also clarifies that the Research Involving Human Embryos and Prohibition of Human Cloning for Reproduction Act 2003 prevails to the extent if there is any inconsistency between the two acts. The current controls in the Transplantation and Anatomy Act on buying, selling and advertising human tissue based products have been effective in restricting commercial trade in human tissue. The committee discussed and decided that this is not unleashing that by any means. That act is 35 years old and trying to get the right therapeutic product to the patient is important, so this is a timely change because we are now seeing that the controls are potentially obstructing the efficient supply of blood and blood products under national blood supply arrangements and also the supply of any tissue based therapeutic products approved by the TGA. The department made us aware that there are 12 human tissue based products that are used for life-saving treatments that are available quite readily in other jurisdictions in our country but are not readily available in Queensland. These amendments will overcome that difficulty.


I just want to digress a little. We have all seen the way in which Queensland Health has been turned around. When we came into government it was a basket case. It was inefficient. There was the waste of money. It was not providing patient focused outcomes for Queenslanders. In a short period we have seen the minister, aided by his staff and the department, turn that situation around. This legislation, which enables us to have a sufficient supply of these tissue based products, or blood products and the like in our state, will ensure that Queensland will be the leading edge, the preferred jurisdiction for health, in our country. We are well on the way to being that. We now have an efficient, effective health system. That is very much due to the good work of the minister. I commend the minister for his efforts. These changes will continue to keep Queensland punching well above its weight in the provision of good health services to its citizens.

Although I do not understand all the therapeutic uses of these products, some of them are quite important. In particular, they are used to control bleeding, to treat burns victims to minimise their long-term scarring and to improve patient outcomes. They are also used to aid in the knitting of bones. This bill amends the act to facilitate the supply of these blood products and tissue based therapeutic products to Queensland patients and health service providers. These amendments will ensure that the act is able to keep up with evolving human tissue based health technologies. It is fantastic what can be done now with these products compared to what could have been done 10 years ago or 25 years ago.

I remind the House that the Research Involving Human Embryos and Prohibition of Human Cloning for Reproduction Act prohibits the commercial trade in human eggs, human sperm and human embryos. However, these changes will ensure that reimbursement for reasonable expenses incurred by the person in connection with the harvest is permitted under that act. The bill clarifies that if there is any consistency between the act and the Research Involving Human Embryos and Prohibition of Human Cloning for Reproduction Act that the latter will prevail.


I would like to take this opportunity to thank the minister for the fantastic work that he has done, the fantastic health legislation that he has introduced into this House that has been sent to our committee and the changes in Queensland Health that Queenslanders are already benefiting from. I

would also like to thank the committee secretariat and the departmental staff for their great research and the very informative briefings that they provide to us and their responses to any questions. I thank my fellow committee members. I support the passage of this bill through the House.

 **Mr CRANDON** (Coomera—LNP) (6.13 pm): I want to make a very short contribution to the debate on the Health Legislation Amendment Bill. Other members have well and truly covered the bill in this debate. I just want to rise in this place and publicly thank the minister for introducing one particular aspect of the bill, the amendment to the act to transfer civil liability for asbestos related matters from local government to the state government. These amendments give effect to the recommendations of *The asbestos report: an investigation into the regulation of asbestos in Queensland*. That report runs to about 80-odd pages. It contains 36 recommendations. One of those recommendations relates to the difficulty for local councils to deal with matters relating to asbestos. Basically, there is now an insurance policy in place to allow those councils to do just that—manage those asbestos cases. This is just another brick in the wall in the fight against asbestos. It is a fight to make people understand the dangers of asbestos in the workplace and in the home.

My family has suffered greatly from the asbestos scourge on Australia. My mother died many years ago now—approaching 20 years ago—from mesothelioma. It was a horrible death. Over an 18-month period she suffered greatly. More recently my father passed away as a result of an asbestos related lung disease. So I appreciate everything that the minister is doing with regard to asbestos.

I also want to bring to the attention of the House a matter that was alluded to by the member for Gaven. The Asbestos Related Disease Support Society Queensland is holding an ecumenical service this Friday at 11 o'clock at the Cathedral of St Stephen in Brisbane. This is an opportunity for us to remember those whom we have lost to asbestos related disease. I encourage any members who are in Brisbane on that day to make their way to the cathedral to spend some time remembering those people whom we have lost to this disease.

 **Mr COSTIGAN** (Whitsunday—LNP) (6.16 pm): I rise to make a small contribution to the debate in support of the Health Legislation Amendment Bill. In doing so, like my colleagues, I, too, would like to recognise the excellent work of our health minister, who has certainly restored the faith of Queenslanders in our public health system. When I was growing up, it was certainly the envy of the nation. But under successive Labor governments over the past 25 years it fell apart at the seams. We all remember the state's much publicised Health payroll debacle, the fake Tahitian prince, the ambulance ramping at our public hospitals, those ridiculously long waiting lists for elective surgery and public dental work, how Labor simply refused to help sick country people and their families by boosting the Patient Travel Subsidy Scheme and on it goes. It was certainly a sorry tale.

Fortunately, thanks largely to the minister and his team, particularly those doctors, nurses and allied health professionals right across the state and the administrative bodies that have been set up to look after the system, the ship has been turned around. In the region that I represent I note the contribution of people such as John Nugent, whose 35 years experience in the health sector is a godsend for the board that looks after the hospitals in the Mackay-Whitsunday region. In fact, recently it was great to see John, the former CEO of the Mater Hospital in Mackay, up at Proserpine for the opening of new dental facilities there. John was there representing the board—a board which, in my humble opinion, he could lead with his eyes closed given the opportunity. John was there for good reason. The state and Commonwealth worked together in partnership with James Cook University. What was the result? It was the doubling of the public dental capacity of Proserpine Hospital. That is certainly a huge step forward.

As has been noted, this bill makes amendments to the Tobacco and Other Smoking Products Act 1998 in keeping with those strong antismoking messages. For decades now, we have all heard those messages from governments of all persuasions as well as local communities. I well remember the days of the Winfield Cup. But, of course, the legislation changed and the world changed for Winfield. The sponsorship was killed off, but better than the obvious, with smoking killing people. We all know that it is no longer socially acceptable to light up. Personally, I find it disgusting. The only fags that I know of are the lollies that we used to buy.

Mr Minnikin: No, that's not the only one.


Mr COSTIGAN: I will not take that interjection from the member for Chatsworth. But that is the case. I am proud to stand up in this place to say that I have never had a smoke of anything. With my grandmother, it was a different story. I remember going down to the shop to get her cigarettes, as perhaps kids often used to do in those days. But I am proud to say that I have never had one puff whatsoever.

I commend the minister for going the extra mile and regulating these so-called personal vaporising devices—electronic cigarettes or e-cigarettes as some people call them—as well as expanding smoking bans at our hospitals and schools thanks to a five-metre buffer zone and supporting smoking bans in our jails across the state. We have all heard the minister. It is all about mimicking the real deal. But it is important to realise that there are nicotine and non-nicotine versions of these cigarettes. As the minister alluded to, the jury is still very much out in relation to the potential health implications of these devices. If you want smoke in the Mackay-Whitsunday region go to Farleigh Mill or Mac's Speedway. That is where you will find smoke. You will not find it in our hospitals and schools. Job well done, Minister.

I also note the bill amends the Public Health Act 2005 to transfer civil liability for the management of asbestos related public health risks in non-workplace settings from local governments to the state. Speaking of asbestos, I congratulate former Origin great himself, Trevor Gillmeister, on his recent awareness and fundraising walk from Townsville to Brisbane. I have known Gilly for a long time—since the early nineties, in fact, when I went down to the Capricorn Coast to interview him. Gilly was there with his pop on his mum's side. I came away with a signed photograph of this now-legendary figure who knows all about hospitals. After all, it was Gilly who rose from his hospital bed all those years ago to lead Queensland to Origin glory. Gilly's father Ron, as most honourable members would be aware, sadly passed away some five years ago from an asbestos related disease. I salute the great man on his walk in memory of his father, a walk that has raised almost \$150,000 at last report. I know that Gilly had an excellent talk with the Attorney-General who walked alongside him on the Sunshine Coast discussing what needs to be done to help sick people. Asbestos related diseases are a huge cost to society. Worldwide 107,000 people, I am led to believe, die from ARDs every year. It would be like wiping out the entire city of Mackay that I represent here in this place plus a few other communities nearby. As for the direct economic cost, I am told it is something in the order of per annum US\$2.4 billion. It is a huge cost financially and otherwise.

Without doubling up on the contributions of other speakers, I again commend the minister and particularly acknowledge the amazing outcomes in health in my part of the world, not only relating to the Proserpine Hospital but also our flagship hospital, the Mackay Base Hospital, where we now have a cardio catheter laboratory, oncology unit and so much more. That means less travel for patients, something that the member for Nanango touched on a moment ago, to places like Brisbane and Townsville and allows the patient to have that close network of relatives, friends and loved ones by their side, something you cannot quantify.

In closing, it is a great outcome for not only my constituents but also people from right around our region—from Clermont to Cannonvale, Collinsville to Carmila—and underlines the spend in health under this minister. There have been increases in health spending, need I remind honourable members, in three successive budgets, while at the same time delivering greater efficiencies so we can provide more in a sustainable manner. That is something that Labor could only dream about. As a strong member of a strong team with a strong plan for a stronger Queensland, I support the bill.

 **Mr BENNETT** (Burnett—LNP) (6.23 pm): I rise to support the Health Legislation Amendment Bill 2014, which not only complies with this government's promise to continually reduce red tape but also reflects the expectations of the community in a number of areas with regard to health services and improvement of community standards. The bill amends eight health portfolio acts in total. However, today I will focus on just a few of those changes that I feel strike a chord with the wider community. Firstly, the bill continues the ongoing efforts of government at all levels to de-normalise the habit of smoking. It certainly is a problem in the community. It is an issue where there will always be differences of opinion as to where regulation should stop and personal responsibility should start. However, the facts tell a story that as a government we cannot ignore. As the minister discussed in his introductory speech, more than 3,400 Queenslanders die each year from smoking related illness. Smoking accounts for roughly \$6.1 billion in health costs, lost productivity and premature deaths in Queensland.

I want to touch on the issue of vaporisers. We have tabled a couple of petitions on behalf of constituents, particularly in the House, and I want to make a point that the bill provides some clarity around the sale and issue of these products, e-pens and e-cigarettes, and I acknowledge the

clarification that has been put in the House in relation to the meaning of 'personal vaporising devices'. These products are currently enjoying a boom in popularity. That is why it is important that the legislation encapsulates what the chemicals are and how they will have a greater impact on our society. I acknowledge that we have considerable support from members of the community about e-pens and e-cigarettes. I pass on my congratulations to the minister and the committee and I support the passage of this legislation through the House.

Interruption.

MOTION

Suspension of Standing and Sessional Orders

Mr STEVENS (Mermaid Beach—LNP) (Leader of the House) (6.25 pm), by leave, without notice: I move—

That, notwithstanding anything contained in the standing and sessional orders for this day's sitting, the House will not break for dinner at 6.30 pm but will continue to sit to conduct government business, followed by a 30-minute adjournment debate.


Question put—That the motion be agreed to.

Motion agreed to.

HEALTH LEGISLATION AMENDMENT BILL

Second Reading

Resumed.

 **Mr CAVALLUCCI** (Brisbane Central—LNP) (6.26 pm): I rise in support of the Health Legislation Amendment Bill 2014 with its important amendments to several other pieces of legislation, including the Tobacco and Other Smoking Products Act 1998, the Transplantation and Anatomy Act 1979, the Radiation Safety Act 1999 and the Health Ombudsman Act 2013, and also its inscriptions towards recommendations from the *Review of root cause analysis legislation*. These are all very important areas for the government to address and the bill has been well drafted to clarify the specific issues and improve outcomes in each health related area. I will not cover off on all of the individual amendments; I will just focus on a couple of specific ones starting with the amendments in this bill to the Tobacco and Other Smoking Products Act 1998. This bill amends the act to implement three changes to Queensland's tobacco laws to ensure Queensland's smoking legislation remains the strongest in the nation. Firstly, it regulates personal vaporising devices such as electronic cigarettes, or e-cigarettes. It also expands smoking bans to schools and hospitals, including the implementation of a five-metre buffer zone around these places, and it supports smoking bans at Queensland prisons.

Whilst we are talking about smoking bans, and I know it is not specifically covered in this legislation, I would like to comment on the fact that smoking is still possible in the Brunswick Street Mall. I call on the Brisbane City Council to do what the former Lord Mayor, Campbell Newman, did with the Queen Street Mall and use existing powers that it has to ban smoking. This is something that is absolutely critical to the Valley. We have spent so much time and effort to make the Valley a safe place for young people to go out. We have delivered a \$44.5 million Safe Night Out Strategy to this effect, the council has spent \$4.5 million refurbishing the Brunswick Street Mall and the last piece of the puzzle is removing the scourge of smoking and making it a place for families so that they can come and enjoy themselves out as well.

For the first part of these amendments it is important to understand the reality of what exactly e-cigarettes and e-cigarette products are all about. They are designed, of course, to simulate the smoking process. However, they do not contain tobacco leaf itself. They heat liquid into a fine vapour which is inhaled into the lungs in the manner of smoking. There are nicotine and non-nicotine versions of e-cigarettes. Liquid nicotine is defined as a poison and that is precisely what is contained in e-cigarettes which is why they cannot be legally sold or used in Queensland.

Non-nicotine versions are not currently subject to any specific restrictions and many people purchase those cigarettes over the internet from countries with a variety of laws. Consumers are likely to be very confused about laws regarding those products, given the number and range of those devices on the market. Therefore, the proposed laws intend to capture all devices that are consumed

in the manner of smoking to ensure that none of them are used in smoke-free places, sold to children or displayed, promoted or advertised at retail outlets. The public health concerns about those devices include the fact that existing laws for smoke-free places do not capture e-cigarette use and that people, particularly children, may be exposed to second-hand smoke from e-cigarettes. It is notable that decades of antismoking action by governments and communities has made smoking far less sociably acceptable. It is absolutely critical not to undermine that worthwhile messaging, which is finally getting through.

Queenslanders, particularly children and adolescents, may also be exposed to the increased visibility of smoking e-cigarettes in smoke-free public places, as well as increased advertising, promotion and display at the retail level. That may increase the perception by young people that smoking is acceptable, commonplace, popular or desirable. It may also influence the possibility of the uptake of this product by new users.

The safety, quality and effectiveness of e-cigarettes as quit-smoking aids remain unproven. It is notable, of course, that there are already six types of TGA approved nicotine replacement therapy products, including patches, gums, lozenges, inhalers, mouth sprays and others already available that have been proven to help smokers quit.

This bill amends the Tobacco and Other Smoking Products Act to capture personal vaporisers and associated products as smoking products. This amendment will enable existing restrictions regarding the sale, supply, promotion, use and enforcement of smoking products to apply to personal vaporisers. The amendments have been drafted to ensure that TGA approved medical devices are not unintentionally captured as smoking products.


The bill addresses smoking issues in school and hospital environments, providing total smoking bans at schools and hospitals, including a five-metre buffer around the perimeter. This continues the legislative reform agenda by strengthening smoking laws to further protect the health of Queenslanders. It also addresses many concerns from parents, schools, hospital patients and visitors about having to walk through congregations of smokers. Smoke-free schools and hospitals reinforce the message that those important institutions are actually places of learning, care and the promotion of healthy living. Currently, 46 per cent of Queensland public hospitals are non-smoking and the experience from those facilities, along with extra quit-smoking support for staff and patients, is being used to support the transition to new smoke-free requirements that include smoke-free buffers.

Smoking in prisons is addressed, as the bill removes an exemption that previously enabled smoking at correctional facilities. Total smoking bans commenced at all Queensland prisons on 5 May this year. Those bans were part of a major collaborative effort with Queensland Corrective Services that includes extra quit-smoking support, nicotine replacement therapy and staff quit-smoking programs.

In relation to the amendments to the Transplantation and Anatomy Act 1979, the bill's amendments are important as the current controls in the act on buying, selling and advertising human tissue based products have been effective in restricting commercial trade in human tissue. Many changes have occurred in this area over time. There have been extensive progressions in scientific research and medical practice since the original provisions were drafted. Those controls are now potentially obstructive in that they may restrict the efficient supply of blood and blood products under the national blood supply arrangements and the supply of tissue based therapeutic products approved by the Commonwealth Therapeutic Goods Administration. The bill amends the act to facilitate the supply of blood products and tissue based therapeutic products to Queensland patients and health service providers. These amendments will ensure that the act is able to keep up with evolving human tissue based technologies.

In relation to the amendments to the Health Ombudsman Act 2013, it is important to note that the primary objective of the Health Ombudsman Act is to strengthen the health complaints management system in Queensland. This will be achieved by establishing a transparent, accountable and fair system for effectively and expeditiously dealing with complaints and other matters relating to the provision of health services. It is what Queenslanders expect and deserve from this check-and-balance system through the Ombudsman. This will involve enacting a Health Ombudsman Act to repeal and replace the Health Quality and Complaints Commission Act 2006 and the Health Practitioners (Professional Standards) Act 1999 and to amend the application of the Health Practitioner Regulation National Law Act 2009 to ensure a seamless interaction with that law and the Health Ombudsman Act.

I commend this bill to the House. I am very confident that the government has tackled all of the important issues for health for all Queenslanders. This marked improvement in the area of health will be one of the true legacies of the first term of this Newman government. Minister Springborg is to be commended for his outstanding contribution to fixing Labor's mess and setting the course for a strong future in health in Queensland.


 **Miss BARTON** (Broadwater—LNP) (6.35 pm): I rise to make a brief contribution to the Health Legislation Amendment Bill. At the outset, I commend Minister Springborg for the great work that he has done over the past 2½ years. I am sure that everyone would absolutely endorse the fantastic work that he has done. In fact, the Pipes and Drums band has showed up to celebrate what the member for Southern Downs has been doing over the past 2½ years. In particular, his most recent announcement about the wait-list guarantee needs to be acknowledged.

There are two things that I wanted to touch on in this bill. I have long had an opposition to smoking. I do not like it and I do not like other people doing it. Therefore, I very much welcome the extension of the smoking ban, particularly outside our schools. We need to send a message to young children that smoking is bad for them. I also welcome the ban outside hospitals. It has always struck me as slightly odd that, when people go to hospital to be cared for and looked after, we allow them to do things that are detrimental to their health on hospital grounds. I very much welcome the five-metre exclusion zone established in this amendment bill.

Under this legislation e-cigarettes will be treated as like substances and that will be absolutely welcomed by many across Queensland, particularly with regard to the restrictions on advertising and trade. Often times you see those things being sold at markets and the like. They are very readily accessible and they are particularly accessible by children.

The only other thing that I wanted to touch on, before the Pipes and Drums start up again, is the changes to the Transplantation and Anatomy Act. I wanted to thank the minister for the clarification and the amendments that he will move. As someone who wants to have children one day, it gives me comfort to know that if, at some point in time, I need help doing that for whatever reasons and I were to go down an altruistic path there will be no impediments. It is important that we make accessible to the people of Queensland treatments that will help them if there have been, for example, significant burns or damage to bone or where other treatments are needed.

I commend the minister for the work that he has done. I acknowledge the QPS for the great work that they do. I commend the bill to the House.

 **Mrs CUNNINGHAM** (Gladstone—Ind) (6.38 pm): I rise to speak to this bill. I recognise the time constraints, but there are a couple of matters that I wish to raise. Predominantly in the debate on this legislation there has been a concentration on the banning of smoking at all government facilities. I listened to the valid comments of the member for Broadwater that, if a smoker is in a hospital, it seems to be a contradiction that while they are being cared for they are free to do something that, as far as health is concerned, is destructive.

I am certainly not going to oppose this legislation, but I have some very practical concerns. I understand that they will not be taken any notice of, but I have to put them on the record. It has been recognised that smoking is an addiction that is very difficult to break. That is part of the con job in relation to cigarette manufacturers over the years.

I have spoken in this place when the first bans were brought in about people smoking within hospital precincts. Even before this extension of the ban is implemented, if one went to a hospital one would see smokers, whether they be staff or patients, lined up on the footpath outside the hospital smoking their heads off. It was not a good look in front of hospitals. At the Royal Brisbane people sit down on the side road near the garage. One can see people with dressed wounds, vulnerable people, people with drips, amputees—people with a whole gamut of medical procedures—sitting on the side of the road smoking.

I remain of the view that it would be a better solution to have an area within the hospital precinct where people can smoke that is out of sight, safe, controlled and not visible to children or other adults who are attending the hospital. The way this bill is structured and the previous policy are the same. We push people out of the hospital precinct and they sit on the side of the road. Anyone coming to hospital—little tackers, adults, young adults who are vulnerable and impressionable—walk past or drive past this galleon of smokers of all ages and all degrees of impairment. That is the welcoming committee to the hospital. No matter how far we push them away, once they are on


non-hospital property they can freely and legally smoke. As I said, my view has always been to find a discrete area in the hospital where not only patients but also staff can congregate out of the public eye but in a safe environment and smoke. That still remains my view.

E-cigarettes are being pushed as an alternative to smoking. They bring with them their own problems in terms of people thinking that they are doing themselves a favour. Time will tell whether there are any adverse health impacts in relation to using e-cigarettes.

I refer now to the Transplantation and Anatomy Act amendments. In the time that I have been in this parliament I have always spoken about the value of life from conception through to later life and death. I remain of that view. Children are not a commodity to be traded. But I do understand that in terms of in-vitro fertilisation and donor sperm or egg that there are those people who are waiting to have children and longing to have a small person in their lives to love and to cherish. I guess it is a completely different circumstance. Our little ones are so important and so valuable that we must be careful never to treat them as a commodity. They are of infinite worth whether they are born or unborn. I want to make that point on the record.

I believe that the Health portfolio is a difficult one. Short of completely banning cigarette smoking, I do not know what we should do. Not banning it in a reverse psychology way is sanctioning it. I understand the logic for pushing it out of the precinct. I think it is counterproductive because the welcoming committee to the hospital is a row of smokers.

In my family mum and I were the only ones who did not smoke. Both of my brothers have been amputees. They were done when smoking was allowed in the ward. My twin brother had serious health implications when they thought he was going to lose his only arm. Honestly, trying to tell him to give up smoking at that point in time was about as useful as an ashtray on a motorbike. It was not going to happen. We have to pick the times when we impose constraints on people. I remain of the view that smoking in a discrete place within the hospital grounds is more productive and a better look for the hospital than pushing smokers out onto the public thoroughfare.

 **Ms MILLARD** (Sandgate—LNP) (6.44 pm): I rise to speak in support of the Health Legislation Amendment Bill 2014. This bill addresses a number of crucial matters—but I will focus on a few because we do not have enough time and it is good to concentrate on a few areas. The matters include: the effective regulation of personal vapourising devices, including e-cigarettes by amending the Tobacco and Other Smoking Products Act 1998; the expansion of smoking bans to incorporate schools and hospitals, including the five-metre buffer zones, by amending the Tobacco and Other Smoking Products Act 1998; and operational issues surrounding the prompt supply of legitimate tissue based therapeutic products by amending the Transplantation and Anatomy Act 1979.

The bill intends to address a number of developing issues associated with smoking and smoking products, as well as rectify procedural matters associated with other pieces of legislation. I offer my support to the government in terms of the effective regulation of personal vapourising devices, also known as e-cigarettes, and the prevention of the use of such products throughout the state. While these products may seem appealing, many Queenslanders may be unaware of the potential health implications. As recent studies from the World Health Organisation have found, there are calls for strong regulations of these devices given the significant evidence to warn children and pregnant women not to use them.

Further, I also give my support to the expansion of smoking bans to schools and hospitals, including five-metre buffer zones. Bans to this date have received the public support of Queenslanders as governments past and present have sought to make smoking more socially unacceptable.

We have all seen the effects that smoking can have on those affected, their families and friends. Far too many Queenslanders lose their lives from smoking related illness, including cancers and other associated diseases. While inevitably smoking is a life choice, in environments where we care for those who are suffering the adverse effects related to such products, this government does need to take an active stance to mitigate negative imaging and set a positive example where possible. Similarly, where we aim to educate our future generations on the value of healthy living we should not be subjecting children to the negative effects of secondary toxins or even the promotion of such behaviour.

I now turn my attention to the amendments associated with the supply of legitimate tissue based therapeutic drugs. As research progresses it is important that regulations enforced by the Transplantation and Anatomy Act 1979 are updated to reflect a more advanced society. This


amendment will address the demand of supply of tissue products required to control bleeding, heal burns or to use in orthopaedic, spinal and traumatic surgery. It was once assessed on a case-by-case basis, but the new amendments would facilitate the safe and responsible distribution of such products to ensure approved bodies would be able to treat patients with the best possible technologies. This is yet another commitment by this government to ensure Queenslanders are obtaining the best possible care in our health system.

I also acknowledge and congratulate the minister on the work he has done to improve our health system. Some of that is by reducing the public hospital and dental wait lists, stopping ambulance ramping and more recently placing a guarantee on first-time surgery appointments. For the first time in Queensland's history, patients in public hospitals will no longer wait longer than the medically recommended time for their elective surgery. From 2015 if patients cannot be treated on time they will be offered an appointment at another hospital at no cost to them. This guarantee will give patients peace of mind that they will be receiving the best medical care in an efficient manner.

I would like to turn everybody's attention to my electorate of Sandgate and the significant improvements that have been made to Brighton Health Campus. Millions of dollars have been poured into this site by this government to undertake vital maintenance work after the site had been left in quite a state of disarray under the former government. We have undertaken a lot of vital maintenance work and upgraded communications systems. We have transformed this place into a cutting edge health facility. I do consider it a jewel in Queensland Health's crown as the facility does release patients from hospital beds and thus frees up those beds for more patients which, of course, in return, means a reduction in waiting lists.

The new and revitalised Brighton Health Campus is providing important specialist and rehabilitation facilities, helping transition people between hospital and their homes. With an average stay of between 20 to 28 days these beds have an occupancy rate greater than 95 per cent. Less time spent in hospital means more beds become available sooner and the waiting lists continue to reduce and stay down.

As members can see, we have made wide-ranging improvements to the health system. We can see that right across the state. I commend this government and I commend Minister Springborg for the achievements over this past term. I commend the bill to the House.

 **Hon. LJ SPRINGBORG** (Southern Downs—LNP) (Minister for Health) (6.49 pm), in reply: Very briefly, I start by thanking all the honourable members of parliament who have stood here tonight and supported this bill before the House. I thank the honourable member for Stafford, who spoke on behalf of the opposition, who I think in a very dignified way displayed his support for this legislation and the principles it embodies. I thank the honourable member and the opposition for that. That just proves that, when it comes to matters where there are significant issues of public health and advantage and also other issues which are of significant advantage to the health and wellbeing of Queenslanders, we have very strong bipartisan debate and commitment in this place, and I thank honourable members very much for that. I thank the other government members as well who participated. Also, I understand and appreciate enormously that they have truncated their contribution tonight and I really do appreciate that for the management of the House as we are heading towards the Christmas period. I thank the honourable member for Gaven as well for his strong support and the honourable member for Gladstone, who raised a number of issues while supporting the principles of the legislation.

I just want to concentrate on one point though because I think there has been very strong and considered support for this bill in just about all areas. While all members understand the need to do something about bringing about an even more significant reduction in smoking in Queensland, we now have the lowest ever rate of smoking in the state—14 per cent. We know that the Chief Health Officer has said—and it is a view that I have held for a long time—that we are dealing with very significant and intractable numbers. That is going to take a very significant way of thinking for us to do something different about that in the future. But we have campaigns which are very much focused around that, with people on their own. We are also focusing on young people, particularly young girls and women, who are particularly predisposed to maybe lighting up. There has been a small increase in that area and that is why we have the campaign with regard to 'Your future's not pretty'. We believe that is having some effect given the ambassadors we have helping us with that campaign and also very much the number of people who have contacted us since we have launched that campaign. But we cannot take our foot off the pedal with regard to that.

We understand the other public health challenges in the future, particularly around obesity, and we need to do a lot more work in that area, not only in Queensland but across the nation and in the Western world because it is a major problem. It is the scourge of developed and developing countries. There is little doubt about that.

Very quickly, on the issue of apparent inconvenience to those people who smoke in our public health facilities, I just say this: public health facilities are supposed to be a place of health and wellbeing. If we cannot send a very strong message there, we may as well give up. There are countries overseas that take the very deliberate step—and I refer to Singapore—where, if you are a smoker and you go there, they automatically work with you with regard to programs around smoking cessation. Many of those people who are in our hospitals and smoke are there because of the consequence of smoking illness and disease. We invest, through the taxpayers, tens and sometimes hundreds of thousands of dollars to support them and to help them and they walk out of there and come back in in a few months time because they have not changed their habits. We have to do something to make sure that we say it is not acceptable, and we will lead by example in our public hospitals. The same will apply to our staff.

I already have directors of nursing across Queensland who are telling me for all intents and purposes that they have put in place quasi-bans and that they have basically told their staff that it applies now anyway. They keep asking me, 'When is it going to come in?' and I say, '1 January.' They say, 'Please bring it in because we are telling our staff that it is already in.' That is what is happening. They have already started the program of smoking cessation in their hospitals and providing the therapies and the assistance and support which is necessary. We have to ultimately not step away from this because it is absolutely important in a public health context.

In conclusion, we are very open to continuing to work with the community and with other organisations to bring in further restrictions in the future, but there are local governments across Queensland that have powers to do more. We would ask them to use those powers to do more. We would be reluctant to step in to their particular field when they have that power and authority, but we should never eliminate that as a possibility.

I thank everyone for their contribution. These are great amendments. They will make a real difference in Queensland. I thank members for their contribution and 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—

 **Mr SPRINGBORG** (6.55 pm): Before I move my amendment, I again thank all honourable members. I also thank the committee. The committee has done an absolutely wonderful job and has done what committees should do and that is to scrutinise legislation, to take the views of the community and to recommend enhancements to legislation to bring about its practical effect. I also thank our departmental officers who have done an absolutely excellent job. I move the following amendment—

1 Clause 1 (Short title)

Page 8, line 4, after 'Health'—

insert—

and Other

I table the explanatory notes to the amendments.

Tabled paper: Health Legislation Amendment Bill 2014, explanatory notes to Hon. Lawrence Springborg's amendments [\[6600\]](#).

Amendment agreed to.

Clause 1, as amended, agreed to.

Mr DEPUTY SPEAKER (Mr Ruthenberg): I note that the minister's amendment No. 2 proposes to amend clause 2, which relates to a proposed new clause in other amendments. Therefore, consideration of clause 2 is postponed until after all clauses and amendments have been considered.

Clause 2 postponed.

Clauses 3 to 15—

Mr SPRINGBORG (6.56 pm): I seek leave to move the following amendments en bloc.

Leave granted.

Mr SPRINGBORG: I move the following amendments—

3 Clause 14 (Insertion of new pt 8, div 7)

Page 12, line 22, after 'Health'—

insert—

and Other

4 Clause 14 (Insertion of new pt 8, div 7)

Page 13, line 6, after 'Health'—

insert—

and Other

Amendments agreed to.

Clauses 3 to 15, as amended, agreed to.

Insertion of new clause—

Mr MANDER (6.57 pm): I seek leave to move an amendment outside the long title of the bill.

Leave granted.

Mr MANDER: I move the following amendment—

1 After clause 15

Page 13, after line 19—

insert—

Part 2A Amendment of Building and Construction Industry Payments Amendment Act 2014

15A Act amended

This part amends the *Building and Construction Industry Payments Amendment Act 2014*.

15B Replacement of s 44 (Insertion of new pt 7, div 2)

Section 44—

omit, insert—

44 Insertion of new pt 7, div 2

After section 112—

insert—

Division 2 Transitional provisions for Building and Construction Industry Payments Amendment Act 2014

113 Definitions for div 2

In this division—

amendment Act means the *Building and Construction Industry Payments Amendment Act 2014*.

former, in relation to a provision, means the provision as in force immediately before the amendment of the provision under the amendment Act.

unamended Act means this Act as in force immediately before the commencement.

114 Registration of authorised nominating authorities

(1) The registration of an authorised nominating authority ends.

(2) The registrar must refund the amount of the authorised nominating authority's registration fee that, on the ending of an authorised nominating authority's registration, is proportional to the unexpired period of the registration in whole months.

(3) An application for registration or application for renewal of registration made, but not decided, before the commencement is taken to be withdrawn.

(4) The registrar must refund to the authorised nominating authority the amount of the application fee for registration or for renewing his or her registration.

(5) In this section—

application for registration means an application for registration as an authorised nominating authority under repealed section 42.

application for renewal of registration means an application for renewal of a registration as an authorised nominating authority under former section 70.

115 Adjudication applications made to authorised nominating authorities for referral to adjudicators

- (1) This section applies to an adjudication application made to an authorised nominating authority, but not yet referred to an adjudicator, under former section 21 before the commencement.
- (2) The authorised nominating authority must refer the application, as soon as practicable, to a person eligible to be an adjudicator under section 22.

Note—

Section 116 would apply in relation to the payment claim to which the adjudication application relates, including in relation to the adjudication of the payment claim.

- (3) Former section 107(2) continues for the purpose of referring the adjudication application under subsection (2) despite the repeal of that section under the amendment Act.
- (4) An adjudication application referred to an adjudicator under subsection (2) is taken to have been referred by the registrar.

116 Outstanding matters for existing payment claims to be dealt with under transitional version of the Act

- (1) This section applies if a payment claim was served on a respondent before the commencement.
- (2) From the commencement, the transitional version of the Act applies to any outstanding matters under this Act relating to the payment claim, including, for example, the following—
 - (a) replying to the payment claim by serving a payment schedule on the claimant;
 - (b) the consequences of not paying any or all of the claimed amount for the progress payment to which the payment claim relates;
 - (c) making an adjudication application for adjudication of the payment claim;
 - (d) the adjudication of the payment claim, including—
 - (i) the giving of an adjudication response;
 - (ii) the adjudication procedures;
 - (iii) the adjudicator's decision;
 - (iv) correcting a clerical mistake in an adjudicator's decision;
 - (v) the consequences of not paying the claimant the adjudicated amount;
 - (vi) the filing of an adjudication certificate as a judgement debt;
 - (vii) an adjudicator's entitlement to be paid for adjudicating the payment claim;
 - (e) the claimant suspending work under the construction contract relevant to the payment claim.
- (3) However, a matter mentioned in subsection (2)(c) may be subject to section 115 and subsection (2) does not release an authorised nominating authority of its obligation under that section.
- (4) To remove any doubt, it is declared that this section does not apply if—
 - (a) a payment claim was served on a respondent before the commencement and there are, at the commencement, no outstanding matters under this Act relating to the payment claim; or
 - (b) a payment claim is served on a respondent after the commencement and includes an amount that has been the subject of a payment claim that was served on a respondent before the commencement.
- (5) In this section—

transitional version of the Act means the unamended Act as amended by the following amendments of the amendment Act—

- (a) the amendment of the following sections to the extent a reference to the authorised nominating authority in the sections is replaced with a reference to the registrar—
 - (i) section 4(4)(d)(ii);
 - (ii) section 21(6);
 - (iii) section 23(1);
 - (iv) section 30(1)(a), (4) and (6);
 - (v) section 32(2)(a);

Example of the effect of paragraph (a)—

Claimants may ask the registrar for an adjudication certificate.

- (b) the amendment of section 21(3)(a), (b) and (e);

Examples of the effect of paragraph (b)—

- 1 Adjudication applications are to be made to the registrar in the approved form.
 - 2 Adjudication applications are to be accompanied by the fee prescribed by regulation for the application.
- (c) the insertion of new section 35B;
- (d) the amendment of section 84;
- (e) the amendment of section 100;
- (f) the replacement of section 101;
- (g) the amendment of section 111(2);
- (h) the amendment of the definition *business day*, as defined in schedule 2.

outstanding matter, under this Act, includes a matter under this Act that has yet to be started or is incomplete.

117 New payment claims for existing contracts transitioned to new time requirements

- (1) This section applies if a payment claim—
 - (a) is to be served on a respondent after the commencement; and
 - (b) relates to a construction contract entered into before the commencement.
- (2) The 6 month maximum period for serving the payment claim under section 17A(2)(b) or (3)(c) is extended to 12 months.
- (3) This section expires 6 months after the commencement.

118 Previously expired payment claims not revived by new section 17A

To remove any doubt, it is declared that a claimant can not rely on section 17A(3)(b) to serve a payment claim if, before the commencement, the claimant failed to serve the claim on a respondent within the time required under former section 17(4).

119 Transitional regulation-making power

- (1) A regulation (a **transitional regulation**) may make provision of a savings or transitional nature to allow or facilitate the change from the operation of the unamended Act to the operation of this Act, as amended by the amendment Act.
- (2) A transitional regulation—
 - (a) may have retrospective operation to a day not earlier than the day this section commences; and
 - (b) must declare it is a transitional regulation.
- (3) This section and any transitional regulation expire 1 year after the commencement.

120 Mandatory training about adjudication changes

- (1) The registrar may impose a condition on the registration of an adjudicator that requires the adjudicator—
 - (a) to complete the mandatory transition training prescribed by regulation; and
 - (b) to pay the cost of the training prescribed by regulation.
- (2) This section expires 6 months after the commencement.

Editor's note—

Legislation ultimately amended—

- *Building and Construction Industry Payments Act 2004*

I table the explanatory notes to my amendment.

Tabled paper: Health Legislation Amendment Bill 2014, explanatory notes to Hon. Tim Mander's amendments [\[6601\]](#).

Amendment agreed to.

Clauses 16 to 74—

Mr SPRINGBORG (6.57 pm): I seek leave to move the following amendments en bloc.

Leave granted.

Mr SPRINGBORG: I move the following amendments—

5 Clause 38 (Insertion of new pt 13, div 5)

Page 22, line 3, after 'Health'—

insert—

and Other

6 Clause 38 (Insertion of new pt 13, div 5)

Page 22, line 14, after 'Health'—

*insert—**and Other***7 Clause 43 (Insertion of new ch 11, pt 1A)**

Page 24, after line 23—

insert—

indemnified liability, of a local government, means a civil liability of the local government that is indemnified by the State under section 454C(1).

8 Clause 43 (Insertion of new ch 11, pt 1A)

Page 26, after line 19—

insert—

(5) For the purposes of subsection (4), the State may manage and control any proceedings started against the local government in relation to the civil liability.

9 Clause 43 (Insertion of new ch 11, pt 1A)

Page 26, before line 20—

*insert—***454CA Local government must notify State of claim**

(1) This section applies if a proceeding is started against a local government and it may result in an indemnified liability of the local government.

(2) The local government must give notice of the proceeding to the State as soon as practicable after the proceeding has started.

10 Clause 43 (Insertion of new ch 11, pt 1A)

Page 26, lines 23 and 24, 'liability indemnified under section 454C(1)'—

omit, insert—

an indemnified liability of the local government

11 Clause 50 (Insertion of new pt 14, div 5)

Page 36, line 2, after 'Health'—

*insert—**and Other***12 Clause 53 (Insertion of new s 5A)**

Page 37, line 5, 'nicotine'—

omit, insert—

a substance

13 Clause 53 (Insertion of new s 5A)

Page 37, after line 12—

insert—

(2) However, a **personal vaporiser** does not include any of the following—

(a) a device included in the register under the *Therapeutic Goods Act 1989* (Cwlth), other than a device designed for the purpose of helping a person to stop smoking;

(b) a device designed to be used to deliver oxygen into an individual's body;

(c) a bong, hookah or ice pipe;

(d) a device prescribed under a regulation for this subsection.

14 Clause 53 (Insertion of new s 5A)

Page 37, line 13, '(2)'—

omit, insert—

(3)

15 Clause 53 (Insertion of new s 5A)

Page 37, line 19, 'nicotine'—

omit, insert—

a substance

16 Clause 53 (Insertion of new s 5A)

Page 37, lines 23 and 25, 'atomiser'—

omit, insert—

electric heating element

17 Clause 53 (Insertion of new s 5A)

Page 37, line 30, 'vaporiser;'—

omit, insert—

vaporiser.

18 Clause 53 (Insertion of new s 5A)

Page 38, lines 1 to 6—

omit, insert—

- (4) However, a **personal vaporiser related product** does not include any other device or product prescribed under a regulation for this subsection.

19 Clause 67 (Amendment of schedule (Dictionary))

Page 45, line 17, '5A(1)'—

omit, insert—

5A(1) and (2)

20 Clause 67 (Amendment of schedule (Dictionary))

Page 45, line 19, '5A(2)'—

omit, insert—

5A(3) and (4)

21 Clause 67 (Amendment of schedule (Dictionary))

Page 46, lines 16 and 17—

omit, insert—

- (b) for a personal vaporiser—inhalation through the vaporiser.

22 Clause 72 (Insertion of new ss 42AA and 42AB)

Page 49, line 14, 'and 42AB'—

*omit, insert—***to 42AC****23 Clause 72 (Insertion of new ss 42AA and 42AB)**

Page 51, after line 12—

*insert—***42AC Donation of human eggs and human sperm by individuals**

- (1) Section 41 does not apply to a donation of human eggs or human sperm within the meaning of the *Research Involving Human Embryos and Prohibition of Human Cloning for Reproduction Act 2003* if—
- (a) an individual (the **recipient**), as mentioned in that section, publishes, disseminates, exhibits or deposits an advertisement stating that the recipient seeks another individual (the **donor**) to donate human eggs or human sperm to the recipient; and
- (b) the human eggs or human sperm are to be used with assisted reproductive technology for the recipient's personal use; and
- (c) the recipient does not give the donor valuable consideration for the donation.
- (2) In this section—

valuable consideration, for a donation of human eggs or human sperm by an individual, means any form of payment, reward or other material benefit or advantage, but does not include the payment of the individual's reasonable expenses in connection with the donation.

Amendments agreed to.

Clauses 16 to 74, as amended, agreed to.

Mr DEPUTY SPEAKER (Mr Ruthenberg): The House will now consider the postponed clause.

Clause 2—

Mr SPRINGBORG (6.58 pm): I seek leave to move an amendment outside the long title of the bill.

Leave granted.

Mr SPRINGBORG: I move the following amendment—**2 Clause 2 (Commencement)**

Page 8, line 7, after 'other than'—

insert—

part 2A and

Amendment agreed to.

Clause 2, as amended, agreed to.

Third Reading

Hon. LJ SPRINGBORG (Southern Downs—LNP) (Minister for Health) (6.59 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. LJ SPRINGBORG (Southern Downs—LNP) (Minister for Health) (6.59 pm): I move the following amendment—

24 Long title

Long title, after '1991,'—

insert—

the *Building and Construction Industry Payments Amendment Act 2014*,

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) (7.00 pm): I move—

That the House do now adjourn.

Greste, Mr P

 **Hon. SA EMERSON** (Indooroopilly—LNP) (Minister for Transport and Main Roads) (7.00 pm): I rise to voice my support for jailed foreign correspondent Peter Greste, whose parents, Juris and Lois, are my constituents. Juris and Lois have fond memories of Peter growing up in Indooroopilly before he became the man behind the headlines. He has always been a high achiever, and as a boy he was an active member of the Indooroopilly scouting ranks. In year 12 he was school captain of Indooroopilly High. He received many awards including Lions Club Youth of the Year and a Rotary international exchange scholarship. Peter studied journalism at QUT and went on to establish a distinguished career as a foreign correspondent.


On 23 June this year we watched on as Peter and his two Al Jazeera colleagues were sentenced to seven years in jail. Being a parent myself, I can only imagine what Juris and Lois are going through now. I met with them both recently. Neither one has slowed their efforts to secure their son's release and clear his name. They maintain Peter's innocence, and I agree. As a former journalist, I find the case incredibly concerning. Journalists are integral in maintaining accountability and transparency in politics. Journalism is not a crime. I believe every country, including Egypt, deserves a free press. Journalists like Peter must be able to report from places like the Middle East without the risk of a conviction. I commend him and his family for fighting so hard for this cause.

It is encouraging to see that the support for Peter and his parents goes well beyond the borders of Indooroopilly. My federal colleagues including the Prime Minister, Tony Abbott; Foreign Affairs Minister Julie Bishop; Attorney-General George Brandis; and Australia's ambassador to Egypt, Dr Ralph King, have all made representations to the Egyptian authorities. The federal parliament recently passed a motion commending the government for its continued representations on Peter's behalf. The motion was sponsored by the member for Ryan, Jane Prentice, and received full bipartisan support. The Egyptian government can be left in no doubt that Australia supports an expedited appeals process for Peter. Peter has received thousands of letters from his supporters, but he is still only able to send two prison approved letters every month. In his second letter from Tora Prison, Peter wrote—

Journalists are never supposed to become the story. Apart from the print reporter's byline or the broadcaster's sign-off, we are supposed to remain in the background as witnesses to or agents for the news; never as its subject.

Supporters across Australia and the world will continue to rally behind Peter Grete, and I am pleased to be adding my voice to that campaign. Journalism is not a crime. It never has been and definitely is not the case in the case of Peter Grete and his Al Jazeera colleagues.

Yeppoon Surf Life Saving Club


 **Mr YOUNG** (Keppel—LNP) (7.03 pm): Yeppoon Surf Life Saving Club was established in 1926, and it plays a vital role in our coastal community. It has a wide and varied volunteer membership base from highly experienced masters to young nippers learning the ropes. These members come from all walks of life who unselfishly give their time to keeping our beaches safe for all who use them. The club's motto is *videre et facere*, which means 'to see is to do'. This shines through, as the club not only protects all who use our local beaches but provides services to build communities through educating youth and participating in healthy lifestyles and sport.

At this point I wish to congratulate the Yeppoon Surf Life Saving Club for the tireless, unselfish work it does. I would like to acknowledge President Andrew Davis; Deputy President Jason Thompson, who is also our ambulance officer in charge; Development Youth Officer Murray Osborne; and Club Captain Laurie Johansen who all go the extra mile for the club and its members. A special congratulatory message goes to the Yeppoon Surf Life Saving Club's juniors who competed in the North Australian Championships, which were held in Mackay in late October. Not only did they compete; they dominated, taking home a swag of medals. Six young Yeppoon Surf Life Saving Club members—Kayla Osborne, Hannah Thompson, Nathan Mitchell, Carla Thompson, Colby Louis and Darcy Milfull—were selected to represent Queensland country at the Gold Coast this coming weekend. Nathan Mitchell took out the title of male under-15 age champion and Hannah Thompson was named female under-15 age champion. This pair won their titles through a culmination of consistent results across the weekend in events such as surf swim, ironman/ironwoman, boards, beach sprints and team events in the pool. I proudly take this opportunity to congratulate them for their outstanding results.

The Yeppoon Surf Life Saving Club is grateful for the support it receives from the Queensland government, which assists with its operational costs. The club is also appreciative of funding which it received from the state government to enable the upgrading of outdated amenities within their clubhouse. Work is currently underway to install separate male and female toilets and showers upstairs and downstairs. Once this work is finished, the Yeppoon Surf Life Saving Club will be not only modernised but also a safer facility which can be utilised by club members, locals and visitors to our beautiful Capricorn Coast.

On a different note, I attended the St Ursula's College, St Brendan's College and Yeppoon State High School academic and speech nights. I want to now pass on my congratulations to their high academic achievers.

East Brisbane Croquet Club


 **Ms TRAD** (South Brisbane—ALP) (7.06 pm): I rise to bring a very important issue to the attention of the House tonight, and that is the proposed development on the croquet club which is currently within the boundaries of Mowbray Park in East Brisbane, which is in my electorate. This is a parcel of land that is very important to my local community. It is heritage listed. It is on the Queensland Heritage Register, and it was put aside over a century ago as public parkland for an area that was growing rapidly and developing rapidly in the inner east.

Last Sunday I attended a rally which had been organised by the croquet club in conjunction with the local councillor, Helen Abrahams, and me. At this public meeting and public rally, more than 350 local residents attended, one of whom was former LNP senator Ron Boswell. At that rally and public meeting, people really did express their very deep, grave concerns about the development of the park. This is a development by the Brisbane City Council's investment arm, the Brisbane Investment Corporation, to place two 12-storey towers, some 235 unit dwellings, on the croquet club in the heritage listed area of Mowbray Park. This is on top of council announcing recently that it would resume part of the park and essentially trash hundred-year-old trees that were planted some time ago by Wilhemina Mowbray to make way for an expanded Lytton Road.

I cannot express more clearly to the House that my community is deeply and gravely concerned about this inappropriate development in a public park that is heritage listed in the East Brisbane area. I cannot express to the House clearly enough that this community is prepared to rally

very strongly about this issue in the lead-up to the next state and council elections. This is development gone mad. This is the erosion of much needed green space in the inner South Brisbane community which is experiencing significant overdevelopment by a council that cannot adhere to its own neighbourhood plans. I will be standing with my community. I will be fighting with my community and together we can win.

White Ribbon Day

 **Mr MOLHOEK** (Southport—LNP) (7.09 pm): Yesterday was White Ribbon Day—an opportunity to demonstrate our commitment to ending violence against women. Our government announced yesterday we would be providing an additional \$100,000 to DVConnect to extend its support and counselling services in response to the unprecedented rise in demand for these services. Unfortunately, domestic violence is one of the biggest issues affecting my constituents and the broader Gold Coast community. The Premier's Special Taskforce on Domestic and Family Violence is working with Queenslanders to identify an effective strategy to combat this growing problem. Last month, the task force invited members of the public to share their stories and experiences. One of the most insidious things about domestic and family violence is that it so often occurs in private. The stories shared by Queenslanders are nothing short of horrifying. One revealed—

I am so sad and desperate and in so much pain and just don't want to be here anymore. It's too hard ... Every morning I wake up and try and find somewhere to put the pain. I cry inside the wardrobe, in the shower, on the floor under the kitchen sink.

Another said simply—


Boys need to be taught that women are not their property.

It is our responsibility as legislators and community leaders to act now—Queensland has had enough.

Last month I had the privilege of hosting a community lunch with Mrs Lisa Newman in support of two wonderful organisations in my electorate. We raised over \$5,000 for the Gold Coast Centre Against Sexual Violence and the Domestic Violence Prevention Centre Gold Coast. Di Macleod and Amy Compton-Keen, the directors of these services, are two of the most incredible women I have met. Their commitment to raising the profile of domestic and sexual violence and improving the lives of those affected is unrelenting. When the Premier announced the establishment of the special task force, he also encouraged Queenslanders to participate in an online survey to gauge community attitudes. Respondents overwhelmingly agreed that most people turn a blind eye to or ignore domestic and family violence, and they identified that the community as a whole is responsible for supporting those affected by domestic and family violence.

Last week, I had the privilege of joining the Attorney-General in Southport to launch the new Southport Domestic Violence Duty Lawyer Service, giving Gold Coast families increased access to free legal assistance. This new service, operated by Legal Aid Queensland, will help families navigate their way through court processes while providing practical support during such a difficult time. When we were elected, we promised to make this state the safest place to raise a family. We are well on our way to realising this goal, but as a community there is just so much more work to do. I believe we have made some great strides forward in respect of child safety legislation and we have seen many reforms come through the House; this is the next challenge for us as a government.

Moreton Island, Fishing

 **Mrs D'ATH** (Redcliffe—ALP) (7.12 pm): This evening I rise to speak about Moreton Island and concerns raised by the Koorinal Landholders Association. The association has put together a petition in relation to the department of fisheries, which is conducting an independent review on how state fisheries should be managed around Moreton Island and those submissions closed on 30 October 2014. This online petition states—

Everyone with an interest in Queensland's fisheries, be that recreational, commercial, indigenous, environmental or tourist-based, is encouraged to provide feedback. The Koorinal Landholders Association will be submitting feedback on behalf of residents.

And they have done that. The petition continues—

We are deeply concerned about the depletion of fish species in the waters between the Little Sandhills and the Rous Channel resulting from commercial net fishing. If you care about our pristine waters and believe that recreational fishing is a pastime that should be enjoyed for generations to come, please sign this petition to stop the commercial netting of fish in Days Gutter.

The petition goes on to say—

We, the undersigned, call on the Queensland Government to amend legislation to cease current commercial net fishing practices in the Moreton Island waters between the Rous Channel and the Little Sandhills.


Currently, there are 293 signatures to that petition. I would like to table a copy of that online petition.

Tabled paper: Webpage titled 'Stop Net Fishing Between the Rous Channel and the Little Sandhills' [6602].

The organisation have also submitted a submission to the review—which, as I said, closed on 30 October—and they have forwarded that submission and a copy of the petition link to the Minister for Agriculture, Fisheries and Forestry. The members of the association would like the minister to advise this House when a decision will be released on that review. There are real concerns that the area is being fished out and that it is having other impacts, such as fireweed developing. Residents are actually being stung by this fireweed, which is increasing with the depletion of fish stock.

A second letter was also sent to the minister at the end of October with the submission, and that went to illegal fishing in the same area. We would call on the minister to advise how many fines or prosecutions have occurred in relation to illegal fishing in the immediate waters around Moreton Island and specifically in relation to the area identified in that correspondence to the minister—that is, Days Gutter. These are important issues to the community and we ask that the minister act on these issues and provide some feedback to the Koorngal Landholders Association and to the broader community of Moreton Island. We know that fishing is a great pastime. It is an important economic factor for recreational and commercial areas but it needs to be balanced with the community's interests.

Townsville Electorate, Magnetic Island

 **Mr HATHAWAY** (Townsville—LNP) (7.15 pm): I take this opportunity to provide a belated thanks and congratulations to everyone involved in the celebrations to mark the official opening of Magnetic Island's historic Forts Walk after it underwent major restorations. Indeed, I also thank the Minister for National Parks, Recreation, Sport and Racing because it was their funding and rangers who did it all. The state government provided \$400,000 in funding for the restoration works, which included restoration of the track and the World War II fort buildings and installation of new signage to showcase the popular walk's natural, cultural and historical values. The complete reconstruction of the four-kilometre Forts Walk also included the widening and improvement of the track, particularly for wet weather events. Rangers were assisted by enthusiastic volunteers from Friends of the National Park to clear vegetation along the track to reveal a selection of the World War II campsites, which in turn also provided safe access for visitors. There are 21 interpretive signs that have been installed, along with personal stories and photos from locals and visitors being incorporated into the signage.


Magnetic Island's Forts Walk is an important part of Queensland's military history and the island's most popular national park visitor site—not just for the history and its views but for the almost guaranteed chance that you will see koalas when you are on the track. The official opening of the rejuvenated Forts Walk was a huge success with locals and visitors. The day also included guided military themed tours of the artillery battery forts. One of the major drawcards of the day was the military equipment provided by our 4th Regiment, Royal Australian Artillery. They provided a M777 155-millimetre howitzer which was brought to the island with a 10-tonne Mack gun tractor on a local barge. I would like to give my special thanks to the military for providing their equipment for the event.

The investment by the state government into restoring the popular Forts Walk was not only about preserving our military history but also about growing tourism on Magnetic Island and in Townsville. Some 300,000 people visit the island each year to take in the stunning sights and attractions and to immerse themselves in the relaxed island atmosphere. I understand from reports through tourism operators and hoteliers on the island that they have enjoyed a bumper September-October holiday season—and isn't it great that they had a Labour Day long weekend in there as well—similar to their glory days of eight years ago. The amazing weather and great events during the Magnetic Island Bay Dayz Festival have certainly helped to attract an increase in visitor numbers to the island. I also mention the SeaLink Magnetic Island Race Week and the kitefoil world championships which were held. I would like to table a document from the Magnetic Community News which talks about their bumper season.

Tabled paper: Article from the *Magnetic Community News*, dated 7 October 2014, titled 'Island Enjoys Bumper Holiday Season' [6603].

What a great return they have had over that season, and it augurs very well for the future for one of my little tropical islands, Magnetic Island.

Burleigh Electorate, Achievements

 **Mr HART** (Burleigh—LNP) (7.18 pm): We have reached that time of the year when we have got one more sitting day of parliament and then we will all retire to our electorates to wind down the rest of the year. So I thought it was appropriate to report on some of the activities in my electorate and to give a few thank-yous to some very important people. My electorate is only quite small, at 34 square kilometres, but I do have the best part of Queensland and I do not think I will get too many arguments—

Government members interjected.

Mr HART: Maybe I will—come in spinner! My electorate does not have too many issues, apart from those general state-wide issues of health, law and order, and education. These were the things that the Labor Party wrecked while they were in government and that we have had to fix. There are a couple of things about the education area in my electorate that I would like to talk about in particular.

Miami State High School had one of the biggest maintenance backlogs in the state—\$2 million. We managed to clear that. We have managed to clear the maintenance backlog of every school in my electorate and every school in every other electorate in this state, and that is a fantastic achievement. At Miami State High School there is a year 7 building being built. The principal was telling me today that it is going to be handed over in the next couple of days. There are 12 new classrooms for year 7s coming into high school. My Varsity College junior campus has a brand-new building with 15 or 20 classrooms—and I cannot remember which. I now have an extra two independent public schools in my electorate joining the two that I had. So now four out of seven of my public schools are independent public schools, and they are very excited about that. We have a number of flashing lights at our schools. That is a great outcome for education in my very small electorate.

I would like to talk for a second about the Fleay master plan, and I would like to thank the minister for that. We are spending quite a bit of money there. We are going to get Fleay to a place where it needs to be. Many honourable members may have visited Fleay Wildlife Park in my electorate. We are putting in a pontoon and we are looking forward to achieving that.

When I was first elected, the boardwalk around the Burleigh headland did not go all the way around. The previous government spent \$1.4 million putting in a very flash bit of boardwalk. We spent \$35,000 and we fixed up the rest of it, which probably accounted for 90 per cent of the path. One thing I would like to do is see some solar lighting put in and I am working hard to achieve that. That is one of my targets for next year.

I thank the members of our committee and the staff of our committee as well as my staff in Burleigh: Renee Whitehead, Jacqui and Matt who work in my office. I wish everybody a happy Christmas and a merry New Year.

(Time expired)

Gladstone, LNG Industry

 **Mrs CUNNINGHAM** (Gladstone—Ind) (7.21 pm): I quote—

Gladstone is placed at the epicentre of the Liquefied Natural Gas boom and it's only right that the local region shares in the medium and long-term spoils of such a boom. For this to happen there needs to be sustained employment long after the current frenzied construction phase draws to a close.

One such way is to secure Australian workers on the LNG tankers that will ply the trade route between Gladstone and the Asian market. Fostering local employment will create a local hub for business and produce a whole host of other benefits for the Gladstone community.

Each LNG vessel has the capacity to employ 32 people a year. Conservative estimates show that there will be approximately 25 LNG vessels calling into Gladstone a year.

That's 800 local jobs before we consider the auxiliary employment in towage, pilotage, maintenance, port authority and a range of ancillary jobs such as providoring, brokering and shipping agents.

...

It is in the best interest of the Gladstone community and businesses to secure LNG jobs for the local community.

Our local Aboriginal groups Goreng Goreng and Baijali are also interested as they, too, would like to see more benefits from the resources on their traditional land. They are quotes from a campaign brief 'LNG: Jobs for Gladstone?' A young man named Jason Miners lives in my electorate. I have been very impressed with his approach to securing benefit in the long term for people who live in the electorate. Rather than using flag of convenience vessels for the LNG, we need to be using


vessels that employ Australian mariners. He has been meeting with the council and, as I said, Aboriginal leaders. He has also met with some vessel owners—ASP Ships, who are also on board—and wants to ensure, as I do, that that community that has borne the brunt of industrial development will also gather and gain a long-term benefit from the pain that they have endured, and I say that advisedly.

I table this campaign brief ‘LNG: Jobs for Gladstone?’ for the information of this parliament.

Tabled paper: Document titled ‘LNG: Jobs for Gladstone?: Campaign Brief’[\[6604\]](#).

It is one that I believe should have the support of this place and the support of the relevant ministers because, after all, the risk is that those jobs on those vessels will go overseas. It is only right and appropriate that our wonderful, well-trained, safely operating mariners receive the benefit of the LNG trade as it plies our coast.

Campbell, Mr B

 **Mr SORENSEN** (Hervey Bay—LNP) (7.24 pm): Tonight it is with sadness that I rise to speak about the passing of Bob Campbell. I lost a dear friend and colleague this week and the community lost a great man. I was very fortunate to be on the Hervey Bay City Council with Bob, both as a fellow councillor and the mayor, for 11 years from 1997 to 2008. Bob’s had a sense of dignity and respect for all in our community and worked hard to make the right decisions for all. As a friend and colleague, he was one of the best, along with his lovely wife, Joy. We formed a very close friendship. His dedication to the position of division 10 councillor was unwavering; he never gave up on a challenge.

Bob was a man who could always see the big picture of progress and he worked together with his community to make it a better place. He worked very hard to secure funding, especially for the Howard community hall. It was quite an honour to sit down with Mick Veivers years ago. Nobody had given us much chance of ever getting the money. Mick was the minister at the time. We sat down in the room with him and he said, ‘Yes, you can have \$350,000 to build that hall,’ and we nearly fell over. It was great.


He also worked with a lot of other organisations such as the SES, the Rural Fire Brigade, the P&C and the PCYC, where he spent a lot of time with the youth. He also worked with the naval cadets, the air league, Burrum Heads Progress Association, the Toogoom association and Howard. He also spent a lot of time with the RSL. We will miss Bob very much every Anzac Day because he always marched in the parade.

Bob certainly had a love for the drums. He ended up using superglue on his hands to harden his fingers so he could play the drums all the time. He also had a passion for Latin music. Along with his wife, Joy, he was instrumental in forming the Hervey Bay RSL Pipe Band. It was only because of them that that happened. It was quite spooky to be here tonight and listen to the pipe band playing up the top.

Mr Johnson: And the drums.

Mr SORENSEN: The drums were going as well. It sounded like Bob was sitting up there tonight. Bob, we will miss you, mate. He was a great man for Hervey Bay.

Coomera Electorate, Schools

 **Mr CRANDON** (Coomera—LNP) (7.26 pm): It really was a great pleasure for me today to have lunch with the school leaders from Mother Teresa Primary School, which is one of seven new schools in the state seat of Coomera. It may surprise members to hear that. Alexandra, or as she prefers, Ally and her mum, Tracy, came along; as well as Isaac and his mum, Josanna; and Samuel, or Sam as he prefers, and his mum, Kerry. We had a wonderful time. We made a tour of the precinct. We wandered upstairs to have a look at the new display called *Christmas in World War I*, which is in the O’Donovan Library. That is directly above the ‘pollie waffle library’ further downstairs. The many interesting and evocative Christmas images in that display really did capture the imagination. They certainly took me back to my youth.

Government members interjected.

Mr CRANDON: We used to eat Polly Waffles after school. In fact, you could not buy them in Cairns or Pumicestone for that matter. Personal Christmas messages were also on display and, interestingly, a letter from the Goodna State School donating the money that would normally have been spent on prizes and awards for students to be used for the enjoyment of children in a theatre of war. I see that there was a cheque for—

Mr Gibson: Children who were in a theatre of war?

Mr CRANDON: Children from schools who were in a theatre of war. They do not close the schools just because there is a war going on. Eight pounds was sent across on 9 December 2014. It was a pleasure to host these young people. I have to say that they are from one of the seven schools in the electorate of Coomera that have been in the process of being built or have been built since I came into office in 2009.

Talking about the Coomera electorate, we have just short of 38,000 voters. That is 16 per cent over the average of all of the electorates around the state. That is, in fact, bigger than any other electorate.

Government members interjected.

Mr CRANDON: There is pollicie waffle going on over here; there is pollicie waffle going on over there, and the members for Cairns and Pumicestone are responsible for all of it!

There is an absolute essential need for infrastructure in the Coomera electorate to accommodate this fast-growing area. I look forward to the development that will be pushed forward by the Deputy Premier in the next sitting of parliament.

Question put—That the House do now adjourn.

Motion agreed to.

The House adjourned at 7.29 pm.

ATTENDANCE

Barton, Bates, Bennett, Berry, Bleijie, Boothman, Byrne, Cavallucci, Choat, Costigan, Cox, Crandon, Cripps, Crisafulli, Cunningham, D'Ath, Davies, T Davis, Dempsey, Dickson, Dillaway, Douglas, Dowling, Elmes, Emerson, Flegg, France, Frecklington, Gibson, Grant, Grimwade, Gulley, Hart, Hathaway, Hobbs, Holswich, Hopper, Johnson, Judge, Katter, Kaye, Kempton, King, Krause, Langbroek, Latter, Lynham, Maddern, Malone, Mander, McArdle, McVeigh, Menkens, Millard, Minnikin, Molhoek, Newman, Nicholls, Ostapovitch, Palaszczuk, Pitt, Pucci, Rice, Rickuss, Robinson, Ruthenberg, Scott, Seeney, Shorten, Shuttleworth, Simpson, Smith, Sorensen, Springborg, Stevens, Stewart, Stuckey, Symes, Trad, Trout, Walker, Watts, Wellington, Woodforth, Young