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RECORD OF PROCEEDINGS

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TUESDAY, 2 AUGUST 2011

The Legislative Assembly met at 9.30 am.

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

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

ASSENT TO BILLS

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

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

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

Date of Assent: 27 June 2011

> "A Bill for An Act to amend and repeal the Community Ambulance Cover Act 2003, to amend this Act, to make consequential amendments of the Electricity Act 1994, the Energy and Water Ombudsman Act 2006 and the Taxation Administration Act 2001, and to amend the Duties Act 2001, the Geothermal Energy Act 2010, the Land Tax Act 2010, the Mineral Resources Act 1989, the Payroll Tax Act 1971, and the Petroleum and Gas (Production and Safety) Act 2004 for particular purposes"
>
> "A Bill for An Act to amend the Queensland Competition Authority Act 1997, the South-East Queensland Water (Distribution and Retail Restructuring) Act 2009, the South-East Queensland Water (Distribution and Retail Restructuring) and Other Legislation Amendment Act 2010 and the Water Act 2000 for particular purposes"

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

Yours sincerely

Governor

27 June 2011

Tabled paper: Letter, dated 27 June 2011, from Her Excellency the Governor to Mr Speaker regarding assent to certain bills [4801].

PRIVILEGE

Alleged Deliberate Misleading of an Estimates Committee

Mr McLINDON (Beaudesert—TQP) (9.31 am): I rise on a matter of privilege that may constitute a contempt of the parliamentary estimates committee process and request that it be forwarded to the Ethics Committee for careful and impartial determination. During the estimates hearing of the Community Affairs Committee in the session with the Minister for Disability Services, Mental Health and Aboriginal and Torres Strait Islander Partnerships I sought clarification from the chair with regard to his call to rule a question out of order, which resulted in the closing of the committee for a period of 15 minutes at which I moved a motion of dissent from the chair's ruling, which was not recorded in the formal minutes of the hearing. On highlighting this to the committee and requesting that my motion be documented accordingly, the committee moved a motion that it not be recorded in the minutes.

Not only is this horrific issue of pack rape, which took place in the electorate of Beaudesert, of public interest, I fail to see how—

Mr HOOLIHAN: I rise to a point of order. This is a matter which is properly to be raised in estimates. The decisions of the committee are all noted. If the member is suggesting that anything has been done incorrectly, then he should raise it in the correct fashion.

Mr SPEAKER: Has the honourable member finished his statement?

Mr McLINDON: Thank you. I have one sentence.

Mr SPEAKER: Just for a point of clarification on procedure, in response to the member for Keppel I will hear the honourable gentleman's statement. I will ask the honourable member to put his complaint to me in writing and then I will assess his complaint against the point of the order raised by the honourable member for Keppel. I ask the honourable member to finish his statement.

Mr McLINDON: Not only is this horrific issue of pack rape, which took place in the Beaudesert electorate, a matter of public interest, I fail to see how a legitimate question to the relevant minister was ruled out of order. Further, my motion of dissent was struck from the public record, which appears to continue down the line of one of Queensland's most disgraceful political cover-ups.

Mr SPEAKER: I would ask the honourable member to put that in writing. I would also ask the honourable member to remember that in this House I would like language to be temperate. I am not sure that the honourable member's descriptive tones were in the spirit of the parliament. I think the public expects us to use temperate language so that in that way the House's honour is lifted.

SPEAKER'S RULING

Alleged Deliberate Misleading of an Estimates Committee

Mr SPEAKER: On 19 July 2011, I received correspondence from the Deputy Leader of the Opposition, the honourable member for Clayfield, concerning a matter of privilege arising during the examination of the budget in the estimates hearings on 15 July 2011. The honourable member for Clayfield alleged that the Director-General of the Department of Employment, Economic Development and Innovation, Mr Ian Fletcher, had offended standing orders by misleading a committee and, thereby, the parliament.

Standing order 269(5) allows in relation to the procedures for raising and considering complaints that the Speaker may request information from the person the subject of the complaint. However, I did not forward this material to the director-general on this occasion as I felt I was able to deal with this matter on the papers. Nonetheless, Mr Fletcher wrote to me in apprehension of the complaint and I table all the correspondence in relation to this matter.

Tabled paper: Bundle of documents relating to a matter of privilege arising during the examination of the budget in the estimates hearings on 15 July 2011[4802].

It is well established that there are three elements to be established when it is alleged that a person has committed the contempt of deliberately misleading the House: firstly, the statement must, in fact, have been misleading; secondly, it must be established that the person making the statement knew at the time the statement was made that it was incorrect; and, thirdly, in making it the person must have intended to mislead the House.

In short, whilst an incorrect answer may have been provided at the hearing, there is no evidence provided by the honourable member for Clayfield that either Mr Fletcher knew it was misleading or intended to be misleading. I have looked at the transcript of proceedings and note that the answer was qualified in that Mr Fletcher points out that he was not personally involved in the matter being discussed. Mr Fletcher was also under time constraints at the time of the answer and notified the committee when he became aware of the error.

I note that the honourable member for Clayfield has not in his complaint alleged that the answer amounted to a 'deliberate misleading of the parliament' but merely referred to it as a misleading of the parliament. Therefore, under those circumstances I am not referring the matter to the Ethics Committee.

SPEAKER'S STATEMENT

Second Reading Debates and Question Time, Relevance

Mr SPEAKER: Honourable members, yesterday new standing orders came into effect which alter the legislative process so as to automatically refer all bills introduced from today to a portfolio committee for detailed examination. Under this new legislative system members and the House generally will get a much improved opportunity to scrutinise bills.

Part of the associated reforms to sessional orders is to increase substantially the amount of time available to members to make statements to the Assembly about any topic of interest or matter affecting their electorate. I wish to advise that, in the spirit of this reform, I expect members in debate on bills returned from committees to be strictly relevant and not to meander into irrelevancies. I have instructed my deputies to be vigilant in ensuring relevance.

On the topic of relevance, I advise that I have in recent times been reconsidering past Speakers' rulings on questions and answers to questions. I have come to the conclusion that the Assembly's practice has drifted too far from what the standing orders actually allow and also Westminster practice. This has arisen from standing orders being interpreted in such a way as to permit questions with imputations to be asked and answers that are irrelevant to be provided in response. Far too much discretion has been given to a member asking a question and to the minister answering the question.

We have, along with other jurisdictions in Australia, moved to a point where question time becomes not about questions and answers on matters of public administration but simply, in the public's view, a political slanging match with questions loaded with political imputations and answers responding in kind. I was recently impressed by question time in the House of Commons with regard to the phone hacking scandal. This was the Westminster system at its best where short, proper questions were asked and relevant, concise and direct answers were given in response. I think the outcome was a far greater confidence in the parliament.

So I give notice that as from today there will be a transition to a more proactive stance with regard to questions and answers. I cannot direct members as to how they draft their questions nor ministers on how they will answer, but I can and will sit down members and ministers if their questions or answers offend the rules as written in black and white in the standing orders. I urge all honourable members during this transition phase to read and familiarise themselves with chapter 20 of the standing orders in relation to this matter. I regard all previous rulings on questions and answers giving wide discretion to members in asking questions and to ministers as to how they answer as vitiated.

MOTION OF CONDOLENCE

Moore, Mr RE

Hon. AM BLIGH (South Brisbane—ALP) (Premier and Minister for Reconstruction) (9.38 am), by leave, without notice: I move—

1. That this House desires to place on record its appreciation of the services rendered to this state by the late Robert Edgar Moore, a former member of the parliament of Queensland; and

2. That Mr 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.

Robert Edgar Moore, better known to those who served with him in this House as Bob, was born in Murgon on 27 June 1923. Mr Moore was educated at the Murgon State School. In the years 1942 to 1946, following his schooling, he served in the Royal Australian Air Force during World War II in the Overseas 86 Squadron. In 1946 and 1947 Mr Moore also served in the Royal Netherlands Indies Air Service and was then employed as an electrical mechanic in Queensland Rail from 1947 to 1969, during which time he was in charge of the Queensland Railways Electrical Apprentices Training School from 1962 to 1969.

Mr Moore became active in the Liberal Party in Brisbane in the 1950s and served as vice chairman of the Brisbane branch from 1957 to 1982. From 1961 to 1969 he was both chairman of the Brisbane Federal Divisional Committee and a member of the Liberal Party state executive. He unsuccessfully contested the state seat of Brisbane at the 1956 and 1957 state elections against the longstanding ALP member, Johnno Mann. Mr Moore also unsuccessfully contested the inner Brisbane seat of Baroona at the 1960 state election against another longstanding ALP member, Pat Hanlon. He was clearly very dedicated to his quest to become a member of parliament and was not deterred in his efforts to be elected to this place. He contested the seat of Windsor at the state election of May 1969 where his candidacy met with success. Mr Moore went on to serve as the member for Windsor until the state election of October 1983, which he contested as the National Party's candidate, but he was defeated at that election by the ALP candidate, Pat Comben.

During his time in this parliament, Mr Moore served as Deputy Government Whip, he was a member of the Parliamentary Buildings Committee from 1972 to 1983 in which he played an important role in the building of the Parliamentary Annexe and the refurbishment of the old Parliament House building. He was a member of parliamentary delegations to Papua New Guinea and South-East Asia and he was a member of numerous government parties committees.

Robert Edgar Moore passed away peacefully on 6 June 2011. That, of course, is Queensland Day. He is someone who clearly served this state well. He died at the age of 87 years. A service to celebrate and remember his life was held at the Cannon and Cripps Chapel in Kelvin Grove on 10 June this year. Mr Moore was another of the generation who served their country during World War II and later went on to represent their communities in the parliaments of Australia. I place on record the government's thanks for the years of service that Mr Moore gave to the institutions of our democracy and to the Queensland community. On behalf of the government I take this opportunity to extend my sympathy and that of this House to Mr Moore's family and his friends.

Mr SEENEY (Callide—LNP) (Leader of the Opposition) (9.42 am): I rise to support the condolence motion and to express sympathy on the passing of Bob Moore, a member of this House for 14 years from May 1969 to October 1983. Bob Moore was a staunch Liberal, a returned serviceman, a devoted husband and father and a man who stood up for his workmates, a man who was not afraid to get his hands dirty and who served as a shop steward in the signal and telegraph section of the Queensland Government Railways before entering parliament.

Robert Edgar Moore, better known as Bob, a respected and hardworking electrician, loving family man, politician and farmer, was born on 27 June 1923 in the South Burnett town of Murgon to parents Alex and Ada. The third eldest of six children, his father was a mechanic and also a farmer. The family moved around South-East Queensland, living in Murgon, Harrisville and Brisbane. After Murgon State School, Bob's first job was as a chemist's assistant, helping mix medicines and delivering them around town on a bicycle. He worked as a stockman, a timber getter, an orchardist and a farmer on cattle properties from Mundubbera to Lamington. In 1942 he enlisted in the Air Force because he had always wanted to be a pilot, but he trained in the Air Force as an electrician. He joined 86 Squadron and served overseas in what was then Dutch New Guinea. After the war he joined the Queensland Government Railways as a trainee electrical mechanic under the Commonwealth Rehabilitation Training Scheme. After marrying his wife Mildred Keating, Bob built a house at Ashgrove where the couple raised their daughter Bronwyn. Bob completed his electrical training at technical college while working for QGR, gaining his tickets as an electrical fitter, a mechanic, a linesman and a joiner. While he worked and studied hard to qualify as an electrical mechanic, Bob always looked after his workmates and in 1952 became a shop steward in the signal and telegraph section. His final three years with the railways was as head of the electrician's training school where he had trained many groups of young apprentices.

Bob joined the Queensland People's Party in 1946 and after unsuccessfully contesting the seat of Brisbane twice in the 1950s and in Baroona in 1960 he won the seat of Windsor in 1969 for the Liberal Party. Bob was known as a hardworking local member who did household repairs for needy constituents and fixed electrical wires for some of his constituents after the 1974 floods—something that members in this House could aspire to today. In 1975 he was appointed Liberal Whip in the parliament and then Deputy Government Whip in 1976. While in the parliament he served on a host of parliamentary committees, including Treasury, justice, labour, mines and main roads, building, local government, Aboriginal and Islander affairs, transport, health, forestry and wildlife, urban and regional affairs and water resources. He is credited as being one of the key drivers for the restoration of the old Parliament House and the building of the Parliamentary Annexe.

Bob Moore never lost his links with rural life and the family bought a farm near Killarney running cattle and horses—activities that ensured Bob remained fit into his early eighties. Bob Moore enjoyed a very full and rewarding life. He was devoted to his family and he served his electorate and this parliament with great distinction. He died on 6 June 2011 in Brisbane. Together with all members of the LNP, I pass on our sympathy to his wife Mildred, his daughter Bronwyn, their families and his many friends. We support the condolence motion moved by the Premier today.

Mr SPEAKER: I would ask all members to join with me in remembering the late Bob Moore.

Question put—That the motion be agreed to.

Motion agreed to.

Whereupon honourable members stood in silence.

APPOINTMENTS

Changes in Ministry and Deputy Government Whip

Hon. AM BLIGH (South Brisbane—ALP) (Premier and Minister for Reconstruction) (9.46 am): I lay upon the table of the House the *Extraordinary Queensland Government Gazette* of 22 June 2011 which outlines recent changes to ministerial appointments. I also wish to inform the House that the member for Brisbane Central, Ms Grace Grace, has been appointed Deputy Government Whip.

Tabled paper: Extraordinary Government Gazette of 22 June 2011 advising of ministerial appointments [4803].

Mr SPEAKER: In accordance with sessional order No. 4 the order of business will now resume. Question time will commence half an hour from now at 10.16 am.

PETITIONS

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

Taigum, Go Card Top-up Outlet

Ms Darling, from 1,119 petitioners, requesting the House to instruct TransLink to provide a go card top up facility at the Taigum Newsagency, Centro Taigum Shopping Centre [4804].

Golden Downs Village, Bus Service

Ms Darling, from 86 petitioners, requesting the House to, provide an extra bus pick up/ drop off service outside Golden Downs Village during business hours [4805].

Lytton Heritage Park, Quarantine Jetty

Mr Lucas, from 301 petitioners, requesting the House to take the necessary steps to have the Quarantine Jetty repaired to accommodate river traffic wishing to land passengers at Lytton Heritage Park [4806].

Yorkeys Knob, Sunbus Service

Mr Wettenhall, from 702 petitioners, requesting the House to reinstate Sunbus direct services between Yorkeys Knob and the city at non peak times [4807].

Mt Gravatt Showgrounds Act 1988

Mr Gibson, a paper and an epetition, 232 petitioners in total, requesting the House to ensure that any review of the Mt Gravatt Showgrounds Act 1988 retains the current procedure with respect to appointment of trust members and rules out any change of use of the showgrounds beyond that presently specified in the Act [4808] [4810].

Garden City-Carindale, Bus Service

Mr Nicholls, a paper and an epetition, 418 petitioners in total, requesting the House to immediately introduce additional bus services between Garden City and Carindale via Creek Road [4809] [4811].

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

Bonogin Valley, Bus Service

Mrs Bates, from 22 petitioners, requesting the House to increase funding to provide a bus service for local school students from the Bonogin Valley to St Michael's College, Carrara; St Vincents School, Clear Island Waters; and All Saints School, Merrimac [4812].

Smoking Ban

Ms Grace, from 194 petitioners, requesting the House to take various measures to ban smoking in public places, vehicles and licensed premises [4813].

D'Aguilar Highway, Speed Reduction and Upgrade

Mr Powell, from 34 petitioners, requesting the House to reduce the speed to 80 km along the D'Aguilar Highway between Rangeview Estate Wamuran and the township of D'Aguilar until the State and Federal Governments fund the complete upgrade of this road [4814].

Bulk Water, Charges

Mr Crandon, from 401 petitioners, requesting the House to implement a price cap at the rate of inflation (March CPI) for annual increases in the State Government bulkwater charges for at least two years [4815].

Queensland Health, Payroll System

Mr Dowling, from 1,242 petitioners, requesting the House to stop overpayment claims until such time as outstanding underpayments have been resolved and the payroll system independently audited; cease the practice of writing off debt of less than $200 in overpayment; and ensure any repayment strategy for overpayments is flexible and agreed by the individual worker; guarantee no debt collection agencies will be engaged to recoup any overpayments and seek an apology by the Premier, Ministers for Health Robertson, Lucas and Wilson and Minister for information, Communication Technology Schwarten for the hardship inflicted on Queensland Health workers [4816].

Raby Esplanade Park, Pontoon

Dr Robinson, from 152 petitioners, requesting the House to make provision for the design and construction of a pontoon suitable for use by the general public to launch canoes and kayaks into Endeavour Canal, Ormiston at Raby Esplanade Park [4817].

Carrara, Traffic Congestion

Mr Stevens, from 45 petitioners, requesting the House to immediately cease any proposal or related works of diverting public transport off Nerang-Broadbeach Road onto the local residential streets between Hoy Street, Broadbeach Waters and Garden Grove, Carrara and research a suitable solution that will improve the congestion of current main road and roundabout located at Gooding Drive, Carrara [4818].

Highfields, Proposed High School

Mr Shine, from 1,095 petitioners, requesting the House to consult and work with the Highfields community to fulfil the pressing demand for a high school in Highfields to be built on land purchased in 2010 for this purpose by the Queensland Government [4819].

Bayview State School, Hall

Dr Robinson, from 438 petitioners, requesting the House to immediately investigate the provision of a multi-purpose hall for the new Bayview State School [4820].

Boyne River, Netting

Mrs Cunningham, from 18 petitioners, requesting the House to prevent further netting activities in the Boyne River and surrounding inlet area to protect the aquatic species including the dugong and marine turtles [4821].

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

Water Reform

50 petitioners, requesting the House to respond to this request for a 10 year community water reform strategy in a timely manner and provide a timeframe for the elements of this strategy to be implemented [4822].

Petitions received.

TABLED PAPERS

PAPERS TABLED DURING THE RECESS

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

20 June 2011—

4732 Urban Land Development Authority Act 2007: Document by the Urban Land Development Authority titled 'Oonoonba Urban Development Area Development Scheme', dated April 2011 (Refer Subordinate Legislation No. 40 of 2011)

4733 Urban Land Development Authority Act 2007: Document by the Urban Land Development Authority titled 'Woolloongabba Urban Development Area Submitted Development Scheme', dated 24 November 2010 (Refer Subordinate Legislation No. 40 of 2011)

4734 Urban Land Development Authority Act 2007: Document by the Urban Land Development Authority titled 'Bowen Street, Roma Urban Development Area Development Scheme', dated April 2011 (Refer Subordinate Legislation No. 40 of 2011)

4735 Response from the Minister for Main Roads, Fisheries and Marine Infrastructure (Mr Wallace) to an ePetition (1656-11) sponsored by Mr McLindon, from 187 petitioners, requesting the House to not approve any development design for a roundabout on Main Western Road in the centre of Mount Tamborine that will detrimentally impact the amenity and liveability of the area

21 June 2011—

4736 Auditor-General of Queensland: Report to Parliament No. 4 for 2011—Information systems governance and security—Financial and Assurance audit

22 June 2011—

4737 Response from the Treasurer and Minister for State Development and Trade (Mr Fraser) to an ePetition (1592-10) sponsored by Mr Hobbs and a paper petition (1701-11) presented by Mr Hobbs, from 3,479 and 653 petitioners respectively, in relation to overseeing coal seam gas industry development to ensure the protection of the environment and existing water or property rights

23 June 2011—

4738 Public Accounts and Public Works Committee: Report No. 8—Review of Auditor-General's Reports—January 2010 to December 2010: Government Response

4739 Auditor-General of Queensland: Report to Parliament No. 5 for 2011—Results of audits at 31 May 2011—Financial and Assurance audit

4740 Crime and Misconduct Commission: Report titled 'Operation Tesco—Report of an investigation into allegations of police misconduct on the Gold Coast', dated June 2011

4741 Response from the Deputy Premier and Attorney-General, Minister for Local Government and Special Minister of State (Mr Lucas) to an ePetition (1655-11) sponsored by Mr McLindon, from 113 petitioners, requesting the House to include the Greater Flagstone Development into the Scenic Rim Regional Council local government boundaries

4742 Response from the Minister for Employment, Skills and Mining (Mr Hinchliffe) to an ePetition (1568-10) sponsored by Ms Male, from 801 petitioners, requesting the House to ask the Minister for Mines and Energy to ensure that no mining applications are granted on any part of the Steve Irwin Wildlife Reserve

4743 Response from the Minister for Transport and Multicultural Affairs (Ms Palaszczuk) to a paper petition (1689-11) presented by Mr Springborg, from 2,590 petitioners, requesting the House to address the need and provision of a daily return coach or transport service direct from Goondiwindi to Toowoomba

4744 Response from the Minister for Main Roads, Fisheries and Marine Infrastructure (Mr Wallace) to an ePetition (1569-10) sponsored by Mrs Sullivan, from 172 petitioners, requesting the House to call upon the Government to allocate adequate funding in next year's budget (2011-12) for an appropriate design and construction of a cycle track and walkway on the Bribie Island Bridge

4745 Response from the Deputy Premier and Attorney-General, Minister for Local Government and Special Minister of State (Mr Lucas) to a paper petition (1688-11) presented by Mr Hoolihan, from 2,721 petitioners, requesting the House to provide funding for an Adventure Water Playground on the Main Beach at Yeppoon

27 June 2011—

4746 Queensland Ombudsman: Report, dated June 2011, titled 'The Airport Link Project Report—An investigation into complaints about night-time surface work', including CD containing submissions

4747 Queensland Ombudsman: Report, dated June 2011, titled 'The Airport Link Project Report—An investigation into complaints about night-time surface work'—Submissions 1 to 11 in relation to the investigation

4748 Response from the Minister for Main Roads, Fisheries and Marine Infrastructure (Mr Wallace) to a paper petition (1692-11) presented by Mr Malone, from 5,219 petitioners, requesting the House to undertake a detailed safety audit and analysis of the Bruce Highway between Rockhampton and Mackay

4749 Response from the Minister for Police, Corrective Services and Emergency Services (Mr Roberts) to a paper petition (1693-11) presented by Mr Messenger, from 320 petitioners, requesting the House to ensure the community's safety is not compromised, by guaranteeing a permanent police presence in Moore Park Beach

4750 Scrutiny of Legislation Committee: Legislation Alert No. 8 of 2011

4751 Scrutiny of Legislation Committee: Submission, dated 24 May 2011, from the Sikh Council of Australia Inc regarding the Weapons Amendment Bill 2011

28 June 2011—

4752 Queensland Theatre Company—Annual Report 2010

29 June 2011—

4753 Crime and Misconduct Commission: Report titled 'Regulating Prostitution—A follow-up review of the Prostitution Act 1999', dated June 2011

4754 Crime and Misconduct Commission: Report titled 'An alternative to pursuit—A review of the evade police provisions', dated June 2011

30 June 2011—

4755 Scrutiny of Legislation Committee: Report No. 46—Review of Part 8 of the Statutory Instruments Act: Forms authorised by legislation, June 2011

4756 Scrutiny of Legislation Committee: Report No. 47—Our Principles: Review of the meaning of 'Fundamental Legislative Principles', June 2011

4757 Scrutiny of Legislation Committee: Report No. 48—Annual Report 2010-11

4758 Response from the Treasurer and Minister for State Development and Trade (Mr Fraser) to an ePetition (1654-11) sponsored by Mr McLindon, from 5 petitioners, regarding the proposed development of the Cairns cultural precinct

4759 Queensland Workplace Rights Ombudsman: Quarterly Report to the Minister for Education and Industrial Relations (1 October to 31 December 2010)—Activities carried out by the Queensland Workplace Rights Office

1 July 2011—

4760 The Market Rules: SEQ Water Market—Amendment effective 1 July 2011—As amended pursuant to section 360ZCX of the Water Act 2000

4761 Queensland Law Reform Commission: Report No. 68—A Review of Jury Selection, dated February 2011

4 July 2011—

4762 Response from the Minister for Main Roads, Fisheries and Marine Infrastructure (Mr Wallace) to a paper petition (1706-11) presented by Mr Powell, from 34 petitioners, requesting the House to urgently upgrade the Maleny-Kenilworth Road

4763 Response from the Minister for Main Roads, Fisheries and Marine Infrastructure (Mr Wallace) to a paper petition (1710-11) presented by Mr Wilson, from 221 petitioners, requesting the House to improve safety associated with pedestrians crossing Samford Road in the vicinity of the Keperra Sanctuary Retirement Village

6 July 2011—

4764 Auditor-General of Queensland: Report to Parliament No. 6 for 2011—Systems to coordinate delivery of the Toward Q2: Tomorrow's Queensland target—Halve the proportion of Queensland children living in a household without a working parent: Performance Management Systems audit

4765 Public Accounts and Public Works Committee: Report No. 9—William McCormack Place—Stage 2—Project: Government Response

11 July 2011—

4766 Response from the Minister for Transport and Multicultural Affairs (Ms Palaszczuk) to a paper petition (1703-11) presented by Ms O'Neill, from 1,514 petitioners, requesting the House to seek alternative solutions to the traffic impacts around the proposed Kallangur Station

12 July 2011—

4767 Response from the Minister for Main Roads, Fisheries and Marine Infrastructure (Mr Wallace) to an ePetition (1660-11) sponsored by Ms Jones, from 272 petitioners, requesting the House to urgently commence work on the upgrade of the intersection of Samford Road and Wardell Street

13 July 2011—

4768 Response from the Minister for Energy and Water Utilities (Mr Robertson) to an ePetition (1635-11) sponsored by Mr Stevens, from 705 petitioners, requesting the House to declare potable water an essential right of Queensland consumers and that no profit margin above the cost of supplying potable water be allowed to be charged by any government or any government entity

4769 Response from the Minister for Finance, Natural Resources and The Arts (Ms Nolan) to a paper petition (1708-11) presented by Ms Croft, from 158 petitioners, requesting the House to review the valuation for the 600 properties fronting canal land on Runaway Islands and to explain to residents the reasons for the excessive 10 per cent increase in average valuation compared to an increase of 3 per cent for the Gold Coast as a whole

14 July 2011—

4770 Marine Incidents in Queensland 2010—Annual Report

4771 Response from the Minister for Government Services, Building Industry and Information and Communication Technology (Mr Finn) to an ePetition (1603-11) sponsored by Ms Boyle, from 264 petitioners, requesting the House to enact legislation, similar to the Architect Act 2002, that requires registration and licensing of Quantity Surveyors ensuring registered Quantity Surveyors have relevant degree qualifications experience

15 July 2011—

4772 Response from the Minister for Health (Mr Wilson) to an ePetition (1627-11) sponsored by Mr Sorensen and a paper petition (1707-11) presented by Mr Sorensen, from 105 and 5,606 petitioners respectively, requesting the House to urgently upgrade the Emergency Department of the Maryborough Hospital and implementation of a low risk birthing unit at the Maryborough Hospital

4773 Response from the Minister for Health (Mr Wilson) to a paper petition (1702-11) presented by Mr Hobbs, from 302 petitioners, requesting the House to recognise the need for public dental services in growing communities of south west Queensland and provide adequate funding to ensure that full public dental services are provided to Miles on a permanent basis

18 July 2011—

4774 Response from the Deputy Premier and Attorney-General, Minister for Local Government and Special Minister of State (Mr Lucas) to an ePetition (1669-11) sponsored by the Clerk of the Parliament in accordance with Standing Order 119(4), from 327 petitioners, requesting the House to recognise the right of local governments to calculate and apply infrastructure charges that are carefully calculated, defendable and transparent and refrain from mandatory capping of infrastructure charges

20 July 2011—

4775 Surat Basin Future Directions Statement—Final Report July 2011

4776 Document by the Department of Employment, Economic Development and Innovation titled 'Wild Dog Management Strategy 2011-16'

22 July 2011—

4777 Biosecurity Bill 2011: Exposure Draft

26 July 2011—

4778 Report prepared pursuant to section 432 of the Sustainable Planning Act 2009 relating to the decision of the Deputy Premier and Attorney General, Minister for Local Government and Special Minister of State, relating to a called-in development application by Uniting Church in Australia Property Trust (Q) trading as Blue Care

29 July 2011—

4779 Health and Disabilities Committee—Estimates: Report 2011

4780 Health and Disabilities Committee—Estimates: Additional Information Volume 2011

1 August 2011—

4781 Transport, Local Government and Infrastructure Committee—Estimates: Report 2011

4782 Transport, Local Government and Infrastructure Committee—Estimates: Additional Information Volume 2011-Volume 1 of 2

4783 Transport, Local Government and Infrastructure Committee—Estimates: Additional Information Volume 2011-Volume 2 of 2

4784 Legal Affairs, Police, Corrective Services and Emergency Services Committee—Estimates: Report 2011

4785 Legal Affairs, Police, Corrective Services and Emergency Services Committee—Estimates: Additional Information Volume 2011

4786 Industry, Education, Training and Industrial Relations Committee—Estimates: Report 2011

4787 Industry, Education, Training and Industrial Relations Committee—Estimates: Additional Information Volume 2011-Volume 1 of 4

4788 Industry, Education, Training and Industrial Relations Committee—Estimates: Additional Information Volume 2011-Volume 2 of 4

4789 Industry, Education, Training and Industrial Relations Committee—Estimates: Additional Information Volume 2011-Volume 3 of 4

4790 Industry, Education, Training and Industrial Relations Committee—Estimates: Additional Information Volume 2011-Volume 4 of 4

4791 Finance and Administration Committee—Estimates: Report No. 1, 2011

4792 Finance and Administration Committee—Estimates: Report No. 2, 2011

4793 Finance and Administration Committee—Estimates: Additional Information Volume 2011-Volume 1 of 2

4794 Finance and Administration Committee—Estimates: Additional Information Volume 2011-Volume 2 of 2

4795 Queensland Floods Commission of Inquiry: Interim Report, dated August 2011

4796 Environment, Agriculture, Resources and Energy Committee—Estimates: Report 2011

4797 Environment, Agriculture, Resources and Energy Committee—Estimates: Additional Information Volume 2011

4798 Community Affairs Committee—Estimates: Report 2011

4799 Community Affairs Committee—Estimates: Additional Information Volume 2011

4800 Overseas travel report—Report on an overseas visit by the Premier and Minister for Reconstruction (Ms Bligh) to The People's Republic of China and the United States of America from 20 June 2011 to 1 July 2011—Queensland Trade Mission

STATUTORY INSTRUMENTS

The following statutory instruments were tabled by the Clerk—

Fair Trading (Australian Consumer Law) Amendment Act 2010—

4823 Proclamation commencing remaining provisions, No. 85

4824 Proclamation commencing remaining provisions, No. 85, Explanatory Notes

Security Providers Act 1993—

4825 Security Providers Amendment Regulation (No. 1) 2011, No. 86

4826 Security Providers Amendment Regulation (No. 1) 2011, No. 86, Explanatory Notes

Supreme Court of Queensland Act 1991—

4827 Criminal Practice Amendment Rule (No. 1) 2011, No. 87

4828 Criminal Practice Amendment Rule (No. 1) 2011, No. 87, Explanatory Notes

Building Act 1975, Plumbing and Drainage Act 2002, Sustainable Planning Act 2009—

4829 Building and Other Legislation Amendment Regulation (No. 2) 2011, No. 88

4830 Building and Other Legislation Amendment Regulation (No. 2) 2011, No. 88, Explanatory Notes

Animal Management (Cats and Dogs) Act 2008—

4831 Animal Management (Cats and Dogs) Amendment Regulation (No. 1) 2011, No. 89

4832 Animal Management (Cats and Dogs) Amendment Regulation (No. 1) 2011, No. 89, Explanatory Notes

Revenue and Other Legislation Amendment Act 2011—

4833 Proclamation commencing remaining provisions, No. 90

4834 Proclamation commencing remaining provisions, No. 90, Explanatory Notes

Local Government Act 2009—

4835 Local Government (Operations) Amendment Regulation (No. 2) 2011, No. 91

4836 Local Government (Operations) Amendment Regulation (No. 2) 2011, No. 91, Explanatory Notes

Superannuation (State Public Sector) Act 1990—

4837 Superannuation (State Public Sector) Amendment of Deed Regulation (No. 2) 2011, No. 92

4838 Superannuation (State Public Sector) Amendment of Deed Regulation (No. 2) 2011, No. 92, Explanatory Notes

Electricity Act 1994, Gas Supply Act 2003—

4839 Energy Legislation Amendment Regulation (No. 1) 2011, No. 93

4840 Energy Legislation Amendment Regulation (No. 1) 2011, No. 93, Explanatory Notes

Coal Mining Safety and Health Act 1999, Explosives Act 1999, Fossicking Act 1994, Geothermal Exploration Act 2004, Greenhouse Gas Storage Act 2009, Mineral Resources Act 1989, Mining and Quarrying Safety and Health Act 1999, Petroleum Act 1923, Petroleum and Gas (Production and Safety) Act 2004—

4841 Mines Legislation Amendment Regulation (No. 1) 2011, No. 94

4842 Mines Legislation Amendment Regulation (No. 1) 2011, No. 94, Explanatory Notes

Motor Accident Insurance Act 1994—

4843 Motor Accident Insurance Amendment Regulation (No. 2) 2011, No. 95

4844 Motor Accident Insurance Amendment Regulation (No. 2) 2011, No. 95, Explanatory Notes

Nature Conservation Act 1992—

4845 Nature Conservation (Protected Areas) Amendment Regulation (No. 3) 2011, No. 96

4846 Nature Conservation (Protected Areas) Amendment Regulation (No. 3) 2011, No. 96, Explanatory Notes

Transport and Other Legislation Amendment Act 2011—

4847 Proclamation commencing remaining provisions, No. 97

4848 Proclamation commencing remaining provisions, No. 97, Explanatory Notes

Transport Operations (Road Use Management) Act 1995—

4849 Traffic Amendment Regulation (No. 3) 2011, No. 98

4850 Traffic Amendment Regulation (No. 3) 2011, No. 98, Explanatory Notes

Queensland Industry Participation Policy Act 2011—

4851 Proclamation commencing remaining provisions, No. 99

4852 Proclamation commencing remaining provisions, No. 99, Explanatory Notes

Building and Construction Industry Payments Act 2004, Domestic Building Contracts Act 2000, Queensland Building Services Authority Act 1991—

4854 Queensland Building Services Authority and Other Legislation Amendment Regulation (No. 1) 2011, No. 100

4853 Queensland Building Services Authority and Other Legislation Amendment Regulation (No. 1) 2011, No. 100, Explanatory Notes

Liquor and Other Legislation Amendment Act 2010—

4855 Proclamation commencing remaining provisions, No. 101

4856 Proclamation commencing remaining provisions, No. 101, Explanatory Notes

Civil Liability Act 2003, Personal Injuries Proceedings Act 2002—

4857 Civil Liability and Other Legislation Amendment Regulation (No. 1) 2011, No. 102

4858 Civil Liability and Other Legislation Amendment Regulation (No. 1) 2011, No. 102, Explanatory Notes

Taxation Administration Act 2001—

4859 Taxation Administration Amendment Regulation (No. 1) 2011, No. 103

4860 Taxation Administration Amendment Regulation (No. 1) 2011, No. 103, Explanatory Notes

Ambulance Service Act 1991, Building Act 1975, Fire and Rescue Service Act 1990—

4861 Community Safety (Fees) Amendment Regulation (No. 1) 2011, No. 104

4862 Community Safety (Fees) Amendment Regulation (No. 1) 2011, No. 104, Explanatory Notes

Water Act 2000—

4863 Water Amendment Regulation (No. 1) 2011, No. 105

4864 Water Amendment Regulation (No. 1) 2011, No. 105, Explanatory Notes

Fisheries Act 1994—

4865 Fisheries Amendment Regulation (No. 1) 2011, No. 106

4866 Fisheries Amendment Regulation (No. 1) 2011, No. 106, Explanatory Notes

Electrical Safety Act 2002—

4867 Electrical Safety Amendment Regulation (No. 1) 2011, No. 107

4868 Electrical Safety Amendment Regulation (No. 1) 2011, No. 107, Explanatory Notes

Industrial Relations Act 1999—

4869 Industrial Relations (Tribunals) Amendment Rule (No. 1) 2011, No. 108

4870 Industrial Relations (Tribunals) Amendment Rule (No. 1) 2011, No. 108, Explanatory Notes

Rural and Regional Adjustment Act 1994—

4871 Rural and Regional Adjustment Amendment Regulation (No. 4) 2011, No. 109

4872 Rural and Regional Adjustment Amendment Regulation (No. 4) 2011, No. 109, Explanatory Notes

Agricultural Chemicals Distribution Control Act 1966, Animal Care and Protection Act 2001, Apiaries Act 1982, Brands Act 1915, Chemical Usage (Agricultural and Veterinary) Control Act 1988, Drugs Misuse Act 1986, Land Protection (Pest and Stock Route Management) Act 2002, Nature Conservation Act 1992, Racing Act 2002, Stock Act 1915, Veterinary Surgeons Act 1936—

4873 Employment, Economic Development and Innovation Legislation Amendment Regulation (No. 1) 2011, No. 110

4874 Employment, Economic Development and Innovation Legislation Amendment Regulation (No. 1) 2011, No. 110, Explanatory Notes

Gas Security Amendment Act 2011—

4875 Proclamation commencing remaining provisions, No. 111

4876 Proclamation commencing remaining provisions, No. 111, Explanatory Notes

Petroleum and Gas (Production and Safety) Act 2004—

4877 Petroleum and Gas (Production and Safety) Amendment Regulation (No. 2) 2011, No. 112

4878 Petroleum and Gas (Production and Safety) Amendment Regulation (No. 2) 2011, No. 112, Explanatory Notes

Petroleum and Gas (Production and Safety) Act 2004—

4879 Petroleum and Gas (Production and Safety) Amendment Regulation (No. 3) 2011, No. 113

4880 Petroleum and Gas (Production and Safety) Amendment Regulation (No. 3) 2011, No. 113, Explanatory Notes

Mineral Resources Act 1989—

4881 Mineral Resources Amendment Regulation (No. 3) 2011, No. 114

4882 Mineral Resources Amendment Regulation (No. 3) 2011, No. 114, Explanatory Notes

Appeal Costs Fund Act 1973, Associations Incorporation Act 1981, Bills of Sale and Other Instruments Act 1955, Births, Deaths and Marriages Registration Act 2003, Body Corporate and Community Management Act 1997, Building Units and Group Titles Act 1980, Business Names Act 1962, Casino Control Act 1982, Charitable and Non-Profit Gaming Act 1999, Collections Act 1966, Cooperatives Act 1997, Coroners Act 2003, Dispute Resolution Centres Act 1990, Electoral Act 1992, Electrical Safety Act 2002, Evidence Act 1977, Funeral Benefit Business Act 1982, Gaming Machine Act 1991, Interactive Gambling (Player Protection) Act 1998, Introduction Agents Act 2001, Jury Act 1995, Justices Act 1886, Justices of the Peace and Commissioners for Declarations Act 1991, Keno Act 1996, Land Court Act 2000, Land Sales Act 1984, Legal Profession Act 2007, Liens on Crops of Sugar Cane Act 1931, Liquor Act 1992, Lotteries Act 1997, Motor Vehicles and Boats Securities Act 1986, Partnership Act 1891, Property Agents and Motor Dealers Act 2000, Property Law Act 1974, Queensland Civil and Administrative Tribunal Act 2009, Recording of Evidence Act 1962, Retail Shop Leases Act 1994, Retirement Villages Act 1999, Right to Information Act 2009, Second-hand Dealers and Pawnbrokers Act 2003, Security Providers Act 1993, State Penalties Enforcement Act 1999, Supreme Court of Queensland Act 1991, Tourism Services Act 2003, Travel Agents Act 1988, Wagering Act 1998, Wine Industry Act 1994, Workplace Health and Safety Act 1995—

4883 Justice (Fees) Amendment Regulation (No. 1) 2011, No. 115

4884 Justice (Fees) Amendment Regulation (No. 1) 2011, No. 115, Explanatory Notes

State Development and Public Works Organisation Act 1971—

4885 State Development and Public Works Organisation (State Development Areas) Amendment Regulation (No. 1) 2011, No. 116

4886 State Development and Public Works Organisation (State Development Areas) Amendment Regulation (No. 1) 2011, No. 116, Explanatory Notes

Health Act 1937, Health Services Act 1991, Pest Management Act 2001, Private Health Facilities Act 1999, Radiation Safety Act 1999—

4887 Health Legislation (Fees) Amendment Regulation (No. 1) 2011, No. 117

4888 Health Legislation (Fees) Amendment Regulation (No. 1) 2011, No. 117, Explanatory Notes

Adoption Act 2009—

4889 Adoption Amendment Regulation (No. 1) 2011, No. 118

4890 Adoption Amendment Regulation (No. 1) 2011, No. 118, Explanatory Notes

Housing Act 2003—

4891 Housing Amendment Regulation (No. 1) 2011, No. 119

4892 Housing Amendment Regulation (No. 1) 2011, No. 119, Explanatory Notes

Architects Act 2002, Professional Engineers Act 2002—

4893 Public Works Legislation Amendment Regulation (No. 1) 2011, No. 120

4894 Public Works Legislation Amendment Regulation (No. 1) 2011, No. 120, Explanatory Notes

Forensic Disability Act 2011—

4895 Proclamation commencing remaining provisions, No. 121

4896 Proclamation commencing remaining provisions, No. 121, Explanatory Notes

Forensic Disability Act 2011—

4897 Forensic Disability Regulation 2011, No. 122

4898 Forensic Disability Regulation 2011, No. 122, Explanatory Notes

Mental Health Act 2000—

4899 Mental Health Review Tribunal Amendment Rule (No. 1) 2011, No. 123

4900 Mental Health Review Tribunal Amendment Rule (No. 1) 2011, No. 123, Explanatory Notes

Disability Services Act 2006—

4901 Disability Services Amendment Regulation (No. 1) 2011, No. 124

4902 Disability Services Amendment Regulation (No. 1) 2011, No. 124, Explanatory Notes

South East Queensland Water (Restructuring) Act 2007—

4903 South East Queensland Water (Restructuring) Regulation 2011, No. 125

4904 South East Queensland Water (Restructuring) Regulation 2011, No. 125, Explanatory Notes

Government Owned Corporations Act 1993—

4905 Government Owned Corporations (Generator Restructure) Regulation 2011, No. 126

4906 Government Owned Corporations (Generator Restructure) Regulation 2011, No. 126, Explanatory Notes

Water Act 2000—

4907 Water (Market Rules) Amendment Notice (No. 1) 2011, No. 127

4908 Water (Market Rules) Amendment Notice (No. 1) 2011, No. 127, Explanatory Notes

Health Act 1937, Medical Radiation Technologists Registration Act 2001, Public Health Act 2005—

4909 Health Legislation Amendment Regulation (No. 3) 2011, No. 128

4910 Health Legislation Amendment Regulation (No. 3) 2011, No. 128, Explanatory Notes

Workers' Compensation and Rehabilitation Act 2003—

4911 Workers' Compensation and Rehabilitation Amendment Regulation (No. 1) 2011, No. 129

4912 Workers' Compensation and Rehabilitation Amendment Regulation (No. 1) 2011, No. 129, Explanatory Notes

Vocational Education, Training and Employment Act 2000—

4913 Vocational Education, Training and Employment Amendment Regulation (No. 2) 2011, No. 130

4914 Vocational Education, Training and Employment Amendment Regulation (No. 2) 2011, No. 130, Explanatory Notes

Land Act 1994, Land Title Act 1994, Water Act 2000—

4915 Land and Other Legislation Amendment Regulation (No. 1) 2011, No. 131

4916 Land and Other Legislation Amendment Regulation (No. 1) 2011, No. 131, Explanatory Notes

State Buildings Protective Security Act 1983—

4917 State Buildings Protective Security Amendment Regulation (No. 2) 2011, No. 132

4918 State Buildings Protective Security Amendment Regulation (No. 2) 2011, No. 132, Explanatory Notes

Nature Conservation Act 1992—

4919 Nature Conservation (Protected Areas) Amendment Regulation (No. 4) 2011, No. 133

4920 Nature Conservation (Protected Areas) Amendment Regulation (No. 4) 2011, No. 133, Explanatory Notes

Building Act 1975, Plumbing and Drainage Act 2002—

4921 Building and Other Legislation Amendment Regulation (No. 3) 2011, No. 134

4922 Building and Other Legislation Amendment Regulation (No. 3) 2011, No. 134, Explanatory Notes

Acquisition of Land Act 1967, Building Units and Group Titles Act 1980, Coastal Protection and Management Act 1995, Environmental Protection Act 1994, Foreign Ownership of Land Register Act 1988, Forestry Act 1959, Land Act 1994, Land Protection (Pest and Stock Route Management) Act 2002, Land Title Act 1994, Land Valuation Act 2010, Marine Parks Act 2004, Nature Conservation Act 1992, Queensland Heritage Act 1992, Recreation Areas Management Act 2006, Surveyors Act 2003, Valuers Registration Act 1992, Vegetation Management Act 1999, Water Act 2000, Wild Rivers Act 2005—

4923 Environment and Resource Management Legislation Amendment Regulation (No. 1) 2011, No. 135

4924 Environment and Resource Management Legislation Amendment Regulation (No. 1) 2011, No. 135, Explanatory Notes

Transport Operations (Road Use Management) Act 1995—

4925 Traffic Amendment Regulation (No. 4) 2011, No. 136

4926 Traffic Amendment Regulation (No. 4) 2011, No. 136, Explanatory Notes

State Penalties Enforcement Act 1999—

4927 State Penalties Enforcement Amendment Regulation (No. 2) 2011, No. 137

4928 State Penalties Enforcement Amendment Regulation (No. 2) 2011, No. 137, Explanatory Notes

Transport Operations (Road Use Management) Act 1995—

4929 Transport Legislation Amendment Regulation (No. 2) 2011, No. 138

4930 Transport Legislation Amendment Regulation (No. 2) 2011, No. 138, Explanatory Notes

Sustainable Planning Act 2009—

4931 Sustainable Planning Amendment Regulation (No. 5) 2011, No. 139

4932 Sustainable Planning Amendment Regulation (No. 5) 2011, No. 139, Explanatory Notes

Fisheries Act 1994—

4933 Fisheries Amendment Regulation (No. 2) 2011, No. 140

4934 Fisheries Amendment Regulation (No. 2) 2011, No. 140, Explanatory Notes

Urban Land Development Authority Act 2007—

4935 Urban Land Development Authority Amendment Regulation (No. 2) 2011, No. 141

4936 Urban Land Development Authority Amendment Regulation (No. 2) 2011, No. 141, Explanatory Notes

Aboriginal Land Act 1991—

4937 Aboriginal Land Amendment Regulation (No. 4) 2011, No. 142

4938 Aboriginal Land Amendment Regulation (No. 4) 2011, No. 142, Explanatory Notes

Transport Operations (Passenger Transport) Act 1994—

4939 Transport Operations (Passenger Transport) Amendment Regulation (No. 1) 2011, No. 143

4940 Transport Operations (Passenger Transport) Amendment Regulation (No. 1) 2011, No. 143, Explanatory Notes

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

4941 Proclamation commencing certain provision, No. 144

4942 Proclamation commencing certain provision, No. 144, Explanatory Notes

Environmental Protection Act 1994—

4943 Environmental Protection Amendment Regulation (No. 3) 2011, No. 145

4944 Environmental Protection Amendment Regulation (No. 3) 2011, No. 145, Explanatory Notes

Plant Protection Act 1989—

4945 Plant Protection (Cocoa Pod Borer-Pest Declaration) Notice 2011, No. 146

4946 Plant Protection (Cocoa Pod Borer-Pest Declaration) Notice 2011, No. 146, Explanatory Notes

EXEMPT STATUTORY INSTRUMENT

The following statutory instrument was tabled by the Clerk—

Public Trustee Act 1978—

4947 Public Trustee (Fees and Charges Notice) (No. 1) 2011

SPEAKER'S PAPER TABLED BY THE CLERK

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

Mr Speaker (Mr Mickel)—

4948 Annual Report to the Parliamentary Commissioner for the period 1 July 2010 to 30 June 2011—Compliance requirements under the Crime and Misconduct Act 2001 (CM Act) for assumed identities in relation to misconduct offences

MINISTERIAL PAPER TABLED BY THE CLERK

The following ministerial paper was tabled by the Clerk—

Minister for Police, Corrective Services and Emergency Services (Mr Roberts)—

4949 Queensland Police Service—Authorities for Assumed Identities: Annual Report 2010-11

MEMBERS' PAPERS TABLED BY THE CLERK

The following members' papers were tabled by the Clerk—

Member for Barron River (Mr Wettenhall)—

4950 Non-conforming petition, from 63 petitioners, regarding the new Sunbus southbound route 111, which now travels along Wewak Street and Manus Street, Trinity Beach

Member for Clayfield (Mr Nicholls)—

4951 Non-conforming petition from residents living along the Creek Road corridor opposing extra bus services for cross-suburban use

Member for Gympie (Mr Gibson)—

4952 Non-conforming petition regarding the procedure for the appointment of Mt Gravatt Showgrounds Trust members and the future use of the Mt Gravatt Showgrounds site

Member for Moggill (Dr Flegg)—

4953 Non-conforming petition, from 327 petitioners, requesting that Brisbane City Council and TransLink fund additional bus services for the Pullenvale area

MINISTERIAL STATEMENTS

Queensland Floods Commission of Inquiry, Interim Report

Hon. AM BLIGH (South Brisbane—ALP) (Premier and Minister for Reconstruction) (9.52 am): Every member of this House, no matter what community we represent, must never forget the lessons of last summer. We owe that to those who died and those who suffered. As members of parliament, we are all charged with protecting future generations from the unique savagery of Queensland's climate. The unprecedented events of last summer have been seared into our collective memories and, while our summer of disasters is now part of our history, those events have to inform our future.

Yesterday I welcomed the Floods Commission of Inquiry's interim report, which covers matters associated with flood preparedness. The commission has worked tirelessly to recommend steps that may help us learn from the disasters and the floods and to improve our capacity to prepare and respond to any subsequent events. The Hon. Justice Catherine Holmes, deputies to the commission, Jim O'Sullivan AC and Phillip Cummins, and their staff are to be commended for the diligent way in which they have met the deadline, giving us the opportunity to implement some changes before the next wet season. They are also to be commended for their sensitivity and their diligence in hearing and analysing sometimes difficult and disturbing evidence.

I am also deeply grateful to those people who courageously came forward to tell their stories to the inquiry. For some people it must have been very painful to relive those experiences, but without the testimonies telling of personal experience of the floods a comprehensive review of our system would not have been possible.

The commission has made 175 recommendations, of which 104 relate to state government agencies, 65 relate to local government and six to the Commonwealth government. As I said yesterday, our government has accepted in their entirety the recommendations relating to our area of responsibility. We will pull out all stops to ensure that every one of the recommendations is implemented and I will make this my responsibility.

I intend to establish a dedicated unit within the Department of the Premier and Cabinet to coordinate the response across a number of government agencies. Yesterday I wrote to all ministers and directors-general and tomorrow I will convene a meeting of the State Disaster Management Group to begin the implementation of the recommendations of the report. While the report has laid out a blueprint for improvements at all levels of government, I am pleased that the commission has found that the structures and arrangements now in place for disaster response and flood infrastructure management across Queensland are fundamentally sound.

I can also report that many of the recommendations of the report are already underway. First and most importantly, the Queensland Reconstruction Authority, through Operation Queenslander, has worked solidly to reconnect and rebuild Queensland communities. We have moved quickly to assist in the introduction of temporary planning controls to rebuild flood affected areas in the Lockyer Valley, Brisbane and Ipswich. The Rebuilding Grantham Together development scheme will take effect this month and work is now progressing on grants to Lockyer Valley residents to help them relocate their principal place of residence to elevated land above the 2011 flood level. Temporary local planning instruments are also in place for Brisbane and Ipswich. Those instruments encourage rebuilding residential areas above the flood immunity level and require new developments to raise the habitable floor height or use flood-resistant building materials to endure a future flood event.

In this year's budget we provided more than $10 million to deliver 17 new disaster response staff across Queensland. Those staff will be split between the State Disaster Coordination Centre, which will now have a 24/7 watch desk capacity, and the provision of an extra regional staff member for each of Emergency Management Queensland's seven regions. Improving flood immunity is also a priority for the Bruce Highway upgrade strategy. The strategy, which is out for public consultation until 9 September, identifies 60 major priorities that include flooding protection and major priority works to be included in the Queensland Infrastructure Plan.

The government has also refined the 131940 traffic and travel information service, both its website and phone number, to improve the accuracy of road condition information and the timeliness of its dissemination to the general public. The 131940 website will also use Twitter to distribute road condition information. A pilot project to trial providing text based road condition advice on trial routes via selected smart phones will begin soon.

Evidence submitted to the inquiry identified the need for better coordination between the traffic authorities and the emergency authorities of New South Wales and Queensland along our borders. Our governments are now working on a cross-border agreement to better coordinate road condition reporting procedures and other emergency procedures. We have also established direct links between the New South Wales Transport Management Centre's live traffic website and have approached VicRoads about accessing its road conditions website. The commission's interim report also recommended that the Queensland government conduct a public education campaign about the dangers of driving into floodwaters. We will deliver this campaign.

In June this year the Queensland government launched a state-wide SES recruitment campaign. I am pleased to advise the House that, in the seven weeks since that campaign began, we have had more than 620 expressions of interest from people across Queensland. That reaffirms the Queensland spirit that we saw embodied by thousands of volunteers during the recovery effort.

A review is currently underway by the Queensland Fire and Rescue Service to examine our swift water rescue capabilities. In July swift water rescue training was held, which included Emergency Management Queensland helicopter crewmen. That has delivered an additional 12 swift water rescue technicians, bringing the state total to 215. Further courses are scheduled in August and November, with the aim of having, by the end of November 2011, 242 swift water technicians ready for the next wet season.

The report recommends the capacity of Smart Service Queensland's call centre be reviewed to ensure that it can manage a significant increase in calls to the 132500 number. The Queensland government has already reviewed its technology networks and infrastructure and taken action to improve capacity. We have also reviewed the national overflow arrangements service delivery agreement and are working to streamline the processing of calls to the 132500 hotline.

The report calls for a single point of coordination for Queensland's emergency helicopter network—single point tasking. We support this recommendation and will now develop a single point tasking system as a matter of priority.

I commit the government to the full implementation of the 104 recommendations of the commission's report that pertain to state government agencies. Further, while the interim report makes no recommendation in relation to the raising of the Wivenhoe Dam, I can advise the House that work is already underway to fully scope and cost a dam raising project that would maximise further flood mitigation benefits to the Ipswich and Brisbane region. There are many other recommendations in this report and a detailed response including costings will be released later this month. The commission of inquiry will now hold a second round of hearings in September and October to address longer term issues including insurance and land use planning and approvals.

The Queensland government will continue to cooperate fully with the commission and we look forward to the final report in February 2012. While the task is great, our resolve is greater as the costs of neglecting this challenge are simply too high for all of us. Queensland will face extreme natural weather events in the future. Together we must ensure that the lessons of these disasters are never forgotten and that we take the action necessary to keep future generations safe from these events.

Queensland Floods Commission of Inquiry, Interim Report

Hon. S ROBERTSON (Stretton—ALP) (Minister for Energy and Water Utilities) (10.00 am): Following the handing down of the Queensland Floods Commission of Inquiry's interim report, the Bligh government is committed to each one of the 104 recommendations made by the commissioner to the state government and we will move as quickly as possible to implement the necessary reforms. In addition to implementing these recommendations, I have instructed my department as a top priority to fast-track an investigation into raising the Wivenhoe and Somerset dam walls to increase the flood mitigation buffer. Following the devastating events of our summer of heartbreak, the Premier made a commitment that we would leave no stone unturned. That is why the commission of inquiry was established.

The commission's interim report will act as a blueprint to ensure that we are better prepared for the next wet season. The report has exposed some weaknesses regarding confusion of the roles and responsibilities of our water agencies. To some extent, this was understandable given that my request to consider lowering dam levels in the lead-up to the 2010-11 wet season was without precedent. However, it is incumbent on us to learn the lessons of this experience, which is why we will legislate to ensure that there is greater clarity and understanding about whose role it is to undertake certain actions in relation to our dams in times of heavy rainfall. The January floods were an unprecedented rain event with 2.6 million megalitres falling into the dam catchment. We should not forget that this was twice as much as in the 1974 floods. It was an extraordinary rainfall event.

In the lead-up to the last wet season, I sought advice from my department, through my director-general, as to whether dam levels should be lowered. The advice I received was coordinated by the water grid manager. It was not the only agency that provided me with advice. As I mentioned previously, my request for such information was without precedent. No minister or government had ever been in this situation before. At the same time, the opposition was calling on the government to raise the drinking water levels in Wivenhoe Dam, thereby reducing the flood buffer.

The Bligh government will accept the commissioner's recommendation to reduce Wivenhoe Dam's flood mitigation capacity to 75 per cent if the Bureau of Meteorology provides advice, in the lead-up to the 2011-12 wet season, that similar—or greater—rainfall levels are expected. In the longer term, that decision will be the responsibility of the minister of the day, based on advice from relevant agencies and departments.

In relation to the *Manual of operational procedures for flood mitigation at Wivenhoe Dam and Somerset Dam*, I can advise that Seqwater is already reviewing this manual. This is a requirement after any significant flooding event. Any findings from this review will be made available to the commission to assist in its preparation of its final report.

I accept the findings and recommendations in the interim report and I accept that we can and will do things better in the future. With the commission's recommendations, government and the various water agencies will be in a much stronger position to deal with the challenges of managing significant natural disasters. That is why it is incumbent on the government to provide the necessary support and resources required to implement these recommendations before the next wet season. This is a commitment we will deliver on.

Fixed Speed Cameras

Hon. NS ROBERTS (Nudgee—ALP) (Minister for Police, Corrective Services and Emergency Services) (10.04 am): So far this year 146 Queenslanders have lost their lives in traffic crashes on our roads and highways. This is four more than at the same time last year, but 70 fewer than the same time in 2009. Queensland Police Service experience and research tells us that driver behaviour—speeding, drink-driving and fatigue—contribute to around 90 per cent of all traffic crashes. Speeding is a factor in around 25 per cent of fatal traffic crashes. That is why the Bligh government invests so much in initiatives to encourage motorists to slow down on our roads. The government funds the Police Service to undertake speed enforcement through fixed and mobile speed cameras and with hand-held LIDAR radar speed enforcement.

From midday today, the number of fixed speed camera sites in Queensland will increase from 10 to 16. At midday, six sites that have been undergoing extensive testing over the past 12 to 18 months will go live. During the trial the sites have been collecting data on speeding motorists, but not issuing infringement notices. From today, infringement notices will be issued. The sites are at Loganholme, Sunnybank Hills, Ashgrove, Nudgee and Beerwah on the Sunshine Coast.

Fixed speed camera sites are selected using a range of criteria including crash history data, traffic flow, risk profile, complaints and police intelligence. I note that the New South Wales government has announced that it will decommission 38 of its 141 fixed speed camera sites because they were found by the Auditor-General to have 'no significant road safety benefit'. In Queensland our experience shows that fixed speed camera sites are doing their job and encouraging motorists to slow down.

In 2008, the rate of detection of speeding motorists at all fixed speed camera sites was around three vehicles per 1,000. Today the rate is 0.91 per 1,000 vehicles—an impressive reduction. These statistics demonstrate that speed cameras do change driver behaviour, and the evidence clearly shows that if people slow down there is less trauma and less loss of life on our roads. Fixed speed cameras are encouraging Queensland motorists to drive at or below the speed limit, and this is making our roads safer. Speeding kills. Speed cameras save lives.

Queensland Economy

Hon. AP FRASER (Mount Coot-tha—ALP) (Treasurer and Minister for State Development and Trade) (10.06 am): As the world continues to face an uncertain economic outlook, especially across the North Atlantic, our state continues to look ahead confidently. Global markets responded yesterday to the proposed resolution of the crisis in the US, and all eyes today will be locked on the US Congress to watch the matter pass. Closer to home, attention will be focussed on the Reserve Bank's monetary policy meeting today.

There remains, in my view, a compelling case for the Reserve Bank to leave the official cash rate unchanged. Now is not the time for a hike. The reserve has indicated that it is prepared to look through spiky inflation data to underlying trends. This must continue to be the approach as it faces the task of balancing the investment surge coursing through the nation's economy against patchy consumer confidence and continued global jitters.

The Queensland economy is embarking on a new wave of investment prosperity. While some remain uncertain about the global outlook and indeed our own, such as Fitch Ratings agency, it must be said that others are more confident about the prospects ahead. Last week, the Deloitte Access Economics' June Quarter Business Outlook confirmed Treasury's forecast of investment driven growth. In fact, while the LNP continues its campaign against the Treasury, they would do well to note that Access Economics, in fact, predicts growth of 5.6 per cent—above our forecast of five per cent growth. QIC, which operates with a visceral independence from the government, has a six per cent prediction of growth.

Evidence for the surge in business investment underpinning the strong recovery keeps stacking up. The latest Investment Monitor, also published by Deloitte Access Economics, showed the value of known investment projects in Queensland reached a new historic high of $184.5 billion in the June quarter of this year.

While the LNP declares the end of all industry and foretells economic calamity as they dumb down the national debate on carbon pricing, it is worth noting the $14 billion commitment made by Origin, Conoco Phillips and Sinopec to proceed with construction of their Australia Pacific LNG project last week. That is an investment that they want to increase to $20 billion. As ever, the facts speak louder than the shrill shouting and screaming being passed off for public policy discussion.

It is clear that Queensland remains a magnet for business investment. It is the confidence of these investors, who are putting their investment dollars on the table, which will continue to drive Queensland's prosperity into the future. Actions speak louder than words, no matter how hard you yell. This government is delivering an LNG industry, a whole new export industry built on delivering cleaner energy, driving jobs growth for the future—just like we said we would.

COMMITTEE OF THE LEGISLATIVE ASSEMBLY

Report

Hon. JC SPENCE (Sunnybank—ALP) (10.09 am): Honourable members, on behalf of the Committee of the Legislative Assembly I wish to update members on the activities of the committee and its deliberations. Firstly, the CLA has been monitoring the progress of the new portfolio committees. At a recent meeting we noted that a number of meetings scheduled by portfolio committees were to be held in private session. It was always intended that the new committee system be as open and transparent as possible.

One of the things that became very obvious when we undertook a review of the old system was that few people had an appreciation of the work that our parliamentary committees were engaged in and not enough attention was given to their deliberations and findings. We have agreed upon the need to strengthen standing order 133, which deals with how bills are considered by portfolio committees, to clarify that the presumption is that committee proceedings be held in public unless there are compelling reasons to hold them in private. We have also agreed that more clarity be given to the confidentiality provision of the standing orders to make it clear that committee proceedings may be discussed with other members of parliament. This is important for the new committee system to work in practice. Existing confidentiality arrangements will be kept in place for the PCMC and the Ethics Committee.

I cannot stress enough to members the need for the new portfolio committees to operate as much as possible in public, not only for their legislative functions but for all of their functions. We strongly suggest that the Parliamentary Crime and Misconduct Committee, now our oldest committee, change its procedures and operate in a more public manner in its scrutiny of the CMC. A new provision in standing orders is also necessary to enable the portfolio committees that have an oversight function to have monitor-and-review powers where there is no statutory basis. Later today I will be moving a motion to make amendments to standing and sessional orders that have been recommended by the CLA.

Secondly, we have been monitoring the outcome of the recent amendments to the estimates process. As members know, this year there were significant changes to the way estimates hearings are conducted. For example, estimates hearings were conducted by portfolio committees rather than ad hoc estimates committees; strict time limits dividing time between government and non-government members have been removed and time limits for questions and answers have also been removed; and committee members could directly question ministers and directors-general and nominated chief executive officers.

The committee has compiled a statistical analysis of the 2011 estimates process. I now table report No. 1 of the CLA which contains the statistical analysis of this process.

Tabled paper: Committee of the Legislative Committee, Report No. 1—Analysis of the 2011 estimates process [4954].

I am sure that members will find it very useful. They show that, overall, more time was devoted to the estimates process, that more time was allocated to non-government members generally and the extent of first-time direct questioning of directors-general and CEOs. I commend that report to the House. We have also distributed a survey, electronically and in hard copy, to members in the chamber today about the estimates process. Members' perspectives through the survey will be greatly appreciated.

The CLA has been provided with material from the former Scrutiny of Legislation Committee that had been provided to the Clerk under section 172 of the Parliament of Queensland Act 2001. This included advice from Professor Carney regarding the Parliamentary Service and Other Acts Amendment Bill 2011 and a transcript of evidence provided to the SLC by former Speaker Neil Turner. The committee at its meeting resolved that these matters be tabled in the House. I now table these documents for the benefit of the House.

Tabled paper: Letter, dated 30 June 2011, from the deputy chair of the former Scrutiny of Legislation Committee to the chair of the Committee of the Legislative Assembly enclosing legal advice from Professor Gerard Carney regarding the Parliamentary Service and Other Acts Amendment Bill 2011 [4955].

Tabled paper: Letter, dated 26 July 2011, from the chair of the former Scrutiny of Legislation Committee to the Clerk enclosing a transcript of Mr Neil Turner's evidence to the Scrutiny of Legislation Committee on 9 May 2011 [4956].

I note that Professor Carney's advice is essentially an examination of the Parliamentary Service and Other Acts Amendment Bill 2011 as against the fundamental legislative principles and is thus an equivalent examination of the bill that the former Scrutiny of Legislation Committee would have reported had it not dissolved prior to its dissolution on 30 June 2011. I also note that this advice must be seen in context, especially as against the advice of the Solicitor-General previously tabled in this House.

PARLIAMENTARY COMMITTEES

Membership

Hon. JC SPENCE (Sunnybank—ALP) (Leader of the House) (10.13 am), by leave, without notice: I move—

(1) that the member for Townsville be discharged from the Community Affairs Committee and the member for Cook be appointed to the Community Affairs Committee; and

(2) that the member for Sandgate be discharged from the Health and Disabilities Committee and the member for Townsville be appointed to the Health and Disabilities Committee.

Question put—That the motion be agreed to.

Motion agreed to.

LEGAL AFFAIRS, POLICE, CORRECTIVE SERVICES AND EMERGENCY SERVICES COMMITTEE

Office of the Information Commissioner, Reports

Ms STONE (Springwood—ALP) (10.14 am): I lay upon the table of the House three reports to the Legislative Assembly from the Office of the Information Commissioner titled: report No. 4 of 2010-11, *Public awareness of right to information reforms—results of the general public awareness survey in Queensland*; report No. 5 of 2010-11, *Public sector attitudes to right to information—results of the*

Queensland public sector employee culture survey; and report No. 1 of 2011-12, *Disclosure of personal information—follow up of 2010 review of TransLink's disclosure of go card information to the Queensland Police Service*.

Tabled paper: Office of the Information Commissioner: Report No. 4 of 2010-11 to the Queensland Legislative Assembly—Public awareness of right to information reforms: Results of the general public awareness survey in Queensland [4957].

Tabled paper: Office of the Information Commissioner: Report No. 5 of 2010-11 to the Queensland Legislative Assembly—Public sector attitudes to right to information: Results of the Queensland public sector employee culture survey [4958].

Tabled paper: Office of the Information Commissioner: Report No. 1 of 2011-12 to the Queensland Legislative Assembly—Disclosure of personal information—Follow up of 2010 review of TransLink's disclosure of go card information to the Queensland Police Service [4959].

MOTION

Suspension of Standing Order

Mr SEENEY (Callide—LNP) (Leader of the Opposition) (10.15 am), by leave, without notice: I move—

That standing order 231 be suspended to allow me to give notice that I shall move that this House notes the report of the Queensland Floods Commission of Inquiry without such a motion precluding the consideration of the commission's report in question time today.

Question put—That the motion be agreed to.

Motion agreed to.

NOTICE OF MOTION

Queensland Floods Commission of Inquiry, Interim Report

Mr SEENEY (Callide—LNP) (Leader of the Opposition) (10.16 am): I give notice that I will move—

That this House notes the report of the Queensland Floods Commission of Inquiry which was released yesterday.

QUESTIONS WITHOUT NOTICE

Minister for Energy and Water Utilities

Mr SEENEY (10.16 am): My first question without notice is to the Premier. I refer to Minister Robertson's record as health minister, especially in relation to the safety of nurses' housing and the Health payroll system. I also refer to the inquiry into last summer's flooding which found that Minister Robertson failed to seek advice from his own department on dam water levels, can provide no written record to support his decision to 'park' important issues and 'did nothing to resolve the confusion'. I ask: has the Westminster concept of ministerial responsibility been totally abandoned or is the Premier simply powerless to act against incompetent ministers in her cabinet?

Mr SPEAKER: Now, that would be the sort of question that in future I would say to you should be much shorter and to the point. It also contravenes the current standing orders in relation to imputation. It is the last bit that does offend. It can be asked by saying, 'Is the Westminster system'—

Government members interjected.

Mr SPEAKER: Order! Those on my right!

Mr SEENEY: Mr Speaker, I am happy to ask it again. I ask the Premier: has the Westminster concept of ministerial responsibility been totally abandoned or is the Premier simply powerless to act against ministers in her cabinet?

Mr SPEAKER: I call the honourable the Premier.

Ms Jones: You take the salary of the Leader of the Opposition. You're happy to take the money.

Mr SPEAKER: Order! The honourable member for Ashgrove, the Premier has the call.

Ms BLIGH: I thank the honourable member for the question. Mr Speaker, I do think it remarkable that someone who takes the salary for being the Leader of the Opposition while not taking any of the duties or responsibilities is asking a question about the Westminster system. It beggars belief. I am happy to have the opportunity to talk to the House about the recommendations and the findings of the Queensland Floods Commission of Inquiry interim report. What this report outlines in relation to the issues raised by the member opposite is very clear. What it says is that—and evidence proves this—what we had in the minister responsible was a minister who took advice from his department about the

appropriate water authority to seek advice on the dam levels. He acted on that advice. He wrote and asked for the advice. The water grid manager took further advice from Seqwater and ultimately provided written advice to the minister.

It also says that there was some confusion between the water authorities about which authority was responsible for providing the advice and perhaps in what order it should be given. What it does not say is that there was any confusion whatsoever about the advice itself. The advice itself is in writing. It is clear—that at the time the authorities with the expertise able to make this recommendation and provide advice to the minister provided written advice that no action should be taken in relation to lowering the dam levels.

I note yesterday public comments from the candidate for Ashgrove, Mr Newman, who said that if he had been Premier at the time he would have lowered the dam levels to 75 per cent. I think it is important that when these reports are brought down they enjoy bipartisan support in their implementation and they are not treated as an opportunity for making cheap political points. What we saw yesterday was words but not actions. What were the actions of Mr Newman at the time? One, he made no call whatsoever as the Mayor of Brisbane about the dam levels. Two, he met with me formally twice in the lead-up to this event and he did not raise this issue. Three, when his own party, the LNP, called for dam levels to be raised he did not contradict them, he did not comment on them, he did not correct them. And, four, what did he have to say after the flood? A week after the flood, he had this to say on this issue, 'The state agencies who run that dam I think from what I saw during that period did everything they could be expected to do.' Now we have him saying something completely different for his own political purposes.

(Time expired)

Bligh Labor Government

Mr SEENEY: My second question without notice is also to the Premier. I refer to the Premier's promise to implement all recommendations of the flood inquiry. I also refer to the promise not to remove the fuel excise subsidy, the promise that not one Queenslander would be worse off under the electricity reforms and the promise 460 days ago to fix the Health payroll debacle. How can Queenslanders now trust this promise to implement the inquiry's recommendations when so many previous promises have been broken by the Premier?

Ms BLIGH: I thank the member for the question, which, Mr Speaker, I would think would also be ruled out of order if you were applying your new rule in a strict fashion because of course it contains nothing but imputations and many of them untrue.

Mr SPEAKER: Order! I take it, Premier, that that is not a reflection on the chair.

Ms BLIGH: No, it is a reflection on the question, Mr Speaker.

Honourable members interjected.

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

Ms BLIGH: Again, I am very pleased to have the opportunity to advise the House of actions being taken to implement the 104 recommendations that pertain to the responsibilities of state government agencies. A dedicated unit will be established in the Department of the Premier and Cabinet overseen by me and my office. This will be the subject of a written report to the parliament at the next sitting of the parliament. In the intervening period, there will be work undertaken to ensure that we have costings and time frames on the implementation of each of these recommendations. As I outlined to the House this morning, many of the recommendations are already underway and by the end of this year we will be able to report on a regular basis about the implementation of the remaining recommendations.

What this report tells us is that we faced an unprecedented and catastrophic event. It also tells us that without the Wivenhoe Dam the consequences of this event would have been considerably more serious, that this was an event that surpassed by a factor of more than two the sort of water we saw in 1974 coming into the dam catchment. In fact, it was an event much more akin to the floods of the late 1800s. I think we do need to be grateful that the Wivenhoe Dam is there but we need, as I have said, to learn from the experience. In that learning, it does nobody any good to have people running around saying, 'Woulda, coulda, shoulda,' as we saw the state candidate for Ashgrove doing yesterday.

The public record speaks for itself. There was no call from Mr Newman in the lead-up to last year's flooding for there to be any change to the water levels in the dam. There was only one person who was seeking a lowering of the dam levels if necessary, and that was the minister of this government. There was only one person who was seeking advice. The member for Callide was calling for the dam levels to be raised. That is what happened. Where was the leadership of the candidate for Ashgrove then? Did he stand up and say to his colleague from Callide, 'You're nuts'? No, he did not. He waited until yesterday so he could get stuck in.

Mr Seeney: He didn't get the cabinet briefing, either. Did you brief him after cabinet?

Mr SPEAKER: Order! The honourable Premier has the call.

Ms BLIGH: It seems that the member opposite is implying that the lord mayor had no idea about what was coming. It has started; they are at each other.

(Time expired)

Unexpected Events, Preparedness

Mrs MILLER: My question is to the Premier and the Minister for Reconstruction. The commission of inquiry's report identifies many initiatives to improve our preparedness for future disasters. Can the Premier inform the House about any other projects to assist us to prepare for these extreme events?

Ms BLIGH: I thank the member for her question. The member knows only too well the sorts of grief and trauma that are the aftermath of events like the terrible floods that ripped through her electorate and her community, as do many other members of this House on all sides.

The commission of inquiry report outlines in extensive detail the sort of practical and in most cases physical actions that we can take to make sure that we are better prepared in our response and in our recovery, but I think it is also important to understand that, if we are emotionally and psychologically prepared for the prospect that unexpected events can happen, we will be more able to cope with them when they do happen. To that end, I am very pleased to advise the House that later today I will be joining with award-winning Queensland author Jackie French and Queensland book illustrator Bruce Whatley at the State Library to launch a new children's book simply called *Flood*. This is a book that outlines ways that children and families can explore together the terrible things that can happen in the middle of a disaster. This is a deeply personal story for Brisbane born author Jackie French, whose own family home was affected by the floods.

There were volumes of images and media coverage of disasters and these can be very overwhelming for children when they are occurring—not only images of what was happening here but also images of disasters that happened in other parts of the world. The aim of this book is to generate discussion with children—whether that be at schools in classrooms or at home with their families, whether it be among themselves, their families, their educators, their teachers or their carers—about natural disasters and what it might be like to go through one. This is a book not only for Queenslanders; it is a book for all Australian families. It is a book that is not for profit. It is going to be published by Scholastic publishing, and 100 per cent of the profits from the sale of this book will be donated to the Premier's flood relief appeal. In addition, a complimentary copy of the book will be given to every primary school in Australia—that is, 9,000 schools across the country.

I congratulate the authors. It is a book that is very moving. It is a book that really captures a lot of the Queensland spirit that we saw alive out on the streets of our city, but it is a book that I think will go some way to giving particularly parents a way of discussing with children that sometimes in this world terrible things can happen that you get very little notice of and that can have terrible effects. It will not frighten children, but it will give them some psychological and emotional preparedness. It is little projects like this that I think can make as much difference as some of the big, multimillion-dollar infrastructure that we put in place. I congratulate the authors and I look forward to seeing it out in the schools of Australia.

Minister for Energy and Water Utilities

Mr NICHOLLS: My question is to the Minister for Energy and Water Utilities. I refer to the minister's failure as health minister to take responsibility for housing security conditions after a nurse was sexually assaulted in the Torres Strait, the Health payroll system fiasco that began on the minister's watch and now the flood inquiry's finding that the minister failed to resolve the confusion that characterised the decision making around dam levels and unexplainedly parked his decision about full-supply levels. In light of this history of failures, will the minister finally resign?

Mr ROBERTSON: What needs to be remembered in relation to what was happening in the lead-up to and the months over the wet season of 2010-11 is that we were not dealing simply with one flood event. We were not dealing simply with the rainfall event that occurred around 10 to 12 January; we were in fact actively managing a number of flooding events.

Following the briefing of cabinet by the Bureau of Meteorology that predicted that we were in for an extraordinary wet season, I did what is required of me as minister. I wrote to the appropriate authorities to seek advice as to whether dam levels should be reduced in the lead-up to that wet season. I was the only person to have actually asked that question. The question was not being asked by the water authorities, it was certainly not being asked by an opposition that was more interested in reducing the flood buffer and it certainly was not being asked—

Mr Seeney: Did you brief me? Did you provide a briefing to us?

Mr SPEAKER: Order! Leader of the Opposition!

Mr Seeney: You didn't brief the lord mayor and now you're blaming us!

Mr SPEAKER: Order!

Mr ROBERTSON: Just so the record is complete, I table for the information of the House an article of 6 October 2010 that quotes LNP water spokesperson Jeff Seeney in relation to his calls to reduce the flood buffer of Wivenhoe Dam despite the fact that Wivenhoe Dam was at 100 per cent.

Tabled paper: Media release, dated 6 October 2010, from Mr Jeff Seeney MP titled 'Labor not interested in Wivenhoe "rethink"' [4960].

Mr Seeney: Read the article! That's not right! That's not what I said at all!

Mr SPEAKER: Order! Those on my left will cease interjecting. The minister has the call and the minister is answering a question.

Mr ROBERTSON: Mr Speaker, I also table for the information of the House three articles that quote then lord mayor Campbell Newman in relation to his comments in relation to the forthcoming wet season.

Tabled paper: News.com.au article, dated 16 December 2010, titled 'Lord Mayor Campbell Newman warns Brisbane residents of holiday floods' [4961].

Tabled paper: Courier-Mail article, dated 13 October 2010, titled 'Brisbane suburbs most at risk of flooding as Campbell Newman warns of repeat of 1974' [4962].

Tabled paper: Courier-Mail article, dated 12 October 2010, titled 'Lord Mayor and Deputy Premier warn that Brisbane's big wet could lead to a repeat of the disastrous '74 floods' [4963].

Mr Seeney: Blame everybody else! Blame us!

Mr SPEAKER: The Leader of the Opposition will cease interjecting.

Mr ROBERTSON: None of those reports indicate that Campbell Newman at any stage made a call to reduce the levels of water in South-East Queensland dams.

Mr Seeney: Did you talk to him about it? Did you brief him?

Mr ROBERTSON: The information that I sought—

Mr Seeney: Did you brief him?

Mr SPEAKER: Order! The Leader of the Opposition will cease interjecting.

Mr ROBERTSON: Mr Speaker, I am trying to assist the House. I sought advice from my director-general, as a minister is required to do. It was the director-general's advice that I seek advice via the water grid manager to coordinate advice across the relevant water authorities. It is not correct—

(Time expired)

Mr Seeney: You parked it. You parked it—like a second-hand car!

Mr SPEAKER: The Leader of the Opposition will cease interjecting.

Biotechnology

Mr KILBURN: My question without notice is to the Premier. Could the Premier give the House an example of a practical outcome of the Queensland government's investment in the biotechnology industry?

Ms BLIGH: I thank the member for his question and for his interest in this rapidly growing sector of our economy. I am pleased to advise the House that the biggest breakthrough in vaccine delivery since the invention of the syringe in 1853 takes one giant step closer today, and it is taking that step here in Queensland. Today at the University of Queensland's Australian Institute for Bioengineering and Nanotechnology a $15 million investment in Vaxxas Pty Ltd will be announced. Vaxxas Pty Ltd is developing the Nanopatch. This is a new product designed to deliver vaccines without breaking the skin like a needle does.

Government members interjected.

Ms BLIGH: Yes, there will be a lot of relief I think around the world. Early-stage testing in animals has shown that a Nanopatch delivering flu vaccine was effective at a lower dose. This patch can cure needle phobia once and for all and eliminate needle injuries and contamination. It does not need refrigeration, which makes transport to developing nations considerably easier. It shows that our investment in the Smart State strategy is resulting in new and exciting biotech ventures, and they are becoming commercial. It used to be that after developing a concept Queensland innovators would need to go offshore to bring their project to fruition. Now Queensland can be the true home of innovation and our new biotech industry here in our state can profit while doing good for the rest of the world.

Following last year's BIO Conference our government partnered with US businesses to establish the first Australian BioCapital Fund here in Queensland. This fund is well on its way in its capital raising efforts to reach its $250 million target for investment in biotechnology ventures. The Vaxxas Pty Ltd project is the first Queensland based venture to be supported through this fund. We worked to bring this fund here to Queensland. It is the first Australian dedicated BioCapital Fund. It will be a $250 million fund and it is a Queensland based company that is getting one of the first levels of support out of the fund. The research leader behind the project, Professor Mark Kendall, has previously been supported by the Queensland government and he may be known to some members of the House. Mark Kendall was awarded a Smart State fellowship in 2006, with the government providing $300,000 to him and his research and the University of Queensland delivering almost $1 million to get this project to where it is today. Anybody who has ever had to sit with a child, particularly a very young one, going through vaccinations, particularly if they are very sick and have to have a series of injections, knows that anything that could alleviate that will have massive implications through medical activities around the world. It will have a particularly important impact on the developing world and I congratulate these researchers.

Queensland Floods Commission of Inquiry, Interim Report

Mr EMERSON: My question is to the Minister for Energy and Water Utilities. On 18 October the Bureau of Meteorology conducted an extraordinary briefing of cabinet warning of one of the most potentially busy storm seasons since the 1970s. Given this extraordinary forewarning, why did the minister do nothing to resolve confusion amongst water agencies, instead parking the decision on reducing water levels of Wivenhoe Dam?

Mr ROBERTSON: I reject the notion that I did nothing. In fact, the record shows that following that cabinet meeting of 18 October I took the initiative to seek advice from my director-general in relation to two matters—firstly, to assess the state of preparedness of the department in terms of its annual preparation for the wet or cyclone season and, secondly, to give consideration as to whether dam levels should be reduced given that recently the dam levels across South-East Queensland had returned to 100 per cent full-supply level. It was the—

Mr Emerson interjected.

Mr ROBERTSON: Mr Speaker, this is a matter of great public importance. I believe in providing the information to the public. I can only do so if I am not interrupted.

Mr SPEAKER: Order! Those on my left! The minister has the call.

Mr ROBERTSON: As I mentioned in my previous answer, at the time that that information was being sought and, on the advice of my director-general, was to be coordinated by the water grid manager so that all agencies, Seqwater included, would have inputted into that advice, it needs to be recalled that there were a number of serious rainfall events occurring across South-East Queensland. I think from recollection the Bureau of Meteorology records that over that November-December-January period it recorded no less than six major rainfall events over the course of a comparatively short period of time. At the same time that it was providing advice to me regarding the levels of dams and whether they should be reduced, it was actively managing flood events. Once receiving the advice that a minor reduction in the full-supply level of the dams would not make an appreciable difference in terms of increasing the flood capacity of the dams across South-East Queensland, it was my view that, given that the various water authorities were actively managing flood events at that point in time and based on the advice that I was provided by the agencies, it was not possible to continue—

Mr Emerson interjected.

Mr SPEAKER: The member for Indooroopilly! The minister is answering the question.

Mr ROBERTSON:—it was not possible to continue with a significant reduction in dam levels. Why? Because there were significant inflows coming into the dams at the very time that that advice was being provided to me. That of course is something that I know that members opposite may not wish to consider, but the simple fact remains that it was not just the flood event of 10 to 12 January that was being managed but far more frequent events in the lead-up to that particular catastrophic event in early January.

(Time expired)

Local Government, Town Planning

Mr SHINE: My question is to the Deputy Premier and Attorney-General, Minister for Local Government and Special Minister of State. Can the Deputy Premier update the House on advances in local planning and the role of councils in town planning?

Mr LUCAS: I thank the honourable member for the question. I joined the honourable member in Toowoomba the other week, together with the member for Toowoomba South and the member for Condamine, at the launch of the Toowoomba Regional Council's first exhibition of its statutory regional plan. It is a very exciting time, and great credit should go to Mayor Taylor and his council because they have managed to bring together eight diverse councils, which are quite significant in their area, and bring them into one integrated planning scheme. That is a first and that has shown, I would argue, in terms of amalgamations some of the great benefits in terms of sensible planning schemes in an area that is growing as a whole yet an area that has an opportunity to keep individual views and flavours of part of that planning area.

We have heard a lot of discussion about the role of councils in Queensland and elsewhere. In fact, we note that during the floods the councils were playing a particularly strong role and their amalgamation allowed them to do that. Ask mayors such as Ray Brown and they will give you that view very strongly. In fact, it is the opposition that is schizophrenic when it comes to the role of councils. For example, we have seen former mayor Campbell Newman criticise the Urban Land Development Authority. But, frankly, the only councils in Queensland that do not support the ULDA being present in their communities are the Sunshine Coast Regional Council and the Brisbane City Council. In places such as Logan, Mackay, Ipswich and the like it is there and it is there with strong public support, because we want to have a role for councils. In the seven call-ins I have decided as planning minister, none of them has rolled a refused decision of a council. What is happening in Western Australia at the moment under a tory government? They have now made it the law that if you have a development over $7 million in rural Western Australia or $5 million in Perth the council no longer has the power to decide that; it is a development assessment panel. So councils have a role in these things.

Yesterday we heard Mr Campbell Newman's great claim of recent invention when it came to the floods—that last year he sort of had a view, maybe had a view, that there should have been greater flood capacity in the dams. What did he say on Kelly Higgins-Devine's program? 'Well, I was pretty clear last year if someone had asked me.' It is just a thought bubble. Mr Newman understands that a thought bubble does not replace public policy; action does. Why was he silent? Why did he stay silent? There is one reason and one reason only: it is recent invention.

But there is one person whose reputation is in tatters—that is, the Leader of the Opposition. If Campbell Newman has that view and the Leader of the Opposition expresses the other view, what faith does Campbell Newman have in the Leader of the Opposition and his continued tenure?

South-East Queensland Floods, Minister for Energy and Water Utilities

Dr FLEGG: My question without notice is to the Minister for Energy and Water Utilities. On 13 October the *Courier-Mail* reported that the minister urged the South-East to live with the possibility that there could be a repeat of the 1974 floods, and just five days later the Bureau of Meteorology provided a rare and extraordinary briefing to cabinet providing similar warnings. If the minister was so concerned to warn residents, why did he fail to resolve the confusion in areas of his responsibility and act on lowering water levels at Wivenhoe Dam?

Mr ROBERTSON: Once again, I did actually act based on the advice and briefing from the Bureau of Meteorology. That is why, following that cabinet meeting, on 18 October I sought advice from my director-general, as I mentioned earlier, on two issues. One was the preparedness of the department for their annual review of their own preparedness for the wet/cyclone season here in Queensland. Secondly, I took the proactive step to ask him to advise me on options for the possibility of lowering dam levels below 100 per cent, given that they had after many years returned to 100 per cent full-supply level.

In fact, as we saw, from early October releases from Wivenhoe and Somerset dams and North Pine Dam were already underway—the first time releases have occurred at particularly Wivenhoe Dam since 1999. I sought that advice. That advice was coordinated through the water grid manager based on the advice of my director-general—and that advice was provided to me in a verbal briefing on 13 October—that there would be no appreciable benefit from a small reduction in the full-supply level of Wivenhoe Dam. At that time they had modelled a reduction of five per cent.

Based on that advice, as ministers are required to do—based on the advice sought and based on the fact that in December there was active management of significant rainfall and flooding events—I decided not to proceed with that matter further. Why? Because, as the Bureau of Meteorology records, there were six major rainfall events occurring in South-East Queensland in the November-December period. In fact, in the last two weeks of December, which was at the time I was receiving that information, there was an inflow into Wivenhoe Dam of 860,000 megalitres. The full-supply level of Wivenhoe Dam is some 1.1 million megalitres. So around 80 per cent of the full-supply level of Wivenhoe Dam was flowing into that dam in the last two weeks of December, at the very time I was receiving advice about whether or not to reduce the levels of Wivenhoe Dam.

Arguably, it would have been virtually impossible to actually perform a major reduction in those levels at the same time as 860,000 megalitres was flowing into the dam. Had that occurred, arguably there would have been significant disruption to communities downstream, which would have been isolated for weeks and weeks at a time. That is the simple reality of what happened during December, during the time I was receiving the advice that I had sought from my department.

(Time expired)

Queensland Building Boost

Ms FARMER: My question without notice is to the Treasurer and Minister for State Development and Trade. Can the Treasurer advise the House of how the Queensland Building Boost will create jobs and stimulate the housing industry in Queensland and whether he is aware of any alternatives?

Mr FRASER: I thank the member for Bulimba for her question and for her commitment to making sure that the many tradies who reside in the Bulimba electorate have the opportunity to work in housing construction thanks to the Queensland government's Building Boost, which started yesterday—$10,000 for all new homes, for all new builds for the next six months. Already we have seen 4,267 hits on the Building Boost website over the past 24 hours.

We have seen industry getting in behind it, with some industry partners looking to triple the boost or to add $60,000 worth of extras into a home build or up to $10,000 worth of furniture. That is an industry that is getting in behind the boost and supporting it. Of course, that is our policy agenda in action with the support of industry.

It is an agenda that has been opposed, of course, by the LNP. In fact, since we left this place what have we seen from the LNP and Campbell Newman? We have seen a whole lot of nothing. What we have seen is 'Drill Sergeant Loudmouth' take his ego on a stroking tour of Queensland. He started off at the Resources Council. He turned up there. He gushed; they swooned. He said that mining was No. 1 for him. And then he made it to Springsure. When he got to Springsure he was in front of the farmers and he said, 'Agriculture is No. 1 for me and it always has been.' At least, that is what he told the farmers. Then he got to Blackwater and he said, 'Fly-in fly-out is off.' The poor old mining industry is back to running third. At least, that is what he told them in Blackwater.

What we have is someone without substance—all ego and no substance, no policy agenda. He squibbed it at the media gallery. Of course, he has no agenda beyond agreeing with what the last person said to him. He is being revealed day by day to be a policy flake. Campbell Newman is nothing more than a policy flake. Now, suddenly all of us are meant to believe that somehow at the end of last year he had this secret view about what to do with Wivenhoe, despite there being no evidence to support that. He is now running a 'don't ask, won't tell' agenda. If you don't ask him what his secret plan is, he is not going to tell you. Of course, we know that Campbell Newman is nothing more than an ego-driven maniac who always puts his own view ahead. After all, who needs scientists when you know it all?

Mr SEENEY: I rise to a point of order.

Government members interjected.

Mr SPEAKER: Order! Those on my right.

Honourable members interjected.

Mr SPEAKER: Resume your seat. I will wait for the House to come to order. Now I will hear the point of order.

Mr SEENEY: I rise to a point of order. I would suggest that the Treasurer's language infringes your ruling about the temperate language that should be expected in this House. I ask you to rule that the Treasurer's language is intemperate and offends—

Government members interjected.

Mr SPEAKER: Would those on my right cease interjecting while I hear the point of order.

Mr SEENEY: I ask you to rule that the Treasurer's language is intemperate and offends the tone of this parliament.

Mr SPEAKER: There is a point of order about language. As I say to all members, we are judged in this place by how we conduct ourselves. Whether it is the Treasurer or how questions are asked, I would ask always for members to use language in moderation.

Mr FRASER: After all, who needs scientists when you know it all? Who needs policies when you were born to rule? And who needs a team—and the Leader of the Opposition knows this the best—when you know best? We saw the Leader of the Opposition once again felled by 'Cut-in' Campbell yesterday afternoon, cutting him down to size. What is being revealed here day by day is that when people look at Campbell Newman they are beginning to see a person without substance, someone who only ever repeats what people want to hear. A policy flake should not be put in charge of Queensland.

Mr Schwarten interjected.

Mr SPEAKER: Member for Rockhampton, I just spoke to the House about language and moderate language. I am not sure that expression fit that description.

South-East Queensland Floods, Minister for Energy and Water Utilities

Mr DICKSON: My question is to the Minister for Energy and Water Utilities. I refer to the Queensland Floods Commission of Inquiry interim report which states—

> No advice was sought from anyone within DERM, notwithstanding the interest that this department and other arms of government had (or ought to have had) in the topics of dam safety and flood mitigation.

How can Queenslanders have any faith in DERM when the minister himself did not trust them enough to seek his own department's advice on flood mitigation?

Mr ROBERTSON: On a couple of occasions now I have taken members through the sequence of events that occurred after the 18 October briefing of cabinet by the Bureau of Meteorology. I have made it clear that the first port of call, if you like, in seeking advice was with my director-general of the then Department of Environment and Resource Management. I did so on the basis of two lines of questioning. The first one was to receive a report from him on the department's own preparedness for the forthcoming wet or cyclone season and, secondly, to seek his advice on behalf of the department as to whether a lowering of dam levels in South-East Queensland was something that should be investigated or considered.

It was the director-general's view that that advice be coordinated by the water grid manager. It is not correct to say that the water grid manager was the only body that I sought advice from. Under the communications protocols that exist within my department and with the various agencies with various responsibilities for water management, it is the role of the water grid manager to coordinate that advice. As a result of that, the water grid manager then went off and consulted with bodies such as Seqwater. The advice that came through from the water grid manager came through the department where the necessary scrutiny did occur, as well as ongoing discussions between myself and my director-general as to what—

Mr Nicholls interjected.

Mr SPEAKER: The member for Clayfield will cease interjecting. The minister was asked the question, the minister is answering that question.

Mr ROBERTSON: All the way through I was advised, not just by one agency but a range of agencies, with that advice being coordinated by the water grid manager and overseen by the department. Whilst the commission of inquiry has raised a concern or a finding that my department was not involved in providing me with advice, I beg to differ with—

Mr Nicholls: So the commission is wrong?

Mr Seeney interjected.

Mr SPEAKER: Order! Those on my left will cease interjecting. The minister has the call and the minister is answering the question.

Mr ROBERTSON: I respectfully beg to differ on that particular finding. In terms of the recommendations of the commission of inquiry, I accept those recommendations. I accept that things could have been done better with the benefit of hindsight. My commitment, along with that of the Premier, is to now make sure that the necessary changes are put in place so that the decision-making process for the next wet season is more efficient.

Samford Road and Wardell Street Intersection Upgrade

Ms JONES: My question without notice is to the Minister for Main Roads. While doorknocking in my electorate, local residents have raised with me their concerns about—

Opposition members: Ha, ha!

Mr SPEAKER: Those on my left will cease interjecting.

Ms JONES: Don't worry, Jeff, I'll look after you.

Opposition members interjected.

Ms JONES: I'm on your side, Jeff.

Mr SPEAKER: The member for Ashgrove has the call. I would ask the member for Ashgrove to repeat her question.

Ms JONES: My question without notice is to the Minister for Main Roads. As I was saying, while doorknocking in my electorate, local residents raised with me their concerns about traffic congestion. As you are aware, we are raising significant funds and contributing that to the intersection of the Samford Road and Wardell Street project. Could you please advise the House and give them an update on this project?

Mr WALLACE: I thank the member for Ashgrove for her question. What a great advocate for her local community, out there fighting every day of the week for the people of Ashgrove. She puts Ashgrove first. This particular intersection is a classic example. Improvements to this intersection will begin this year when interim works begin to lengthen the northbound left lane turn on Wardell Street. My department has also begun public consultation on the concept plan for the full $90 million upgrade to the Samford-Wardell intersection thanks to the member for Ashgrove. In fact, she lobbied me personally to extend the consultation. It is now six weeks instead of three weeks so everyone can have their say—residents and businesses alike. And no-one has made the need for these improvements more known than the member for Ashgrove, constantly lobbying, telling me what needs to be done, and good on her.

But ask the people of Ashgrove what other roads need fixing up in their local area and the road that comes up is Waterworks Road. Who is responsible for that road? It is the Brisbane City Council. So imagine the surprise of the residents of Ashgrove when they received in their letterbox a letter from this Campbell Newman bloke that said if elected to state parliament he would turn his attention to fixing Brisbane City Council's Waterworks Road. I table a copy of that letter.

Tabled paper: Flyer distributed by Mr Campbell Newman, LNP candidate for Ashgrove, regarding roadworks in Ashgrove electorate [4964].

What did he do when he was lord mayor? Absolutely nothing. For seven years he sat on his backside in his ivory tower doing absolutely nothing for the people of Ashgrove. Turn the television camera on him and here is this Newman character, stunts aplenty. He is a one-trick pony. This Newman character is not here to defend himself so it is only fair that I give him a right of reply. I challenge this Newman character to release all correspondence he sent to me asking for roads in Ashgrove to be upgraded when he was lord mayor. I challenge him to supply them. I will give him until five o'clock this afternoon to get to me those documents and I will table them in this place tomorrow. Because what he will find is just what we find with their policies: absolutely nothing—squat diddly. Unlike Kate Jones; she puts Ashgrove first. She is out there working for Ashgrove. She does it constantly, unlike this Newman character. The only time he works for Ashgrove is in front of the TV cameras.

Mr SPEAKER: I will have to check *Hansard*. Member for Ashgrove, I understand that the question that you asked should have been directed through the chair. I was listening for other things. We will probably correct it later.

South-East Queensland Floods, Minister for Energy and Water Utilities

Mr RICKUSS: My question is to the Minister for Energy and Water Utilities. This morning on ABC radio, the minister accepted the scathing criticism of his failures in the flood report. For the sake of the heartbroken flood victims in the community, will the minister apologise for his inactions and do the right thing, the Westminster thing, and resign?

Mr SPEAKER: Order! Before I call the minister, I would say that the question makes an accusation against the minister about an inaction. Let us get the wording right. Rephrase your question and ask it about the Westminster system and I will be happy.

Mr RICKUSS: This morning on ABC radio, the minister accepted the scathing criticism of his failures in the flood report. For the sake of the heartbroken flood victims in the community, will the minister apologise for his inactions—

Mr SPEAKER: That is the bit that offends.

Mr RICKUSS: Will the minister do the right thing, the Westminster thing, and resign?

Mr ROBERTSON: On a number of occasions I have taken the House through the events that occurred from mid October, the original briefing of cabinet by the Bureau of Meteorology and what occurred particularly over the November-December period. I can only restate that based on the facts of what was occurring during December in the lead-up to the significant flooding events in January. In the last two weeks of December, I was receiving advice from the appropriate authorities on the question that I raised as to whether dam levels should be reduced. That question was without precedent. No other minister or government in living memory had ever requested that kind of advice from water authorities. As a result, a complex interaction of discussions occurred across a number of water authorities. At the time that I received that advice, we were already receiving significant inundation. Dam levels were at 100 per cent plus. Over the last two weeks of December, at the time that I was receiving that advice, some 860,000 megalitres was flowing into dams, that is, around 80 per cent of their full-supply capacity. The various authorities were already actively managing the release of water from dams in accordance with the manual to try to minimise impacts on communities downstream that would have isolated them for weeks at a time.

Based on what was happening in real time and based on the advice of the authorities that a minor reduction in dam levels would not have made an appreciable difference, it was my decision not to continue with that work. That can be understood in the context of the significant amount of water that was already flowing into the dams. Arguably, it is very difficult to implement a major reduction in dam levels at a time when they are below full-supply level and when there is such a volume of water already flowing into them. That water had been flowing into the dams for a number of months and continued to do so in the lead-up to the January 10 to 12 events. That was the process of decision making in real time.

I acknowledge my responsibilities as minister. I also acknowledge that various decisions could have been made better and in a more timely way. For that, my commitment to the people of South-East Queensland, particularly those who have been so impacted by the terrible floods in January, is to do whatever we need to do to ensure that we do not repeat that and that our decision-making processes into the future are better and achieve better results for the people of South-East Queensland.

Hendra Virus

Mr WETTENHALL: My question is to the Minister for Agriculture, Food and Regional Economies. Can the minister please update the House on the current Hendra virus incidents in Queensland?

Mr MULHERIN: I thank the member for his question and for his ongoing concern about the Hendra virus situation in Queensland. I note that the situation involving the particular incident in his electorate remains stable. Over the past month we have seen unprecedented Hendra virus incidents in Queensland. Currently, 81 horses are being tested and monitored. Eight locations throughout Queensland and 12 properties are quarantined. In Queensland last month, 10 horses died from Hendra virus and, for the first time, a dog has tested positive for the virus. Sixty-four people are now being tested and to date all test results received have been negative.

This is an unprecedented situation and it raises a number of questions and challenges for our scientists. That is why last week the Queensland and New South Wales governments, through Premier Bligh and Premier O'Farrell, announced an additional $6 million in funding over three years for further Hendra research. The research will focus on why the virus spills over from flying foxes, how horses and other animals are exposed to the Hendra virus and why there has been such a spike in cases this year. This is in addition to the Queensland government's $1.5 million commitment over three years for the Queensland Centre for Emerging Infectious Diseases to undertake Hendra research and $300,000 that will be contributed to the Australian Animal Health Laboratory to develop a horse vaccine.

Over the past month Biosecurity and Queensland scientists have been working hard to respond to the latest incidents. Over a number of years they have been working hard to develop internationally renowned research into Hendra virus. I take this opportunity to thank our veterinarians, scientists and staff at Biosecurity Queensland for their ongoing work and dedication. They are unlike Campbell Newman, who has callously attacked the hardworking efforts of our people. He said they cannot be trusted because they work for the government. Is that the kind of leadership we can expect from a Campbell Newman led government? It is about distrust and contempt for scientific experts. Campbell Newman dismissed scientific advice about stressing flying foxes by moving or culling colonies. That is a real bombshell for all the people who have been working on this issue. Apart from being ethically unacceptable, that would have a disastrous impact on the biodiversity and other unknown—

(Time expired)

South-East Queensland Floods, Minister for Energy and Water Utilities

Mr GIBSON: My question is to the Premier. In answer to a previous question this morning, the water minister indicated that he continues to respectfully disagree with the commission. Does the Premier support the flood inquiry commission or her minister?

Ms BLIGH: This is another attempt to undermine an independent commission of inquiry. I was here when the minister gave his answer. He is entitled to his view of events. He nevertheless made it absolutely clear that he endorses every single recommendation, that he accepts total responsibility as the relevant minister—

Mr Cripps interjected.

Mr SPEAKER: Order! The member for Hinchinbrook will cease interjecting. The Premier has been asked a question by the member for Gympie. She is answering that question.

Ms BLIGH: The establishment of a commission of inquiry into something as serious as the events that we suffered earlier this year is something that I do not believe should be treated like a political football. People lost their lives, they lost their homes, they lost their businesses. There are still thousands of people who are getting back on their feet. For many years to come—many, many years to come—people will experience nightmares, they will experience trauma and they will experience grief as they relive those experiences and think about the losses that they incurred. These are complex and difficult issues.

The commission has delivered to us a blueprint. Our job is to deliver that blueprint to the communities of Queensland. Neither I nor any member of my government is going to be distracted by cheap attempts to turn this into a political football and politicise an event that I think should be above this kind of toing and froing. I am very happy to answer questions on this issue. This minister and other ministers are happy to answer questions. However, the overriding issue here is what we will do with the commission's report. We will implement it. We will implement it in full and we will implement it because we agree with the recommendations. That is what the minister has told the House this morning. The minister has experience of these events of which he is entitled to advise the House. The commission of inquiry has put on the record its view of these events. What matters here is that we get on with the job: we make Queensland safer.

Flying Foxes

Mr WENDT: My question without notice is to the Minister for Environment. Can the minister inform the House what the government is doing to manage bat populations in urban areas?

Ms DARLING: Mr Speaker—

Opposition members interjected.

Mr SPEAKER: Those on my left, the minister has not even begun to answer the question.

Ms DARLING: I very much thank the honourable member for his question. He is a very active member who strongly represents the views of his local community.

There are bat colonies throughout Queensland, with a particular concentration in South-East Queensland, so I do understand the particular stress and ordeal that a lot of people are going through if they live very close to a bat colony, particularly a large roost. That is why the Queensland government takes a very sensible and measured approach to dealing with flying fox populations. Several councils in Queensland have actually applied for damage mitigation permits, which need to be assessed very carefully, situation by situation, according to the particular population and also the needs of the local community. It does take time to work with the department and councils to really assess it. It could be that there are young in the roost and it is not a good time to move them on and we also need to make sure there are other areas the flying foxes can go to. It is no use just making it someone's else problem.

This is a completely different approach to that taken by those opposite, who want to move in and bomb the flying fox colonies. Then when the flying foxes have moved on, they want to come along and chop down all of the trees. Just 10 months ago the previous lord mayor, who is now the external leader of the LNP, had quite a good policy entitled 'Conservation Action Statement' for flying foxes. It is based on protecting this native species and also protecting the habitat they need to ensure their survival.

The question we have to ask is: what has happened to turn Campbell Newman into such an environmental vandal in just the last 12 months? I note that such was his commitment to the flying fox population that for at least the last two years the Brisbane City Council has actually funded Batcare Queensland. In 2008-09 it funded $5,000 for 30 bat rehabilitation cages and in 2009-10 there was another $2,850 for carer expenses. I would have to say that the difference is that he has decided to become someone who plays on people's fears instead of being a real leader who calmly informs people and gives them the information they need. Now he is looking at blowing up the bat colonies and cutting down trees. I would have to say that what he is planning is literally a cut and run.

(Time expired)

Blackbutt Range, Roadworks

Mrs PRATT: My question without notice is to the Minister for Main Roads. Roadworks initially outlined for the Blackbutt Range included lanes—one up and one down—overtaking or passing lanes and an evening out of the corners' radii. Statements now circulated and attributed to Main Roads Toowoomba indicate a downgrading of these works due to insufficient funds or a siphoning off of funds for other projects. Will the minister please clarify the truth or otherwise of these statements?

Mr SPEAKER: Two minutes.

Mr WALLACE: I thank the member for Nanango for her question. She has constantly been asking me about this particular issue. It is a real pity for the people of Nanango that the member has decided to retire at the next election because for the first time in many generations that electorate has had decent representation. They have had someone who is in there fighting for the people of Nanango.

I would like to update the House about what is happening on the Blackbutt Range. In the wake of the January flooding event, the D'Aguilar Highway—

Opposition members interjected.

Mr WALLACE: Members opposite might think it is a joke. They might think the Blackbutt Range is a joke, but the member for Nanango and I do not. This is a very serious issue for those people living up there.

In the wake of the January flooding event, the D'Aguilar Highway through the Blackbutt Range was impacted by 12 landslips along a two-kilometre section of the highway. These landslips forced the closure of the highway through the range until a side track was built around the worst of the landslips.

Mr Powell interjected.

Mr WALLACE: I thought the member for Glass House would be interested because the D'Aguilar runs through his electorate. He should listen to the answer.

The one-lane side track is under 24-hour traffic control and has a three-metre width limit. The focus of my Department of Transport and Main Roads is reopening the highway to two lanes through the range. It is expected that it will be restored to two lanes by Christmas this year, weather permitting. The overall reconstruction works are expected to be completed by mid-2012. These important works will include some realignments, geotechnical stabilisation works and drainage works. The community, local government, state government agencies and transport operators will be kept informed about progress of these important works.

My Department of Transport and Main Roads is working towards making the road more sustainable as part of planning for natural disaster events. There is no suitable alternative route through the range, and diversion routes are lengthy. Indeed, during the flooding event—

(Time expired)

Mr SPEAKER: The time for questions has ended.

MATTERS OF PUBLIC INTEREST

Bligh Labor Government

Mr SEENEY (Callide—LNP) (Leader of the Opposition) (11.16 am): This morning we have seen the incompetence of the Bligh Labor government displayed once again—the incompetence of a government that has lost the capacity to govern. The government came into the parliament in response to a tragic event that affected so many Queenslanders and spent the morning trying to blame everybody else.

This morning we have seen the minister and the Premier seek to blame everybody except their government, seek to shift responsibility to everybody except themselves. They seek to blame me, they seek to blame the opposition, they seek to blame Campbell Newman, they seek to blame everybody else except the people who sat around the cabinet table when the Bureau of Meteorology made that extraordinary attempt to warn the people who should have been governing this state about what was in store for that wet season.

This is just one more indication of a government that has been in power for too long, a government that has lost the capacity to govern, a government that is now made up of too many failed ministers. They are ministers who sit along the front bench of this government who have between them collected a litany of failures that should bring an end to any ministerial career. However, the Premier is powerless to act because the cabinet and the caucus are plotting against her. The Premier is powerless to act against such members as the Minister for Energy and Water Utilities. The Premier is powerless to act against the Minister for Health because the member for Stafford and his colleagues are plotting and counting the numbers. The member for Stafford is plotting and counting the numbers. It is an indication of how far the government has fallen that the member for Stafford is considered an alternative.

Mr HINCHLIFFE: Mr Speaker, I rise to a point of order. I am offended by—I had to pause to think about what to call the member for Callide because I am not sure whether he is the opposition leader or not.

Mr SPEAKER: Come to the point of order.

Mr HINCHLIFFE: To that end I was offended by his suggestion that I am plotting against anyone. I would suggest that the member for Callide is the plotter from 'Central Casting'.

Mr SPEAKER: Did you find that offensive?

Mr HINCHLIFFE: I did find it offensive.

Mr SPEAKER: And you want it withdrawn?

Mr HINCHLIFFE: I request that it be withdrawn.

Mr SEENEY: Mr Speaker, I withdraw whatever the member finds offensive. It illustrates the extent to which this government has decayed. It illustrates the extent to which the capacity of this government has been lost. They could not respond initially to the natural disasters that beset the state in January, but they cannot respond appropriately to the commission's report. The Premier cannot respond appropriately and sack the minister. Even in the parliament today, the Premier and the minister cannot agree about whether the commission's findings are right or wrong and to what extent the government disagrees.

The Premier makes a promise to implement every recommendation, but so many promises have been broken that no Queenslander should accept that promise at face value. Rather than get the explanations that the people of Queensland deserve to such an important event, what we get day after day in this parliament is an attack on the LNP's candidate for Ashgrove. Every time the opposition asks a question in this parliament, the minister stands up and attacks Campbell Newman. Campbell Newman is a candidate for Ashgrove, and he somehow finds himself attacked as an excuse for all of the government's failings. Somehow or other the government is putting the view that all it has to do is attack—

Mr Hinchliffe interjected.

Mr DEPUTY SPEAKER (Mr Wendt): Order! Minister, you will cease interjecting across the chamber. The member for Callide has the call.

Mr SEENEY: Somehow or other the ministers in this government have the view that all they have to do is attack Campbell Newman and that excuses their incompetence. All that does is illustrate their incompetence. Every question that is asked of the ministers ends up being answered with an attack on Campbell Newman. That is because they know Campbell Newman's record is so much better than their own. They know that the record of the Brisbane City Council is so much better than the record of the state government. They know that the people of Queensland are looking for an alternative that can provide the leadership and fix up the mess that this state Labor government has made in Queensland. They know that the people of Queensland are looking for an alternative leader to the failed Premier, an alternative leader with a good track record of achievement—a leader who can do, a leader who can do the things that the people of Queensland want. The fact that Campbell Newman is going to fill that role has them beset with fear. That is why the Treasurer and the Premier and every minister who gets to their feet in this parliament—

Mr DEPUTY SPEAKER: Order! The member's time has expired.

Mr SEENEY:—rather than answer to the people of Queensland—

Mr DEPUTY SPEAKER: Order!

Mr SEENEY:—attack Campbell Newman as the alternative leader.

Mr DEPUTY SPEAKER: Order! Member for Callide, when I call order I would like you to pay attention. The member for Clayfield has the call.

Queensland Economy

Mr NICHOLLS (Clayfield—LNP) (Deputy Leader of the Opposition) (11.22 am): I want to say a few words on the economy. We heard today from the Treasurer—the Colonel Nathan Jessep of the House—standing up there, strutting up and down, telling us that we 'can't handle the truth'. If he wants the truth, he can't handle the truth, as he single-handedly on behalf of the government stands there manning the walls against the invasion that is coming and proceeds to continue to attack Campbell Newman because he has no other policy. He has no other line of attack. All he can do is spout the nightmare that runs through his brain every night, and that is the fear that a competent government will get in there and expose the failings of a Treasurer and a government that has to be categorised as the worst in Australia.

What did we have from the Treasurer today? We had a whole lot of nothing. He talked about his building boost. He talked about that policy, a policy he stole from the Northern Territory. He could not come up with his own policy if he had to, and he certainly has not been able to over a long period of time. Where has the Treasurer been when it comes to policy? What did he say about keeping the AAA credit rating? The government said in its Q2 plan, 'We will keep the AAA credit rating. Nothing is more important than the AAA credit rating.' And what happened to the AAA credit rating? Gone. He said, 'We will keep the fuel subsidy. We will not kick Queenslanders when they are down.' And what happened to the fuel subsidy? Gone.

He said, 'We will keep electricity prices down. We will control the costs of electricity.' And where have electricity prices gone? They have gone up. He said, 'We will deliver water at a cheaper price.' And what has happened to water prices? They have gone up. He said, 'We will get the AAA credit rating back.' How was he going to do that? He was going to sell the assets. Where have the assets gone? They have been sold. Where are we in terms of getting the AAA credit rating back? No further down the

course. Where are we heading? Into $85 billion worth of debt—and no plan to pay it back. Where are we heading this year? Into a $4 billion deficit. Last year it was $2 billion, and it would have been worse except the Commonwealth came to the party with a $2 billion cash injection.

So when this Treasurer talks about having a plan, Queenslanders shake in their boots. When this Treasurer says he has a plan for economic recovery, Queenslanders run and hide their wallets and lock their doors because we know what this Treasurer's plan is. He talks about his building boost but he fails to mention the 125 per cent increase in the tax on the family home because of his removal of the principal place of residence concession. Removing the principal place of residence concession adds over $7,000 to the cost of the transfer of a family home—a new tax introduced on 1 August this year by this Bligh Labor government, a new tax that will be here forever and that will raise over $1 billion for a government that is going broke.

The Treasurer talks about business investment. He mentions reports saying business investment is going up but he fails to mention the fact that business investment was falling all the way through 2007, 2008 and 2009. What does he hang his hat on? He hangs his hat on the resources boom—nothing he has done. Gas was in the ground before this Treasurer came along. People were looking at gas in the ground long before this Treasurer realised it was there, and all he is relying on is that.

But what do the other reports say? What does the Chamber of Commerce and Industry in Queensland say? Yet again 47 per cent of businesses expect the state's economy to weaken during the next 12 months; 38 per cent of businesses experienced weaker sales; 39 per cent of businesses raised concerns about the carbon tax—a carbon tax that this government will not fight—and raised concerns about the rising costs of doing business. What did Fitch Ratings say? Fitch Ratings is one of the big three ratings agencies. They have downgraded the outlook from stable to negative. The negative outlook reflects the 'slow pace of Queensland's budgetary recovery in an operating environment that largely remains challenging'. Fitch notes that Queensland has 'limited financial flexibility' to deal with potential future shocks. That should be ringing very loud alarms, not just in the Premier's office but right across government.

What does the government do? What it always does—blames someone else. Those in the government do not look in the mirror and say, 'Why have we got this problem? Why did we lose the AAA credit rating? Why are we now facing a downgrade?' They try to shoot the messenger. Quite clearly the warning bells have been sounded. This government has no plan for the future economy of Queensland. It has a plan for debt, deficit and more taxes.

Gold Coast, Commonwealth Games Bid

Ms CROFT (Broadwater—ALP) (11.27 am): I rise to update the House on the Gold Coast's bid to host the 2018 Commonwealth Games. Today I call on my home city to 'dress up' in our finest to woo these games. From today we have only 100 full days left to dress up with special games posters before the announcement of the 2018 Commonwealth Games host city is made on 11 November this year. With two international regional visits completed, the city still needs to put its best foot forward to show the remaining delegations how excited we are and how much we want to host this world-class event.

Gold Coast 2018 Commonwealth Games bid posters and other collateral are available from all Gold Coast City Council administration offices and Pacific Fair Shopping Centre customer service outlets. I challenge businesses and community organisations to further demonstrate their support by collecting 100 bid posters each and distributing them amongst their immediate stakeholders. These next 100 days will fly by, but there has been a huge amount of time and effort invested in the Gold Coast efforts to host these games. Everyone involved has given 100 per cent.

Since the presentation of the bid book in Kuala Lumpur in May, the CGF Evaluation Commission visited the Gold Coast in late June and provided favourable comments on our capacity to host a successful games. The next milestone in our bid journey was the commencement of visits to the Gold Coast by the Commonwealth Games delegates by region. Firstly, we welcomed 19 delegates from the African region in early July in time to see the Gold Coast marathon. With a record 26,000 participants this year, the Gold Coast marathon provided the perfect backdrop for us to demonstrate the Gold Coast's wealth of experience and expertise in running big, world-class sporting events and running them well. Also, with over 1,000 volunteers from the Suncorp Bank Volunteer Program, this event showcased the impressive base of volunteers and officials the Gold Coast has on hand.

From 22 July, the Oceania region delegates arrived, with two delegates from the Americas and two delegates from Africa. All regional delegates had a series of formal presentations on sports, venues, security, transport, medical infrastructure and accommodation and they viewed many of our venues. The delegates visited Q1 and the Australian Outback Spectacular and were hosted by the Mayor at a reception attended by many businesses and community leaders keen to demonstrate that the Gold Coast community is behind the bid.

An Aussie barbecue at a Gold Coast residence also provided further opportunity to show off our friendly and relaxed hospitality. Delegates at the barbecue were entertained by Commonwealth Games gold medallist Brennon Dowrick and many of our other home-grown athletes who brought an athlete's perspective to our bid. It was my pleasure to host the Oceania delegates at Skilled Park stadium for a taste of local footy fever. With the Titans playing the Cowboys, it was a game that drew a crowd. The visit showcased our magnificent Skilled Park stadium which, should we win the bid, will be the venue for the Rugby Sevens.

Favourable comments were received from delegates about the whole games experience available on the Gold Coast for athletes, officials and spectators. Delegates were also very impressed with the Adopt a Commonwealth Country Program, an initiative that enables the Gold Coast youth to be actively involved in our bid. Our visiting delegates were able to talk with Gold Coast students about the work students had undertaken to learn about the unique cultures and traditions of their adopted Commonwealth country, the history of the games and its importance on the world stage. Already, a number of delegates have come back confirming that they will identify schools in their countries to link with Gold Coast city schools.

During the visits, it is essential that our community shows that the Gold Coast is ready, able and willing to host the 2018 Commonwealth Games. I would like to take this opportunity to thank the Gold Coast community for the work undertaken so far. From the business community to sporting clubs, our schools, local athletes and media, our bid is a city-wide effort. The enthusiasm shown by our community is great encouragement to the hardworking staff of the Gold Coast bid company who are determined to present to our visiting delegates that the Gold Coast can offer a games with excellent competition in a relaxed and friendly environment. Indeed, feedback from delegates has been positive, but we are in a competition and these delegates will now move to Hambantota to assess its credentials before passing their votes on 11 November.

We need to keep up this great effort, Gold Coast, as next week we will welcome the delegation from the Europe region, followed by delegates from the Caribbean-Americas region in September and the Asia region in October. I encourage people on the Gold Coast to pick up one of our posters, put it out there in the community as much as possible and show that we are behind the bid.

Toowoomba North Electorate

Mr SHINE (Toowoomba North—ALP) (11.32 am): I wish to relate to the House several significant events that have occurred in my electorate in the last two weeks. New traffic signals at the New England Highway and Murphys Creek Road intersection north of Toowoomba will further improve safety and make it easier for people using the busy intersection. The Main Roads minister, Craig Wallace, and I officially switched on the traffic signals during an inspection of the roadworks in the area on 21 July. The $1.2 million project to upgrade the intersection highlighted the state government's investment in improving safety and traffic efficiency in regional areas.

The New England Highway and Murphys Creek Road are both major roads connecting the Darling Downs region. These lights will improve safety and help get rid of lengthy delays experienced by some motorists entering and exiting Murphys Creek Road, especially during peak traffic times. This area is prone to thick fog so the traffic signals will be a bonus for road users in those weather conditions.

The new signals were part of a larger upgrade of this key intersection. The south-east corner has been widened, a retaining wall has been built, a culvert has been extended, the traffic island has been modified and underground services have been relocated. The installation of flashing lights on the northbound and southbound approaches of the New England Highway and on Murphys Creek Road will provide advanced warning of upcoming signals. Other works include asphalt overlay and the installation of a closed-circuit TV camera to provide traffic management capabilities.

These important safety improvements were funded under the Queensland government's Safer Roads Sooner program. We are spending dollars in targeted areas where they will make the greatest difference in helping to keep our roads and road users safe. These significant works are greatly beneficial not only to my constituents living in Blue Mountain Heights estate but also of course to those in Highfields and residents further north who transverse this intersection daily, often more than once, as it is a part of their main access and egress road to Toowoomba.

Education minister, Cameron Dick, officially opened the new Fairview Heights Community Kindergarten in Toowoomba on 28 July. The kindergarten is one of 17 services opened this year as part of the Bligh government's commitment to provide universal access to kindergarten programs for all Queensland children by 2014. Since the beginning of the year, children have been playing, exploring and learning at the new Fairview Heights kindergarten. The Bligh government has invested $1.29 million in the kindergarten, which is operated by respected operator C&K.

Fairview Heights State School has been educating students for 16 years and this new kindergarten is now putting more local children on the pathway to learning. The Fairview Heights kindergarten can cater for up to 44 children and has the capacity to offer two kindy programs delivered by an early childhood teacher for 15 hours each week. The service is fully equipped for learning, with features such as learning areas, playground equipment, a covered sandpit and a fenced playground area.

It is part of the government's $321 million commitment to establish 240 extra kindergarten services by 2014. The new kindergarten is a significant investment in early childhood education in the Toowoomba area. The service is helping to meet the demand for early childhood education services in the area. It offers parents and children the full range of education facilities in one convenient location in the Fairview Heights State School site.

This morning I had the pleasure of presenting to parliament a petition signed by over 1,000 constituents urging the government to progress the construction of a state high school at Highfields. Shortly after becoming the member for Toowoomba North, within which Highfields is situated, I was lobbied by Mayor Geoff Patch and councillors of the old Crows Nest Shire Council, including Councillor Bill Cahill, urging me to have the government acquire an appropriate block of land in O'Brien Road, Highfields, and secure this site as being appropriate for a future state high school.

Since about 2002, I have lobbied successive education ministers, including the Premier when she was education minister. It was an election commitment at the last election and the purchase of the site has now occurred, so the election commitment has been fulfilled. The next step is the building of the high school. Last week the Minister for Education, Mr Dick, inspected the site and conferred with local residents. The minister has committed to relook seriously at the proposal as a result of visiting the area and seeing its expansion for himself and having regard to the decision to move grade 7 to high school.

(Time expired)

Hendra Virus

Mr POWELL (Glass House—LNP) (11.37 am): Over the past months the sudden and widespread outbreak of Hendra virus across Queensland has turned our attention not only to this terrifying disease but also to its natural host, the flying fox. Some believe the nature of the Hendra disease and the uncertainty and fear it creates for those most intimately affected means we should not be having a debate on flying fox management in this state. True, now is not a time for hysteria or panic, but that is not to say we cannot have a rational debate based on science, or the lack of it, on how we continue to conserve a native animal, one intrinsically linked to Hendra, in our state.

Queensland is home to four species of flying foxes—the little red, black, spectacled and grey-headed—as well as numerous species of bats. In conserving and managing Queensland's flying fox population, a range of interests must be considered—the wellbeing and maintenance of the flying fox population itself, preventing damage to crops and agricultural livelihoods, reducing nuisance in urban settings and averting disease transmission.

The LNP is committed to protecting Queensland's native fauna, including flying foxes. However, an LNP government will work with councils and landholders affected by nuisance colonies to ensure human health and agricultural productivity are not adversely affected. My colleague the member for Hinchinbrook will shortly speak on our concerns as they relate to agricultural production and the biosecurity issues pertinent to the Hendra disease, but let me focus on the broader public health and amenity issues faced by communities with large urban flying fox colonies.

The recent outbreak of Hendra virus has achieved one thing for such communities: possibly for the first time all Queenslanders and indeed many Australians will have seen for themselves, whether on the evening news or on YouTube, what life is like living with large urban flying fox colonies. Let me distinguish here between small colonies residing in the backyards of many rural properties—many of which are welcomed by property owners, even encouraged—and these huge congregations, some far in excess of 100,000, in places such as Charters Towers, Gayndah, Barcaldine and Bargara. The LNP is primarily concerned with the latter. Why? Hendra virus aside—and we acknowledge that there is no scientific evidence of direct transmission from bat to human—these massive urban colonies present significant health risks for the local populations.

Last week I attended a briefing along with the LNP leader, Campbell Newman, and parliamentary leader, Jeff Seeney, provided by the head of Biosecurity, the Chief Veterinarian and the Chief Health Officer. During that briefing we asked the Chief Health Officer whether she could identify any broader health risks for such communities. With little pause, the Chief Health Officer listed a range of diseases such communities could face—namely, lyssavirus, leptospirosis and salmonella.

Put simply, if these communities had colonies of chickens in excess of 100,000 camped in the middle of the towns, defecating and urinating and dropping spats, Queensland Health would deem such a colony a health risk and move them on. The one difference here is that we are not dealing with chickens but with native animals given protection—and rightly so—under the Nature Conservation Act. But such protection does not negate the need to move such colonies on. This has been proven in Melbourne and more recently in Sydney—and, mind you, not for public health reasons but for the concern that such colonies were destroying the flora in those two cities' botanical gardens. In fact, the proposed relocation of a colony from the Sydney gardens has even stood up in a court of law. But here in Queensland the Bligh Labor government has its head in the sand. Sure, it will tell you that it will issue permits to councils to move such massive flying fox colonies on, but it will delay and prevaricate and impose unrealistic conditions that ultimately render the permit useless while all the time the colony continues to grow.

Communities like Gayndah, Charters Towers and Barcaldine may have taken some solace out of the new environment minister's recent announcement that it will issue longer permits—up to three years—but I suggest not a lot. This Bligh Labor government has no intention of issuing relocation permits to these councils and communities, and it now justifies such on the basis that moving on the flying foxes may unduly stress the mammals, causing them to shed more of the Hendra virus. The LNP is concerned about this possibility, and that is why we asked the Chief Veterinarian that question in our recent briefing. It was clarified and confirmed twice that there is no scientific research on the stress of bats and that officials did not know if there was a link between stress in bats and increased risk of Hendra virus.

The people of Queensland deserve more than uncertainty and prevarication. An LNP government will overhaul the damage mitigation permit system in relation to moving bat colonies. We will give faster approval, we will allow all reasonable means of relocation and we will issue longer permit durations so that councils can quickly act should the colonies seek to return. I reiterate that the LNP is committed to protecting Queensland's native fauna, including flying foxes, but we will also listen to Queensland communities.

(Time expired)

Ashgrove Electorate, Roadworks

Ms JONES (Ashgrove—ALP) (11.42 am): The busiest intersection in my electorate is Samford Road and Wardell Street, Enoggera. As the local member I have lobbied, along with my colleagues the members for Ferny Grove and Everton, to ensure Main Roads works to improve this intersection and ease traffic congestion for my community. As a working parent I also know that every minute counts, and cutting travel times means more time with your family.

Last week public consultation started on the concept plan for the major upgrade to this intersection. The concept plan involves road widening to improve traffic flow through the intersection, with additional turning lanes; actions to cut rat-running in some local streets; realignment of Samford Road at Imbros Street to improve visibility and safety for people driving down Samford Road; and indented bus stops to keep traffic moving. This is a significant investment and a major change to the intersection for our community, and that is why I have requested the department of main roads to extend public consultation. Instead of the original three weeks, Main Roads will now have six weeks consultation so that local residents can have their say on this initial concept plan until 2 September 2011.

Mr Wilson: Hear, hear!

Ms JONES: I take the interjection from the member for Ferny Grove for his support. I strongly encourage local residents to take advantage of the consultation process so we can achieve the best possible outcome for our local community.

This approach is in stark contrast to the proposal by the absentee LNP candidate for Ashgrove, who wants to impose on local residents his solution. His solution is to wind back the clock and resurrect plans for a towering overpass at the Samford Road-Wardell Street intersection—something that was rejected in the late 1980s as part of route 20. His letter to residents saying that he will impose an overpass on them has caused significant heartache and concern for many in the local community who thought this idea was dead and buried some 20 years ago.

Any overpass would tower at least six metres high and drastically impact on people's homes and local businesses. An overpass would severely restrict access to the local shops and would mean significant noise and visual impacts for the local community during construction and forever after. Many local residents have already come to me with their concerns about this proposal when they received it as a letter from the LNP candidate for Ashgrove.

This commitment by Campbell Newman to just plough ahead with an overpass without consulting or listening to local residents is typical of his approach. In actual fact, the last time he had a bright idea about a major traffic solution it was to make people sit in traffic for up to an extra 90 minutes on Coronation Drive as the Hale Street bridge was constructed. Campbell Newman believed that a 90-minute wait along Coronation Drive was somehow acceptable and that people would actually want this. Of course, we all know how that ended. It ended with the state government having to step in and come up with a real traffic solution during that construction period.

Mr Hinchliffe: Fix up his stupidity.

Ms JONES: That is right; we had to fix up his stupidity. I believe that the best way for us to deliver the most suitable solution for our community is for all of us to have our say, and this Friday I will again be meeting with local residents and local businesses with representatives from Main Roads to discuss the concept plan. I will always listen to locals as we work to fix this intersection. I know that proper consultation with our local community is something the members for Everton and Ferny Grove are absolutely committed to. We know how important it is to get this work done well and in the interests of our local community. Of course, for some local residents who live along Samford Road this is a very tough time. We need to make sure we do all we can to minimise resumptions along Samford Road, but these are works that have been long called for by local residents. Because of our strong lobbying to ensure we get the funds in both this budget, to do the concept planning and the consultation, and going forward, to do the construction, we will make sure we get the balance right and get the best outcome for our local community.

Hendra Virus

Mr CRIPPS (Hinchinbrook—LNP) (11.47 am): While a vaccine for the Hendra virus is being developed at the CSIRO's Australian Animal Health Laboratory, Queensland is dealing with a serious animal and public health issue as we speak. Indeed, the outbreak of Hendra virus at several locations across the state simultaneously is unprecedented. Yet since it became clear that the current outbreak of Hendra virus cases was not following the previous pattern of being contained to a particular geographic area, we have seen no effective policy responses from the Bligh government to tackle this new challenge. The community has come to realise that the Bligh government has no real understanding of the seriousness of the animal and public health risks of the Hendra virus situation unfolding across the state.

Biosecurity Queensland does not have the resources to effectively respond to all of the confirmed Hendra virus outbreaks dispersed across Queensland. As a result, private vets have found themselves on the front line responding to suspected new cases and taking the risks associated with that work. The Australian Veterinary Association recently called on the federal and state governments to reimburse vets the cost of personal protective equipment required to safely respond to suspected cases of Hendra virus, and I table that media release.

Tabled paper: Media release, dated 8 July 2011, from the Australian Veterinary Association titled 'Vets need proper protection from Hendra virus' [4965].

The AVA estimates that a national scheme would cost $500,000 a year and would ensure there are professionals with the capacity to respond to suspected cases of Hendra virus across the state. In view of the anxious circumstances of many communities across the state and the increasing animal and public health challenges involved, common sense suggests this would be useful. Not the Bligh government! It has repeatedly refused to support private vets, rudely and ignorantly dismissing the AVA's plan simply as an expense incurred by vets as a commercial cost of doing business.

The protective suits needed to stop the risk of cross-infection are not used every day and with the community relying so much on private vets to deal with the current Hendra virus cases it is unbelievable that the Bligh government has its head in the sand. The LNP supports the AVA's proposal for vets to be reimbursed $250 for each horse tested for the Hendra virus to cover the cost of testing and personal protective equipment. In view of the massive amounts of money wasted by the Beattie and Bligh governments, this is a small price to pay for ongoing professional surveillance of the Hendra virus across the state in response to what is a serious animal and public health issue.

Before the current unprecedented circumstances, the difficulties with the management of flying fox colonies has more commonly been associated with the bats roosting in urban areas and causing extensive damage to horticultural crops. In September 2008 the Bligh government ceased issuing damage mitigation permits involving lethal deterrents for controlling flying foxes. As a result, any deterrent currently used for crop protection purposes must be nonlethal. These deterrents are often ineffective and extremely costly.

DERM's fact sheet on non-lethal damage mitigation states that the most effective method of crop protection from flying foxes is netting. Nets also exclude birds and may protect against insect pests and hail damage. The costs of netting can be offset by improvements in fruit quality and yield and shorter sorting and packing times. The Queensland Rural Adjustment Authority will accept applications for low-interest loans from growers who want to install exclusion netting for the control of flying foxes.

While farmers who have erected netting do report productivity gains against not only damage from flying foxes but also birds such as lorikeets and parrots, erecting netting is very expensive. While the capital cost must be considered over the life of the nets, a further complicating factor is that netting can be badly damaged by severe storms, hail and cyclones and some growers have found it difficult to secure insurance for the nets when they are damaged. As such, netting is not a practical choice for all farmers.

An LNP government is committed to working with peak agricultural industry groups to make farmers aware of the availability of low-interest loans as a long-term, sustainable solution to mitigating flying fox damage and increasing productivity. An LNP government will continue to make those loans available through QRAA. An LNP government will encourage farmers to use nets and other non-lethal methods of deterring flying foxes to protect their crops. However, in recognition that many farmers simply cannot take on any more debt, even at low interest rates, and that netting and other non-lethal deterrents will not work in all situations, an LNP government will reintroduce damage mitigation permits to farmers to use lethal deterrents where non-lethal deterrents have failed. The LNP is committed to supporting the agricultural sector and protecting jobs in regional communities.

West Moreton Anglican College; Lockyer Valley and Ipswich, Road Repairs

Mr WENDT (Ipswich West—ALP) (11.52 am): Firstly, I acknowledge the leaders and teachers from the West Moreton Anglican College who are here in the chamber today. It is great to see them come down. I know they have to get away early this afternoon because they have to catch the train back, but we are going to have some lunch shortly and they are looking forward to that.

Mr Lawlor: Are you shouting them that?

Mr WENDT: Yes, I will be shouting, thank you very much. I also acknowledge that a couple of weeks ago we had Julia Gillard, the Prime Minister, in Ipswich and she made an outstanding announcement on the day. But firstly she attended a business breakfast for over 300 people in Ipswich and they were really appreciative of listening to the Prime Minister. After that she opened the Brassall State School, which is one of the largest state schools in my electorate and, of course, members would remember it was one of those state schools that was most severely impacted by the floods in January.

Following that, in relation to the floods on the day, the Prime Minister announced that $478 million was going to be injected into repairing roads in the Lockyer Valley and Ipswich regions. I know the member for Lockyer, who is in the chamber with me at the moment, will I am sure be speaking in the next few days in relation to this $478 million that will be going into roads in our areas. For those who do not know, this money is part of the NDRRA funding, which means that 75 per cent of it is provided by the Commonwealth and 25 per cent is provided by the state.

In the details of this funding, we are looking at something like 1,400 jobs being created in relation to the reconstruction work and 62 kilometres of the Warrego Highway between Marburg and Withcott being repaired over the next three years. For those who do not know, about 110 kilometres of road were damaged in the Lockyer Valley and Ipswich during the floods and since that time over 100,000 tonnes of asphalt have been used during the recovery work of the Warrego Highway.

It was great to hear the Prime Minister announce that that $478 million is not for work that is being done, or was done previously, or is currently underway; this is all new money. I was very interested to see the list of some of the roads that will be done, particularly in my area. I refer to roads such as the Rosewood-Laidley Road, which is the section between Calvert and Grandchester for those who get out there regularly, and the Ipswich-Rosewood Road, which will have some resurfacing work done. I am referring there to about the last three kilometres of road as you travel into Rosewood from Ipswich. There is also the Haigslea-Amberley Road, and for those who do not know that is the road that extends from the back gate of the RAAF base through to the Warrego Highway. This particular section of road to be repaired, which had not been on the radar before, will be the section between the Walloon roundabout and the Warrego Highway.

Last but not least, in my area there is the Rosewood-Marburg Road. For those who know, coming from Rosewood over the Tallegalla hill down into Marburg there is a long strait of about three kilometres and that will be resurfaced. The WMAC guys above me would be travelling on that road regularly. Their mums and dads will be driving on it and, of course, so will many of them. So they will certainly appreciate the opportunity to see those additional moneys spent on that road.

This money is not only great for the roads in this area but also great for the roads in the Lockyer Valley. I know the member for Lockyer will be talking about this, but I thought I would pre-empt that a bit by referring to roads in the Lockyer Valley such as the Mount Sylvia Road, Murphys Creek Road, the Gatton-Clifton Road, the Laidley-Plainland Road, Mulgowie Road and the Forest Hill-Fernvale Road, which joins my electorate with that of the member for Lockyer. Although the section of that road that has been earmarked for repair is in the electorate of the member for Lockyer, I am also getting departmental

officers to look at a section of that road that is in my electorate, between Fernvale and Lowood particularly, which was severely inundated by floodwaters. Those who know that area would know that when I say 'floodwaters' I mean raging floodwaters.

Not to be outdone, the state is contributing large amounts of money to projects that are currently underway along that particular road. Anybody who has travelled from Ipswich to Toowoomba in recent times would have seen millions of cubic metres of soil moved off the side of the highway at the Marburg Range to try to make sure that we do not see this problem again in future. I heard the member for Nanango comment before about the Blackbutt Range. I have travelled up and down the Blackbutt Range probably three or four times in the last three or four weeks. Can I say that the amount of work that is going on there is absolutely phenomenal. The amount of dirt that has been taken away and the number of vehicles there and the drainage and gutters that are being put in there is just unbelievable. I am not sure of the cost of these repairs at this stage, but it would be absolutely enormous.

This work is tied in with work that we will be doing in the very near future, such as work on the Claus Road intersection, deceleration and acceleration lanes on both sides of the Minden interchange, not to mention the Blacksoil interchange, which is at a cost of another $70 million on top of this money. The drilling has commenced already to make sure that the foundations are correct at the Blacksoil interchange. Currently, the services on the side of the highway are being considered for relocation. Of course, I would like to see the dozers out there very shortly. The plans are done. This is a great announcement for both the federal and state governments and I welcome it.

Maryborough Base Hospital

Mr FOLEY (Maryborough—Ind) (11.57 am): There are a number of issues in the Maryborough electorate that raise their head from time to time. None more pressing is the issue relating to the Maryborough Base Hospital. Unfortunately, on Sunday night at about 6 pm we had yet another major road accident on the outskirts of Maryborough—on the southern approach. A young Hervey Bay man of 22 years of age lost his life in that accident. Whilst that accident very properly will be investigated by the forensic crash unit initially and then will be subject to a Coroners Court hearing, the accident underscores the pressing need for the Maryborough Base Hospital to be the major A and E hospital for the region because of its proximity to the highway.

Members may or may not be aware that a few weeks ago—I just cannot remember the exact date—a truck rolled over literally up the road from where this fatality occurred on Sunday night. A young, brand-new truck driver came into the southern approach of Maryborough. The truck rolled over and ended up hanging off the bridge with the trailer on the highway. That was a terribly tragic accident where two young men lost their lives. The Maryborough Base Hospital is literally minutes away from the highway. That gives the hospital a tremendous advantage in being the major A and E hospital. Again I call on the minister to seriously re-look at the siting argument. With the hospital being so central to the Bruce Highway for the whole region, it just makes sense for it to be the major trauma centre for our area.

Secondly, I would like to draw to the attention of the House the Burrum Heads boat ramp. This has been an ongoing saga for as long as I have been the member. In years gone by we have had a pass-the-parcel game going on between the Fraser Coast Regional Council and the state government on the particular issues surrounding this situation. Recently, as a parting shot, the departing CEO of the Fraser Coast Regional Council for some reason took it upon himself to send a copy of the proposal that we all had agreed would not work to the department saying that this is what we wanted to do as a council. That came as a surprise to everybody involved—to the Burrum Heads community itself, to me as the state member and to the state member for Hervey Bay, my colleague Ted Sorensen. All of a sudden we had the department writing back saying, 'No, sorry that will not work. You cannot do it.' Everyone was left a little bit speechless when we realised that what had happened was that this very unpopular solution, which did not have support at any level, was sent as the official proposal.

I have spoken this morning to Minister Craig Wallace. We had great support from the previous environment minister, the member for Ashgrove. I am hoping that the new minister will support the same process that we were all working very hard to bring about. May I pay credit to the former minister, the member for Ashgrove, who worked very, very well and very cooperatively to help us establish that very important community resource. We look forward to getting together with the new minister, who is also the minister for main roads and fisheries, to get that process firmly back on track. All that is needed is to excise a tiny amount of the fish habitat A into general use and then that boat ramp can proceed to provide a safe all-weather boat ramp. My understanding is that that goes to cabinet with the support of the various ministers. The community is more than happy to wait for the Governor to sign off on that change to the mapping for the whole area. This is a critically important area and one that needs not to be held up by process.

Road Safety

Ms FARMER (Bulimba—ALP) (12.02 pm): The Bligh Labor government has an impressive record on road safety. In fact, over the last decade there have been a number of innovations that have contributed to a steady reduction in Queensland's road toll. Some of the most recent of these have included the introduction of alcohol ignition laws to discourage repeat and high-risk drink drivers from drinking and driving; the introduction of covert speed cameras in 2010—and today the Minister for Police has announced the installation of new digital speed cameras; an overhaul of the graduated licensing system introduced in 2007 for young drivers to ensure increased experience on the road before obtaining a licence; the introduction of random roadside drug testing in 2007; increased enforcement and detection methods, including the immediate loss of licence for drink drivers if tested at 0.1 BAC—this was introduced in July of this year; and a continued focus on launching public education campaigns that have the highest chance of impacting driver behaviour.

Most recently the Minister for Transport and Multicultural Affairs has announced a review of Q-SAFE, the Queensland practical driver's licence test. This, along with the graduated licensing system, is strong evidence of the government's commitment to ensuring novice drivers are safe and competent drivers before they take to the roads unsupervised. It is important that we have this commitment because unfortunately inexperienced novice drivers are among Queensland's most at risk user groups. In 2010 there were 249 fatalities as a result of crashes on Queensland roads of which 63 were a result of crashes involving young drivers. This accounted for 25.3 per cent of Queensland's road toll. Q-SAFE, the practical driving test, serves as the entry point for these young drivers to driving on Queensland roads unsupervised and so it is a critical point in their driving career. The test is designed to evaluate a person's ability to drive safely and correctly in different situations. However, it has not been looked at since it was first introduced in 1998 and, given the new skills novice drivers are acquiring under the graduated licensing system, it is timely that we think about whether it needs to be strengthened for future generations.

It has been pleasing to see already the early positive results of the introduction of this system which appears to be already having a significant impact on road fatalities. The review of Q-SAFE is being overseen by an expert panel which will act as an advisory group to the minister to provide subject matter expertise and advice and to oversee public consultation on this very important issue. I have found it a great privilege to chair this panel, to hear the input of important stakeholder groups such as the driver examiner and driver instructor groups and the Queensland Police, and to work with the outstanding panel members—Gary Fites, so well known as the former general manager of external relations for the RACQ; Professor Barry Watson, Director of the Centre for Accident Research and Road Safety Queensland; Brett Pointing, Assistant Commissioner of the Queensland Police Service; Mike Stapleton, Executive Director, Road Safety, the Department of Transport and Main Roads; and Dr Judith Lloyd, General Manager, Transport Services, the Department of Transport and Main Roads.

Many of us have or have had our own children going through the trials and tribulations of learning how to drive and then going through the driving test, maybe more than once, but regardless of whether we have children of our own, the safety of our young drivers is of paramount interest to all of us. I have most certainly found it of great interest to almost every person I speak to, with some fantastic points of view being proffered to me every time I discuss the review. Everyone just wants to know that our young drivers are going to be safe when they go unsupervised on the roads. That is why the Bligh Labor government wants to make sure that everyone gets a chance to have their say on any future test.

I am looking forward to the first of the public forums, which will be held across the state to provide this feedback, at the Belmont Bowls Club in the electorate of my friend, the member for Chatsworth. I have been delighted at the response of local schools and community groups to the opportunity to be involved in this forum. I particularly commend the principals and students of Balmoral State High School, Cannon Hill Anglican College and Lourdes Hill College whose school leaders I know are canvassing their peers to garner opinions in preparation for their attendance at that forum. Their dedication and initiative is most impressive. I was delighted to discuss the forum with Camp Hill 8 Neighbourhood Watch members last night, who are most enthusiastic about being involved, as I know will all our local Neighbourhood Watch groups. I encourage anyone who cannot get to the public forums to use the opportunity for online feedback on this issue. While we have made good progress here in Queensland, there is still a long way to go in road safety. Raising awareness of road safety is of utmost importance and that is why the Bligh Labor government is committed to developing and implementing road safety strategies and programs such as this.

Mackay TAFE, Asbestos

Ms BATES (Mudgeeraba—LNP) (12.07 pm): The sad and sorry saga of the asbestos contamination at Mackay TAFE and the subsequent bungled cover-up represents a new low in Queensland politics, even by the sinking standards of the Bligh government. What we have witnessed here are the actions of a desperate member who is prepared to do or say anything—even risk the health

of our students—to save his own political skin so that he may continue to cling onto the privileged office of minister with all its trappings. It is a story of a former union official who, in his maiden speech, spoke fervently of standing up for the weak, the disadvantaged and the poor, but who has since lost his way, selling his lofty ideals so that he may continue to be driven around in his chauffeur driven luxury limo, recline in his high-back leather chair and put his feet up on his mahogany desk. However, by exposing the students and staff at Mackay TAFE to deadly asbestos dust he has also exposed his own under-handed incompetency and hypocrisy.

Mr DEPUTY SPEAKER (Mr O'Brien): Order! Member for Mudgeeraba, the term that you have used is unparliamentary. I ask you to withdraw.

Ms BATES: I will withdraw. On 25 May when I first raised my now-proven claims about Mackay TAFE, I was accused by the minister for the building industry of being misleading and running a reckless scare campaign. The education minister also joined in the attack, calling me dishonest in the extreme and my claims offensive. But if they thought they could shut me up with their bullyboy tactics they were mistaken, as it has only served to strengthen my resolve. As a mother and a registered nurse I have seen firsthand the horrors of asbestos related diseases and I will not stand idly by and allow the Bligh government to expose our children to deadly asbestos.

In response to my question without notice, the minister for the building industry quickly got on the front foot, personally inspecting the campus the very next day and reassured all by issuing a personal guarantee during a ministerial statement saying there was no asbestos contained in the material tested and there was no safety risk to students and staff. At the time I asked the minister to table the report which substantiated this claim that there was no asbestos present, which he failed to provide. If that is the case and everything is safe, why has a tender document gone out to replace all external asbestos sheeting from A block at Mackay TAFE? I table the tender.

Tabled paper: Copy of invitation to offer for contract MW90484—Replacement of Asbestos Sheeting with Colorbond at Mackay TAFE, Block A, dated 13 July 2011, from QBuild, Department of Public Works [4966].

I also table A block test results regarding external wall sheeting, which came back positive. I ask the minister to table his negative report. I also request the ID test number, including all the site photographs attached to that report.

Tabled paper: Document, dated 12 April 2010, from the Queensland Laboratory titled 'Certificate of Analysis' [4967].

In response to the photographs of A block I tabled during the regional sitting of parliament in Mackay, which featured suspicious looking marks on an external wall, in his trademark supercilious manner the minister said that it was not 'asbestos-containing material, as some may presume, but rather a gerni mark.' According to workplace health and safety regulations, it is illegal to water blast asbestos material. It is not done under any circumstances as the practice is so dangerous and there is a specific ban on water blasting asbestos containing materials. For the information of the minister, I table the regulations pertaining to the gerni-ing of asbestos material, taken directly from the Department of Justice and Attorney-General's Workplace Health and Safety Queensland website.

Tabled paper: Information from website—Workplace Health and Safety Queensland, Department of Justice and Attorney-General, dated 2 August 2011, titled 'Safe working practices when maintaining asbestos' [4968].

Is the minister still prepared to stand by these claims and, if so, what action has been taken against the contractor for carrying out this illegal and dangerous work? Can the minister provide the following from the Mackay TAFE asbestos register to backup his untrue claims: what date was this illegal work performed? What is the name of the contractor or company that performed this work? What measures were put in place concerning contaminated water runoff covering both ground and stormwater contingencies?

To add insult to injury, on 13 July, in a cynical effort to cover his tracks, the minister quietly instructed his department to issue this tender to remove the asbestos wall sheeting from A block in the very same area he personally declared safe and depicted in the exact same photographs I had previously tabled in Mackay, which I again table.

Tabled paper: Photographs of building [4969].

As I have said, the sad and sorry saga of Mackay TAFE has exposed dishonesty, incompetence and hypocrisy on a grand scale. I ask the minister the classic rhetorical question: what does it profit a man to sell his soul for the whole world? How can incompetence, betrayal and hypocrisy not only exist but thrive in the Bligh cabinet room?

Mr DEPUTY SPEAKER: Order! Honourable member, I have already warned you that that word is unparliamentary. You will withdraw.

Ms BATES: I withdraw. Are ministers appointed through talent and merit or are they rewarded because they are former union officials? Clearly this minister is a protected species in the sheltered workshop that has become the Bligh government, where union ties are a passport to power and a licence to mislead with impunity, just like Gordon Nuttall. The Premier must act to dump this fallen and tarnished minister, who is guilty not only of incompetence and hypocrisy but also of risking the health of students and staff to save his own skin. If the Premier fails to do so, she fails the leadership test and she will confirm what most Queenslanders already know, that is, that her out-of-touch government is an accountability-free zone.

(Time expired)

Prince Charles Hospital, Children's Emergency Department

Mr WATT (Everton—ALP) (12.12 pm): The Bligh government has an excellent record in delivering to the north-west suburbs of Brisbane. In this term alone, we have continued duplicating the Ferny Grove train line so that we can run more trains and move more people from the city to Mitchelton and beyond. We have committed to widening the intersection of Samford Road and Wardell Street at Enoggera, which will slash travel times for commuters in the north-west. We have also refurbished dozens of classrooms in almost every school in the Everton electorate.

Another of the major projects now underway that will assist north-west families is the new children's emergency service at the Prince Charles Hospital at Chermside. This new service, due to open in 2012, will mean north-west families will receive the best emergency care, closer to home. Rather than having to travel to the Royal Children's Hospital in Herston, emergency care will be available only a short trip from home. Construction on the facility is now well underway. In another sign that the facility is moving ahead, we saw the recent appointment of important clinical staff who will provide high-quality health care to north-west families.

Last week I was pleased to join my friend the Minister for Health to meet the new team of dedicated children's health nurses at Prince Charles. The new team will consist of a clinical nurse consultant, nurse educator, clinical nurse teacher and nurse practitioner candidates. The role of the team is to provide clinical expertise, support and up-skilling opportunities to current staff within the adult emergency department in the lead-up to the new services. Ensuring the clinical staff at the new service are highly trained in providing emergency care to children is another step we are taking to ensure local kids get the best emergency care. The other day I talked to the nurses and it was clear to me that they are very excited about the upcoming opportunity to work in a specialist children's practice. For some, it was a reason in itself to work at Prince Charles.

One thing that has escaped much attention is that the move to providing a dedicated emergency service for children at the Prince Charles Hospital is part of a conscious change in how we deliver emergency care to children right across the state. In all, six South-East Queensland hospitals, including the Prince Charles, will soon have dedicated emergency services for children. New and upgraded facilities are being constructed at Redcliffe, Caboolture, Redland, Logan and Ipswich hospitals. Of course, that is all before the opening of the new Queensland Children's Hospital at South Brisbane in 2014. It means that no matter where you live in South-East Queensland, you will be able to access the best quality health care for your kids, closer to home. However, this trend is not restricted to South-East Queensland. Streamed children's emergency services are also being provided in regional hospitals such as Townsville Hospital.

Providing dedicated emergency services for children recognises the benefits of keeping children and adults in emergency care separate. Any of us who have been to emergency departments will know that, from time to time, adults seeking emergency care are sometimes affected by drugs or alcohol. I think we would all agree that that is not the greatest environment for a child who is waiting for emergency care. Similarly, children screaming in pain is not particularly pleasant listening for other patients waiting in an emergency department. Separating the adults and the children is a very good way of meeting the needs of each.

In the inspection we conducted at the Prince Charles site last week, it was great to see the progress that has been made on construction. Two storeys are already completed and the roof-top level is expected to be completed in September. Building continues and I look forward to the day that the doors open next year. Even though I have followed the construction of this facility closely, I did not realise the enormous size of the new emergency department. It is about three times the size of the existing general emergency department at the Prince Charles Hospital. This size is understandable when you consider the range of services to be provided there. When the service opens next year, it will include 12 designated children's emergency treatment spaces, 20 beds for short stays, facilities for parents and carers to stay with their children overnight and safe child- and family-friendly design features, including play areas for children. The emergency department will be supported by children's outpatient services, meaning that after discharge kids will be able to go to specialist appointments closer to home. It will also have a 24-hour medical imaging service and be staffed by specialist emergency paediatricians to ensure our children get the best care.

When it opens in 2012, the new emergency department at the Prince Charles Hospital will be supported by the Royal Children's and Mater Children's Hospital until the new Queensland Children's Hospital opens in 2014. I am pleased with the commitment of the Bligh government to supporting Queensland families by providing high-quality health care for all Queensland children. As members of this House know, I am a vocal supporter of the new emergency department at the Prince Charles Hospital and I am a passionate advocate for the provision of quality health care for children on the north side. The department is another great example of the Bligh government delivering to local families.

(Time expired)

EDUCATION AND TRAINING LEGISLATION AMENDMENT BILL

Introduction and Referral to the Industry, Education, Training and Industrial Relations Committee

Hon. CR DICK (Greenslopes—ALP) (Minister for Education and Industrial Relations) (12.17 pm): I present a bill for an act to amend the Central Queensland University Act 1998, the Education (General Provisions) Act 2006, the Education (Queensland College of Teachers) Act 2005, the Griffith University Act 1998, the James Cook University Act 1997, the Queensland University of Technology Act 1998, the University of Queensland Act 1998, the University of Southern Queensland Act 1998 and the Vocational Education, Training and Employment Act 2000 for particular purposes. I table the bill and explanatory notes. I nominate the Industry, Education, Training and Industrial Relations Committee to consider the bill.

Tabled paper: Education and Training Legislation Amendment Bill 2011 [4970].

Tabled paper: Education and Training Legislation Amendment Bill 2011, explanatory notes [4971].

The Bligh government is committed to creating safe and supportive learning environments in which the welfare and best interests of students are paramount. The Education and Training Legislation Amendment Bill 2011 aims to protect Queensland children by strengthening reporting of sexual abuse requirements. There are already strong legislative and policy requirements that ensure the appropriate reporting of suspected child sexual abuse occurring within Queensland schools. The Education (General Provisions) Act 2006 mandates that state and non-state school staff members report suspicions that a student has been sexually abused by an employee of the school. Education Queensland policy expands on this by requiring state school staff to also report where they reasonably suspect a student has been harmed or is at risk of harm by any person. This includes harm caused by sexual abuse.

Non-state schools are required to have policies regarding student welfare to meet their accreditation criteria, including policies for reporting of harm. Also, at common law, all schools owe a duty to take reasonable steps to minimise the risk of foreseeable harm to students, including risk of harm caused by sexual abuse.

A 2010 Queensland University of Technology report, titled *Teachers reporting child sexual abuse: Towards evidence-based reform of law, policy and practice*, recommended that the statutory reporting obligations be expanded to require all school staff to report suspected child sexual abuse and risk of sexual abuse, regardless of who the perpetrator may be. QUT recommended that legislative requirements be aligned with existing state school policy. The QUT report recommendations acknowledged the profound damage that is caused to children and young people by sexual abuse. The report indicated that in New South Wales enhancements to the statutory reporting requirements resulted in a significant increase in substantiated cases of sexual abuse.

The bill will enhance protection for Queensland school students by requiring school staff members to report suspicions that a student has been, or is likely to be, sexually abused, irrespective of who is alleged to have committed the abuse. The bill will promote the timely reporting of allegations of sexual abuse by placing obligations on principals to report directly to the police.

The bill will also amend the Education (General Provisions) Act 2000 to allow a director of a non-state school's governing body to delegate their function to receive reports about alleged sexual abuse and report the allegation to the police. A director will remain liable for a breach of the reporting obligation despite any delegation. Student protection will also be enhanced and confidence in the teaching profession promoted by strengthening the law relating to the cancellation of teacher registration and prohibitions on applying for registration where a person has a criminal history.

The Education (Queensland College of Teachers) Act 2005, or QCT act, provides for the cancellation of teacher registration or permission to teach where a teacher has been convicted of a disqualifying offence and the person is sentenced to imprisonment. However, if the person is not sentenced to imprisonment, a teacher's registration may only be cancelled if the Queensland College of

Teachers takes disciplinary action through the Queensland Civil and Administrative Tribunal and the tribunal makes such an order. The tribunal currently has discretion to cancel registration and to prevent a teacher or former teacher from applying for registration for a period of up to five years.

The bill will amend the Education (Queensland College of Teachers) Act 2005 to provide for the automatic cancellation of teacher registration when a teacher is convicted of a serious offence, irrespective of whether the person was sentenced to imprisonment. Further, the bill will prohibit any person who, from commencement, has been convicted of a serious offence from applying for teacher registration in Queensland.

Disqualifying offences are generally serious sexual offences committed against children. Serious offences include the same sexual offences, as well as other violent and drug related offences. A list of the disqualifying and serious offences is prescribed in the Commission for Children and Young People and Child Guardian Act 2000. The Queensland government believes people convicted of such offences should not be permitted to enter or remain in the teaching profession in Queensland.

The bill strengthens the Queensland Civil and Administrative Tribunal's ability to deal with teachers convicted of criminal offences that will not result in automatic cancellation of their registration. The tribunal will be able to make disciplinary orders to prohibit a person from applying for registration or permission to teach for life, or for a stated period. These amendments have been necessitated by a recent matter considered by the tribunal where a former teacher had been convicted of offences relating to disposal of a body and making false statements. As these offences are not disqualifying offences or serious offences under the children's commission legislation, a person convicted of these offences would not have their registration cancelled and would not be automatically prohibited from applying for registration under the current regime. The tribunal was limited to imposing the maximum five-year ban on applying for registration. The amendments will ensure the tribunal has the power to make orders, including prohibiting applications for life, or for a stated period.

The bill will enable a person prohibited from applying for teacher registration to seek an eligibility declaration from the College of Teachers in limited circumstances. A person will only be able to seek a declaration if they have been convicted of a serious offence but were not imprisoned or subject to sexual offender reporting obligations. If a person is granted a declaration, the person may then make a separate application for registration. This process will give the college the capacity, in limited instances, to consider whether there are exceptional circumstances in which it would not harm the best interests of children or the profession to consider an application for registration from a person with a conviction for a serious offence.

The process is intended to allow consideration of matters such as a so-called 'Romeo and Juliet' situation where, for example, a 17-year-old male is convicted of unlawful carnal knowledge of his then 15-year-old girlfriend and at the time of the application for the eligibility declaration there is no evidence of further concerning offending. While there is no right of appeal from a decision to refuse an eligibility declaration, judicial review processes remain available. This is consistent with the approach adopted by the children's commission for the blue card working with children check.

The bill clearly states the College of Teachers must consider the best interests of children when deciding an eligibility declaration application. The bill will require the college to give written reasons for their decisions. A person who is concerned that the college has not taken relevant matters into account will have the right to seek a judicial review of the decision. These amendments aim to uphold the high standard of, and maintain public confidence in, Queensland's teaching profession.

The best interests of children are of paramount importance. The protection of children from the risk posed by teachers who have committed serious offences outweighs the negative impacts on individuals whose registration is cancelled or who are prevented from entering the profession.

The bill also makes minor amendments to other education and training legislation. It amends the legislation regulating Queensland's public universities to permit the lease of trust or reserve land for a period of up to 100 years and to clarify the purpose for which trust land may be used. These amendments aim to assist universities to utilise trust land to provide facilities for ancillary student services and take advantage of commercial joint venture opportunities for the benefit of their students.

Under the Education (General Provisions) Act 2006, an overseas school may be approved as a 'recognised school'. This enables the school to access the Queensland Studies Authority's approved syllabuses and for its students to receive Queensland senior school qualifications. The bill will amend the act to clarify that the minister may consider matters such as a school's financial position, legal structure and capacity to deliver an educational program when deciding the eligibility of an overseas school to become a recognised school.

The bill will also amend the Vocational Education, Training and Employment Act 2000 to replace terminology that may indicate that statutory TAFE institutes are intended to operate as for-profit entities. Statutory TAFE institutes conduct their business on a not-for-profit basis. In order to reflect their not-for-profit intent, the bill seeks to replace terms such as 'dividend', 'profit' and 'insolvency' that may be interpreted as denoting a for-profit character with terms which are not commonly associated with for-profit enterprise.

First Reading

Hon. CR DICK (Greenslopes—ALP) (Minister for Education and Industrial Relations) (12.26 pm): I move—

That the bill be now read a first time.

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

Motion agreed to.

Bill read a first time.

Mr DEPUTY SPEAKER (Mr O'Brien): Order! In accordance with standing order 131, the bill is now referred to the Industry, Education, Training and Industrial Relations Committee.

MOTION

Order of Business

Hon. CR DICK (Greenslopes—ALP) (Acting Leader of the House) (12.27 pm): by leave, without notice: I move—

That government business order of the day No. 1 be postponed.

Question put—That the motion be agreed to.

Motion agreed to.

NEIGHBOURHOOD DISPUTES RESOLUTION BILL

Second Reading

Resumed from 24 March (see p. 882), on motion of Mr Dick—

That the bill be now read a second time.

Mr POWELL (Glass House—LNP) (12.27 pm): I rise to make a brief contribution to the Neighbourhood Disputes Resolution Bill 2010. I note that the objectives of the bill are to provide rules about each neighbour's responsibility for dividing fences and trees so that neighbours are able to resolve issues about fences or trees without a dispute arising and to facilitate the resolution of any disputes about dividing fences or trees that do arise between neighbours.

I notice also that the fact sheet provided by the justice department in this regard does suggest other general changes including clarification that the ownership of a dividing fence on a common boundary is shared equally between neighbours; a new statutory framework giving the Queensland Civil and Administrative Tribunal, QCAT, jurisdiction to make orders in disputes about trees or fences; two new forms—notice for contribution to fencing work and notice for overhanging branches; the distinction between a retaining wall and a fence; and clearer rules for pastoral and agricultural fences.

The general gist of this bill will go a long way to resolving those prickly issues that arise in our communities from time to time. The explanatory notes go on to state that relationships between neighbours are never static or predictable. Neighbours can be friendly, hostile, distant or close. Fortunately, in my experience, the relationship with my neighbours has certainly been very amicable. Upon moving to the Sunshine Coast nearly a decade ago, I can recall my property had a number of trees with overhanging branches of a very old nature, including one extremely old avocado tree. The neighbour had apparently been very keen to see it removed for some time. I was very keen for it to be removed. In this instance he actually assisted me in removing it. Together we carted the debris off to the dump. I know that is not the situation in all cases. This review and ultimately this bill when enacted will go a long way to resolving those situations where there is a less than amicable relationship between neighbours.

I just want to draw attention to a couple of aspects of the bill. I will speak initially on dividing fences. I note that the bill does make some attempt to discuss the role of the state when one of the owners of the properties is the state. I talk in particular of clause 25, 'Contribution—particular state land'. The explanatory notes state—

This clause caters for the owner of land adjoining a parcel of unallocated state land. If unallocated state land becomes freehold land, then the adjoining owner can recover the relevant contribution to the fencing work for a sufficient dividing fence (already constructed) from a subsequent owner. The State must notify the new owner of this obligation.

It kind of makes sense. The part that I am seeking clarification around is where a landholder has issues regarding the state's responsibility—say, in the instance of a national park where the boundary fencing is not kept up to date or is not there in the first place, or where the state is dragging the chain when it comes to constructing a fence on that boundary. What role will this bill have in resolving issues

where a landholder has concerns with the state? Will the state be taken to QCAT because of its negligence? We do not need to go far into the past to think of instances where the government has had commitments to improve boundary fencing, particularly on national parks, and has failed to deliver on that. As the Deputy Premier sums up this debate later on today, I would be interested in whether he could address the situation where one of the owners is the state, particularly in relation to a national park.

The other aspect of this bill largely tackles the tree issue. The bill places paramount importance on the safety of any person and promotes public safety. I think many constituents of Glass House will be very pleased to hear that that is the case and that indeed the bill will go a long way to addressing the conflict that can arise from overhanging branches or roots. One constituent in particular took the time to email me when he heard that this bill was being considered. I would just like to read his email because I think it summarises a lot of the feeling out there in the electorate around these matters. He states—

Dear Mr. Powell,

I believe that the above bill is currently before the House. I have been told that, if passed, this bill will provide a much more manageable and equitable system of handling disputes between neighbours than the present system, which requires an appeal to the Supreme Court. My wife and I own a property and on our neighbours adjoining property are two extremely large gum trees which have the potential to severely damage our property should they be brought down in a storm. It is our intention to discuss the situation with the neighbours and attempt to settle it amicably, however should this not be possible we would not be able to access the Supreme Court option as we are age pensioners.

I would strongly request that you give this Bill your support as it will replace an adversarial situation with one of arbitration, which I'm sure you will agree is far preferable.

Sincerely. Mr Alan Jackson.

I thank Mr Jackson for taking the time to share those sentiments in regard to this bill, and I certainly pass them on. I understand that the shadow Attorney-General has raised and will continue to raise some concerns we have with elements of the bill. But I think in general the intent of it is well meant and it will resolve a lot of issues that we face in our electorates.

Ms O'NEILL (Kallangur—ALP) (12.33 pm): I rise to speak on the Neighbourhood Disputes Resolution Bill 2010. As was stated in the second reading speech regarding this bill, friendly, tight-knit communities are one of Queensland's great strengths. This bill will assist in preserving harmony in those communities by giving a well thought out, easy to follow definition of problems and responsibilities, and an easily accessible resolution process.

The first step if a problem arises is to recommend that the neighbours resolve the matter themselves, and the bill provides them assistance in defining the rights of both. Conciliation will be the alternative dispute resolution process to resolve both fence and tree disputes. If this step is not successful in getting the parties to reach agreement and the parties can prove that they have exhausted any other dispute resolution process available to them, either party can refer the matter to the Queensland Civil and Administrative Tribunal for resolution.

As a long-time union official, I understand and appreciate the need for, and the benefits of, an easily understood and accessible resolution process. The promotion of conciliation, of sorting it out between neighbours in the first instance, is the backbone of maintaining good relationships. Having the rights of each party clearly set out will also reduce early misunderstandings. It is of course the responsibility of us all to attempt to sort things out amicably. But when that becomes impossible, giving jurisdiction to QCAT makes it simpler to get formal resolution.

Without this bill, neighbourhood disputes over fences and trees might escalate to one of those ongoing feuds so beloved by, and often seen on, night-time current affairs programs and which affect the whole neighbourhood. The beauty of the process is that not only can an aggrieved neighbour seek to have ongoing issues resolved once and for all but if anyone feels that they have been subject to a malicious or capricious complaint they, too, can have their opportunity to put their case before fences are moved or rebuilt or trees and branches cut down.

In my electorate there are many lovely large blocks and acreage, and there have been concerns expressed regarding forced tree removal at the behest of neighbours who may have a difference of opinion regarding placement of trees, and this will ensure that this will only happen if the disputed trees fit some criteria, not a neighbour's preference. There are still plenty of issues that can disturb the harmony of a community, but the possibility of removing these two big issues will certainly improve the quality of life of many Queenslanders. And who knows, if people get used to talking issues through instead of raising a dispute in the first instance, we may see communities become even more friendly and tight knit. I commend the former minister and the current minister for the progress of this bill, and commend it to the House.

Ms van LITSENBURG (Redcliffe—ALP) (12.35 pm): I rise to support the Neighbourhood Disputes Resolution Bill 2010. The idyllic suburban paradise of owner occupied properties is the Australian and Queensland dream. That dream is shattered for many when trees and fences cause bitter disputes that in a few cases have developed into suburban warfare and assaults. This bill brings

some sanity into these difficult issues. The vast majority of people would prefer to live in harmony with their neighbours. But for this to continue in the long term it is vital that a set process is available to manage minor issues and resolve them before they become major problems.

Historically these neighbourhood issues have been under councils' jurisdiction, but councils did not have the teeth to enforce issues where there was a serious dispute. During my time as the member for Redcliffe, there has been a regular stream of constituents coming to see me with their longstanding issues about trees and fences and those sorts of things that they have not been able to resolve. I believe this bill will give my constituents the processes to work with their neighbours to resolve their issues amicably. These processes have been arrived at as a result of extensive community consultation which clearly identified the major issues. This bill is a document which encourages neighbours to resolve their disputes on an informal basis, because it is in the interests of the community that neighbours are able to resolve their issues without permanently damaging their relationship.

The purpose of this bill is to modernise the fences regulations and to change the common law of abatement in relation to overhanging trees to simplify the process of dealing with trees. It also establishes a statutory framework giving the Queensland Civil and Administrative Tribunal, QCAT, jurisdiction to make orders on application of a neighbour for removal or pruning of a tree or an order about a fence. For the first time people will have a 'referee' who will facilitate resolution of their neighbourhood issues if the less formal processes do not enable them to come to an agreement before this is necessary.

Another good outcome for ordinary people is that the bill is set out so they can easily understand it. I commend the minister for the practicality of this bill that clarifies many issues and provides a pathway for people to follow to resolve their disputes. It will make for more peaceful living for many people, and I commend this bill to the House.

Mr SORENSEN (Hervey Bay—LNP) (12.39 pm): I rise to make a contribution on the Neighbourhood Disputes Resolution Bill 2010. This bill deals with disputes about dividing fences and trees between adjoining neighbours. The dividing fence has different meanings for different people. Some people use the fence to keep their dogs in, others use the fence for privacy and other things. The fence can also be used for another purpose, such as a swimming pool fence. With the recent legislation, I can see many disputes coming up with what the neighbour has in the next yard, especially with regard to the swimming pool legislation.

In one case in Hervey Bay, the dividing fence was between two swimming pools of a unit development. One of the unit holders wanted to sell their unit and that triggered the legislation to comply with it so the body corporate had to get a certificate of approval on the swimming pool fence. The inspector revealed after they had a look at the fence that the neighbour had their swimming pool pump alongside the dividing fence. The body corporate then had to raise the fence and make alternatives, which cost between $4,500 and $5,000. There was another case where a swimming pool fence was actually the dividing fence. It was sold for a unit development but they excavated some of the land and the swimming pool fence nearly caved in onto the excavation.

At the end of the day, it is what happens on the other side of the fence. In December, this legislation is going to come back in for private properties again. It will be pretty difficult for some people because of what is on the other side of the fence, especially with some neighbours who have trees on the other side of that swimming pool fence. It will be interesting to see what happens there and whether the next-door neighbour will have to chop the tree down or chop branches off so that nobody crawls up the tree and over the fence. I think QCAT will be fairly busy in the future and it will be quite interesting to see what happens then.

In my time in local government, the biggest complaints we ever got were about barking dogs and dogs roaming the streets. It is a pity that some of the dog owners were not made to fence their properties to keep their dogs in, instead of letting them roam the streets. It is always that sort of thing.

Mr Reeves: Surely in council you could have done that. Weren't you the mayor?

Mr SORENSEN: Yes, we did, but a lot of people did not have appropriate fences. A dog could jump over the top of the fence and those sorts of things happened. We always made sure they were there. Another thing that raised a lot of complaints was tree roots going underneath the fences and breaking up things. It is not just tree branches; it is also tree roots going into neighbouring properties. It is interesting to see what happens in that situation.

Mr Robertson: You need a root and branch review of the legislation.

Mr SORENSEN: Yes, but the roots do cause a lot of complaints as well. It will be interesting to see what happens with QCAT and the new swimming pool fences by-laws.

Mrs SULLIVAN (Pumicestone—ALP) (12.43 pm): I rise to support the Neighbourhood Disputes Resolution Bill 2010. It will be welcome in my electorate of Pumicestone because I have had many complaints over the years about neighbours and I know where the bad ones live. Complaints about

neighbours and their behaviour are usually about dividing fences, trees that hang over the fence line or noise. What one neighbour considers fine and normal in a residential setting the other neighbour may not and tensions rise. The objectives of the bill are to—

... provide rules about each neighbour's responsibility for dividing fences and trees so that neighbours are able to resolve issues about fences or trees without a dispute arising: and

facilitate the resolution of any disputes about dividing fences or trees that do arise between neighbours.

We have all done it: buy a small tree, plant it too close to the fence and when it becomes big it then becomes a problem. I, too, fell into the trap and have recently had to remove a number of trees that got too big for the front yard. In fact, some of the trees caused damage to our front fence and cracked the driveway. If I had my time again, we would certainly never have planted trees that became big anywhere near our house, the driveway or the front fence.

It is certainly cheaper to buy a small tree, but it is a different matter when it comes time to remove it when it becomes big. In fact, two of the trees we had to remove kept striking so we had to get a stump grinder in to completely remove them and it became a very, very expensive exercise. My advice to people is to do your homework and make sure that in 20 years time you do not find yourself in the same boat: buy trees that will not give you and your neighbours grief in the future.

Another complaint I receive is leaves in pools and the ongoing maintenance and clogging of filters in those pools that are surrounded by neighbours' trees. Sometimes trying to resolve this can be difficult. One neighbour wants a leaf-free pool and the other wants the shade of their trees. Despite the best efforts of all parties, sometimes the disputes escalate and they simply cannot be resolved. This results in what may have started as a small problem escalating and developing into an all-out war.

My electorate is quite leafy, with any number of semirural and rural residential properties. As the population increases and councils allow more and more land to be subdivided into smaller lots, this will ultimately lead to more neighbourhood disputes. Certain trees, particularly those which are on their own and not in clumps, can become dangerous in storms, and unfortunately our weather patterns are becoming harsher. We are alarmed when we see the mess that trees create when they are ripped out of the ground, often landing on houses and other property. The distress it causes people is considerable and it is often because the wrong trees were planted in the first place. Education is the key and it will ensure that the trees which are planted will not cause problems down the track.

The review of neighbourly relations was conducted to find better ways of helping neighbours to resolve disputes so that communities stay friendly. People will be pleased that the owner of the tree is now responsible for the proper care and maintenance of that tree on their property. The Dividing Fences Act will be replaced and modernised. The term 'fence' has now been more widely defined to include hedges in residential areas and the term 'dividing fence' is given meaning, including height and materials. The bill also confirms that a dividing fence is owned equally by the adjoining owners if it is built on the common boundary and therefore adjoining owners are liable for equal contribution to the fencing work needed to have a sufficient dividing fence. One owner will have to pay any additional cost if more work is required over and above the necessary work.

The bill confers jurisdiction on the Queensland Civil and Administrative Tribunal, QCAT, in relation to dividing fences and overhanging tree branches, and the guidelines are quite clear. Consultation was held for an eight-week period between May and July 2010, and most submissions related to trees, which came as no surprise to me. Certainly in my office, out of the two issues of trees and fences, I can say that issues to do with trees are the most common. I commend the bill to the House and trust it will achieve its objectives and make it easier for neighbours to avoid and lessen disputes before they get completely out of hand.

Mrs SMITH (Burleigh—ALP) (12.48 pm): The Neighbourhood Disputes Resolution Bill provides the community with a clear legislative framework in which to address neighbourhood disputes and it removes ambiguity about issues surrounding dividing fences and trees. It provides clear, concise directions on the rights and responsibilities of all parties with regard to boundary fences and trees, while providing an easily accessible dispute resolution process.

My office has, over the years, dealt with many neighbourhood disputes. Issues such as trees and fences may seem small but they can often balloon into much larger problems. Arguments often arise as to who is responsible for what and, until now, rights and responsibilities were sometimes ambiguous. This legislation removes that ambiguity and allows neighbours to reach an amicable agreement.

Trees are an issue that can cause a lot of distress. Branches can interfere with neighbouring properties and roots can cause extensive damage. This bill clearly states that the owner of the tree is solely responsible for the care and maintenance of that tree. In the majority of situations, issues with overhanging branches and intruding roots are resolved by neighbours themselves. This legislation will assist in avoiding those disputes that cannot be easily resolved. An adjoining owner is entitled to trim branches and roots of a neighbouring tree and return them to the tree keeper's property. Should a

dispute occur, however, they can request that a tree owner undertake this work by serving them with a notice for overhanging branches which requires the tree keeper to trim the overhanging branches within 30 days. If this does not occur, the adjoining neighbour is entitled to have this work done and recover costs of up to $300 per annum from the tree keeper.

This bill also provides clarity with regard to dividing fences. The bill removes all doubt and clarifies that the ownership of a fence on a common boundary line is shared equally between neighbours and, as such, the costs for work on a dividing fence are to be shared equally. It is worth noting that the equal sharing of costs only applies to the maintenance and construction of a sufficient dividing fence. The bill provides a basic rule of height for fences. While the bill does provide neighbours with a description of a sufficient fence, there is now a clearly defined process for fencing maintenance and replacement. Should one neighbour want a standard of materials or design in addition to the basic required dividing fence, the bill clearly states that the extra costs are to be borne by the neighbour seeking the additions.

An area that does concern me is the matter of replacing corrugated asbestos fencing. Many suburbs in my electorate still have the older properties with this type of fencing. Undamaged, these fences are safe. But when an adjoining property is sold and the new owner redevelops the site, the asbestos fence often becomes an issue between the neighbours. Demolition and removal of such fences significantly increases the cost—a cost that imposes a financial burden on the adjoining resident, often an older person on a fixed income. This can cause much distress. I do not know how this can be addressed, but I am hopeful that a satisfactory outcome can be found. This bill provides consistency across the state with regard to dividing fences and trees and provides neighbours with certainty when it comes to resolving any issues in an amicable way. I commend the bill to the House.

Mr STEVENS (Mermaid Beach—LNP) (12.51 pm): I rise to speak to the Neighbourhood Disputes Resolution Bill 2010. At the beginning of my speech I want to congratulate the shadow Attorney-General, the member for Kawana, on his decisive and succinct contribution to this debate. Dispute resolution, before having to go to a third party or a government organisation, is the best way to resolve disputes within the community. Sometimes this just does not happen due to one of the parties not being prepared to compromise. We need these specific regulations and laws in place to assist in issues such as these being resolved promptly, efficiently and effectively. It has also been my experience that many disputes in relation to boundary fences and overhanging trees, issues which this legislation deals with, in the main are as a result of other disputes that neighbours have had—such as one neighbour listening to loud music from occasion to occasion or car washing in an inappropriate venue or whatever, so they square up by causing problems over the boundary fence or an overhanging tree. That is unfortunately a result of certain personalities and human nature probably being displayed in some of its worst capacities.

The objectives of this bill are to set out rules for a neighbour's responsibility in relation to the issues of dividing fences and trees so as to create the most amicable environment for solutions for these issues and, if at all possible, without intervention from a third party. The bill also allows for any issues regarding dividing fences and trees that do develop into disputes to be resolved by a third party.

The bill came out of the review of neighbourly relations that was conducted by the government's Department of Justice and Attorney-General. Discussion papers on resolving neighbourhood disputes and resolving neighbourhood disputes regarding trees were available for the community to comment upon. These looked at effective dispute resolution options to be the focus of legislative changes. From these discussion papers a consultation draft of the Neighbourhood Disputes Resolution Bill 2010 was disseminated by the government for public comment in May 2010, so we have taken a good bit of time to consider the position to arrive at this legislation in July 2011. As a result of the review, the Neighbourhood Disputes Resolution Bill 2010 was introduced into parliament on 25 November 2010 and will replace the Dividing Fences Act 1953—and a great year it was, 1953—so as to bring appropriate legislation into a contemporary form. In the words of the government's explanatory notes, not only does it bring it into a more contemporary form of legislation for dividing fences but it also—

> ... changes the common law of abatement in relation to overhanging tree branches, introduces a simplified remedy to deal with trees and confers jurisdiction on the Queensland Civil and Administrative Tribunal (QCAT) in relation to these matters.

One of the great concerns I have about this government's penchant for flicking all things in relation to disputation across to QCAT is that the biggest queue in Queensland will be the queue to QCAT. QCAT has to deal with residential tenancies, the racing industry and neighbourhood disputes. I hope it will be appropriately funded by the government in the years to come when the queues get longer and longer, because referring all of these matters to QCAT will quite clearly put an unprecedented demand on QCAT for large financial support to ensure these disputes and decision-making processes are brought to summation in a reasonable, fair and just period rather than being dragged out for months and years on end.

The bill also seeks to amend the Animal Management (Cats and Dogs) Act 2008, Body Corporate and Community Management Act 1997, Building Act 1975, Building Units and Group Titles Act 1980, Land Act 1954, Land Protection (Pest and Stock Route Management) Act 2002, Queensland Civil and Administrative Tribunal Act 2009, South Bank Corporation Act 1989 and Stock Act 1915.

Relationships between two parties can break down, and this is where the legal system is a good or final avenue for resolution of issues of law, but in neighbourhood disputes a less financially burdensome and a less time-consuming and emotionally taxing avenue is needed for each party to achieve a positive outcome.

Mr Robertson: You and Campbell could go there.

Mr STEVENS: I take the interjection from the member for Stretton, because we do not have any disputes in the LNP. We do not need QCAT. We are on our way, well and truly, to a new government for Queensland with new solutions and not all of these patch-it-up, bandaid and fix-it solutions that cover all matters from floodwaters right through to trees.

Government members interjected.

Mr DEPUTY SPEAKER (Mr Ryan): Order! We will wait for the House to come to order. The member for Mermaid Beach has the call.

Mr STEVENS: Thank you, Mr Deputy Speaker, for your protection. In neighbourhood disputes emotions can get out of control and some disputes can become an all-encompassing, lifetime issue for some neighbours. I hope that this legislation will help resolve issues—like solar heating on the top of a house and pink batts and other schemes that some people have taken up—so they will not become large, burdensome and out of control and that parties will be able to resolve disputes without being too emotionally affected.

Neighbourhood relations are important for all in the community and everyone has the right to live in a peaceful neighbourhood. Suitable laws that do not impinge on the community's rights but make people understand their obligations as part of the community are essential for a balanced and peaceful living environment. People have the right to go about their lives without the interference and stress that can be created from these neighbourhood disputes.

Sitting suspended from 12.59 pm to 2.30 pm.

Mr STEVENS: This bill applies to residential properties under four acres in size all over suburban Queensland and provides guidelines and resolution regulations for neighbourhood disputes arising from issues regarding fences and overhanging trees. The new powers and changes confer jurisdiction on QCAT—the Queensland Civil and Administrative Tribunal—for the resolution of all matters contained in this bill. As we know, QCAT is the main government body for dispute resolution outside the court system. I ask the minister: how much more work will this bill mean for QCAT? I am assuming that there will be a considerable figure of which he will be able to advise the House. Will QCAT get more staff to hear these matters and more administrative staff to keep a register of the orders that are made? How many matters does the government anticipate that QCAT will have to hear per year regarding these particular issues?

Under this bill, in a dispute resolution a real estate agent may act on behalf of a party in the Queensland Civil and Administrative Tribunal. That would be the case if a rental property owner was interstate or overseas and their property was involved in a dispute. The bill stipulates that neighbours will be required to pay half the cost of the construction of a fence. With regard to boundary fences we still have that age-old argument as to what constitutes a fence. A poor man's fence is not necessarily a rich man's fence. I understand that QCAT has the power to deliberate and make decisions in relation to this matter, but there will always be in the determination of these resolutions the fact that a particular type of fence will 'downgrade the value of my property', that there will be unhappy people and that neighbourhood disputes will flow from a QCAT decision. So quite clearly, this legislation will not give finalisation to neighbourhood disputes and anyone who thinks that it will is unfortunately sadly misguided.

If a neighbour's tree is overhanging by 0.5 of a metre and less than 2.5 metres above the ground a person can serve a notice on the tree keeper—the neighbour—to have those branches cut down. If the tree keeper does not respond, then the neighbour can recover no more than $300 per annum to have the branches cut back professionally. Firstly, I believe that we need to consider what defines 'serve a notice'; secondly, how the neighbour can recover pruning costs with reluctant neighbours; and, thirdly, the arrival at $300 as the limit for cutting back that tree. I can remember in my local government career going out to properties where neighbours had disputes over the branches of a huge gum tree—or widow-makers I think they call the branches of those lovely gum trees that some developers leave on residential blocks at the behest of local councils, green groups et cetera. The reality is that those huge gum trees, as beautiful as they are in residential developments, are very much a deathtrap, as was proved in a case involving a council in New South Wales. I have been out to several properties that were then in my local government area where large branches had smashed through the roof of a house, having devastating consequences.

Mr Shine: What about the koalas?

Mr STEVENS: I say to the member for Toowoomba North that it was not a funny matter at the time, I can assure him. It was very disappointing for those people who were involved. These matters are very serious. It may seem light-hearted, I know, but there can be devastating consequences to neighbourhood disputes. They are quite a regular occurrence in the community, mostly dealt with by local government, obviously. Those of us who have had local government experience would realise that neighbourhood disputes is one of the main disputations that end up at the foot of the local councillor, or even the mayor as it may be. This legislation is very important in giving direction to matters to be finalised in a way that assists our community to cut down on disputes and neighbourhood blues, as we would call them.

The bill does not apply to trees situated on parcels of land greater than four acres in size. So this legislation does not relate to agricultural land greater than four acres in size but residential land under that size. Chapter 2 of the bill addresses the issue of dividing fences. As I have said previously, we have seen many situations that are difficult for both parties to deal with. The definition of a fence in the bill includes hedges. The bill outlines the obligations on owners that they must contribute equally to the construction and maintenance of a sufficient dividing fence and not attach something to a dividing fence that unreasonably and materially alters it or damages it.

Chapter 3 addresses the major problem of trees overhanging in urban and rural areas and it has a major focus on safety. I note that in his speech the shadow minister referred to some problems he had in relation to the banana trees that he owns and the bananas falling into the neighbour's property.

An honourable member: He would make a fortune out of them now.

Mr STEVENS: Yes, I think bananas are $12 a kilo at the moment. With regard to selling properties involved in a dispute, the bill states that if a contract of sale is entered into in relation to a property that is affected by an application or an order regarding a tree dispute the seller must inform the buyer of that application or order. My concern is that the Bligh Labor government has not taken into account what the Scrutiny of Legislation Committee has said in terms of its concerns about the legislation impinging on the rights and liberties of individuals. The Scrutiny of Legislation Committee had reservations about clauses 37, 38, 88 to 94 and 26 regarding the rights and liberties of individuals in these matters. Clause 37 requires that QCAT can make an order if it is satisfied that the owner could not locate the adjoining owner after making all reasonable inquiries. I refer to the definition of 'reasonable' in terms of making legislation specific and enforceable through the courts. There are always two opinions; there are always two legal minds to dispute what is reasonable. Of course, in any appeals this term may well come into question again.

In conclusion, I would like to reiterate that the opposition will not be voting against the bill as it believes that any laws and regulations that help neighbourhood disputes to be solved efficiently and in a suitable time frame without the emotional and financial burden on either neighbour is beneficial to all concerned.

Hon. DM WELLS (Murrumba—ALP) (2.38 pm): An important part of the art of government is to ensure we have a legal system which makes the minimum possible interference in the lives of its citizens at the same time as maximising the capacity of its citizens to enforce their rights. It is very difficult to get that balance right. The fact is that if you go too far in the direction of minimising interference in the activities of individuals then you will have some people who get away with murder. If you go too far in the direction of maximising the capacity of citizens to enforce their rights then it is going to lead to a very litigious society. The question is: how do you get the balance right? I think this is a piece of legislation that does get that balance exactly right.

For a long time it has been the case that people have had backyards. As long as they have had backyards there has been the occasional neighbourhood dispute. There would be few members in this House who, in the course of their work as a local member, have not had somebody come to them and mention that they had a problem with something their neighbour was doing. Often it has been, to my knowledge and in my experience, problems with trees.

How do you get these problems solved? Well, in the past there has not really been a way that that could be done other than for people to write letters to one another or to complain to the owner of the property or to go and see a solicitor. The solicitor might very well be willing to help, because there has been a ground on which you could take an action against somebody who had a tree that was causing some inconvenience to you in your quiet enjoyment of the land. You could always bring an action under the rule in Rylands v Fletcher. I notice that the honourable members for Toowoomba North and Kawana know this. I dare say they would become even more interested if I quoted the maxim from that case—sic utere tuo ut alienum non laedas. I thought that would impress the honourable members for Toowoomba North and Kawana.

Mr Bleijie: I am impressed.

Mr WELLS: I take that kindly interjection from my learned friend. The point is that there has been a legal action but nobody could afford it. The whole thing is terribly obscure. The sort of people I represent have not been able to get any problem with trees in other people's backyards fixed as a result of legal action by virtue of the fact that they simply were not in a position to do it.

Mr Stevens: What sort of people?

Mr WELLS: The sort of people who live in Deception Bay and North Lakes—good people. The capacity of people from the demographic that I tend to represent to take such an action to court is minimal. Indeed, you probably need to live in millionaires' row in order to successfully run an action like this without having to suffer a great deal of pain as a result of it.

The question is: how do you do it without creating a society that is altogether too litigious? I think we have the basis right here. Somebody who is described, rather quaintly, in the bill as 'tree keeper' now has responsibilities which are adumbrated in the legislation itself. People have to use that tree or enjoy the presence of that tree in such a way that it does not significantly—'seriously' I think is the term that is used in the legislation—diminish the capacity of their neighbour to the quiet enjoyment of the land. That is a right which can now be enforced by QCAT. QCAT, the great legal reform of this government, is a tribunal where typically you do not have lawyers so it does not actually cost somebody an arm and a leg. This legislation establishes and recognises a right—one that is already recognised in the law but has in the past always been unenforceable—and then provides an enforcement mechanism for that right which is inexpensive and within the grasp of the people who I represent. This, I think, is a significant and important reform.

Even in the last few months I have had people come to my office who stand to benefit from this reform. One of the great things about QCAT and QCAT processes is that mediation is very often part of those processes. The bill we are discussing today encompasses the possibility of mediation in these circumstances. It will be rare that there will be a decision of the tribunal handed down after extended argument about one of these things. This is a right which has been recognised in this legislation which is capable of being enforced cheaply and to the extent that any legal system can deliver this speedily. I note that the honourable member for Mermaid Waters asks the question—

Mr Stevens: Mermaid Beach.

Mr WELLS: One mermaid is much like another. At a certain point in his speech he was going swimmingly and he referred to the Scrutiny of Legislation Committee's report on this matter. The Scrutiny of Legislation Committee, of course, has drawn attention to the problem that I raised in my opening remarks when I said that you have to get the balance right. The Scrutiny of Legislation Committee was quite correct in pointing out that you have to have regard for individual rights. Here we have a piece of legislation that does have regard to those rights, which sets a remedy which is capable of being implemented and which does so without burdening the legal system with expensive and difficult problems to resolve.

The member for Mermaid asked how many more cases there will be. Well, you never know how many cases there are going to be. The thing is that they will be cases in QCAT and they will be cases which will be resolved. Sometimes there is no other way of getting peace than to have an objective and disinterested tribunal make a determination. Where somebody in a judicial office makes a determination then that is a determination that has a degree of finality that you would not get otherwise.

This is an area that has been crying out for reform. It is a reform that has been delivered by this government and by this minister. The great thing about this kind of reform is that it improves the quality of life of the people and does so with comparatively little expense and with comparatively little grief. Too often neighbourhood disputes are capable of escalating out of control. All too often something like a tree in somebody's backyard can be one component of, and perhaps even a catalyst for, a cauldron of dissonance between two neighbours that is all too difficult to resolve. This is a dispute resolution mechanism that is very, very timely and which will be very, very useful. It will improve the quality of life of the people we all represent. It is a small but very significant and very valuable advance.

Mr RYAN (Morayfield—ALP) (2.49 pm): I rise to make a short contribution to the debate on the Neighbourhood Disputes Resolution Bill 2010. Indeed, it is a great honour to follow the member for Murrumba, who has made a very insightful and intelligible contribution to the debate. In today's times, something as simple as an overhanging tree branch or a fence can lead to a major dispute that could last for a period of days but may last for a number of years or an entire lifetime. When we think about the type of community that we want to live in, we want it to be one where people can get along together and where disputes can be resolved, rather than one where something as small as an overhanging tree branch can lead to a lifelong dispute. That is why this bill is so important. The Neighbourhood Disputes Resolution Bill addresses a number of concerns that all of our constituents have when it comes to neighbourhood disputes. It shows that this government is still a reforming government. It shows that this government is still focused on new ideas, making things better for our communities and dealing with the issues that affect people's day-to-day lives in a positive light.

When I was first elected to this parliament in 2009, I was approached by two gentlemen, Mr Bert Krause and Mr Allan Wilson. They spoke about the difficulties they were experiencing under the current law relating to nuisance trees. They had both specific and general experiences with nuisance trees. Unfortunately, the law as it stood then and still stands today, until this bill is passed by the parliament, in respect of nuisance trees does not support amicable resolution to disputes between neighbours. In my view, by its very nature the common law, in respect of nuisance trees, is impersonal and provocative. The common law provides a self-help approach to dealing with nuisance trees and was specifically limited to overhanging branches. As members of this House would be aware, the common law provides that a neighbour can remove an overhanging branch in certain circumstances.

Debate, on motion of Mr Ryan, adjourned.

PARLIAMENTARY SERVICE AND OTHER ACTS AMENDMENT BILL

Second Reading

Resumed from 17 June (see p. 2117), on motion of Ms Bligh—

That the bill be now read a second time.

Mr SEENEY (Callide—LNP) (Leader of the Opposition) (2.52 pm): I am happy to rise to make a contribution to the consideration of the Parliamentary Service and Other Acts Amendment Bill 2011 and advise the House that the opposition will be supporting the passage of the bill in the House this afternoon. The bill is the final step in putting in place the changes recommended by the bipartisan committee set up to review the committee system in this parliament—the committee on the committees, as it became known colloquially. I was part of that bipartisan committee and, as I have said before in the consideration of previous bills stemming from its recommendations, it was a very successful committee. It operated in a true bipartisan way, which in itself is a very rare occurrence in politics or in this parliament in my experience. However, the committee that was given the task of reviewing the committee structure did operate in a bipartisan way. Some debates and discussions within the committee saw members from both the opposition and the government on differing sides of a particular point of view. That is truly an unusual circumstance, but it is what one would expect in a true bipartisan committee.

Again I put on record my acknowledgement of the great role played by the members of the committee. The committee was chaired by the Leader of the House and the member for Sunnybank. The member for Rockhampton, the member for Yeerongpilly and the member for Waterford were the government members on the committee. From our side of the House it included, as well as myself, the member for Toowoomba South and the member for Southern Downs, and the member for Nanango. As I have said before, quite sincerely, it was one of the better experiences that I have had in this parliament. We worked through an issue that affects us all. The process was about ensuring that this parliament can fulfil its role in a better way, not just for us but for the generations of parliamentarians who will come through this place in the years to come.

On 15 December 2010 the committee tabled a report in the parliament. In the main, that report was accepted by the government and the changes have now been put in place in regard to the committee structure and the way that legislation is dealt with during its consideration in the parliament. The first test of the new structure was during the estimates committee hearings that have just been completed. The Committee of the Legislative Assembly, the CLA as it is known, was set up by a previous piece of legislation. This bill proposes to complete the reform process by formally vesting the management of the Parliamentary Service within the CLA.

It is important to reflect upon who constitutes the CLA. It is made up of six statutory office holders of the parliament or their delegates. Arguably, six very senior members of the parliament make up this committee. Without disclosing the discussions of the committee, I always thought that it was important that the statutory position holders of the parliament be charged with the responsibility of making decisions in a bipartisan way that affect all of us as members of the parliament in a bipartisan way. I have always been of the view, and I remain of the view, that we as parliamentarians—as a group—should be as responsible as possible for our own affairs. We should appoint from among our number a representative committee to be charged with the responsibility of managing those affairs that affect us all on behalf of us all. We should manage those affairs in a bipartisan way, without the influence of politics because they affect us all equally without regard to the political philosophy that we bring to our roles as parliamentary representatives.

The CLA is a bipartisan committee. It is made up of six statutory office holders of the parliament, irrespective of which political background those members come from. The CLA is made up of the Premier, the Deputy Premier, the Leader of the House, the Leader of the Opposition, the Deputy Leader of the Opposition and the manager of opposition business, irrespective of the party affiliations of those people. I think that that is an ideal group of senior members to exercise the functions that this legislation seeks to vest in the CLA today. Six undeniably senior members of the House or their delegates who are

required to act in a bipartisan way without any one holding a casting vote can, in my view, undoubtedly manage our affairs on behalf of all members of the House. Under the provisions of this bill, the CLA will be responsible for deciding policies about accommodation, policies about services here in the precinct and issues about electorate offices in each of our electorates. It will be responsible for deciding major policies to guide the operation and the management of the Parliamentary Service. The CLA—those six senior members—will be responsible for preparing in a bipartisan way budgets for the parliamentary precinct and submitting those budgets for funding. The CLA will be responsible for hearing appeals against promotional appointments and disciplinary actions that might be imposed by the Clerk as part of his managerial duties. It will deal with some of those sensitive issues that arise in workplace interrelationships, and which are most particularly sensitive in the relationship that exists between members of parliament and their electorate officers.

In each of those three cases I would strongly contend it is fairer and more just to have six senior members of this parliament making the necessary determination than to have those determinations made by one single individual who fills the role of Speaker at that time. These are administrative functions and are not to be confused with the functions of the Speaker in the parliament. They are not to be confused with the functions that are inherent in the statutory role of the Speaker. Having said that, I would hasten to add that I am not reflecting in any way on the administrative role of the current Speaker. In fact, if the administrative skills that have been brought to the position by the current Speaker had been shared by all members who have filled the role of Speaker over the years that I have been a member in this House, the case for a bipartisan committee would not be as compelling as it is today. I will avoid the temptation to provide detail to that argument. However, the fact remains that in my experience the present Speaker's administrative skills and inherent sense of fairness have not been shared by all of his predecessors over the years. I can recall some decisions made by former individual Speakers that have not produced good outcomes for this parliament as a whole.

The Speaker in this parliament, as in any other parliament, has a critically important role. It is a statutory position in the parliament with defined roles that ensure that this parliament operates properly. It is one of a range of statutory positions in the parliament. Vesting these functions in six senior members rather than one is, in my view, a proposition that is much more likely to produce good outcomes for the parliament over the long term as the characters and personalities that make up this parliament come and go with the passing of the years.

As I indicated, all of those three functions are arguably better discharged in a bipartisan way, whether by one individual or by a committee of six senior members of this House. In particular, I would contend, the funding of the budgets necessary to properly maintain this historic precinct, to properly provide accommodation and to properly provide services to members of the parliament has always been, in my view, prone to the breakdown of that very necessary bipartisan approach. Those issues have too often become the subject of political debate. Too often, in every parliament, the necessary funding for maintenance and the improvement of the parliamentary facilities and services becomes a political opportunity for some members in the House.

In this parliament I can remember some woeful examples where Independent members of the parliament, who would otherwise be totally irrelevant in the business of the parliament, used the issue of funding for our facilities to boost their own status at the expense of this parliament and every member as a whole. There have also been, I would admit, some times when opposition members could not resist the opportunity to attack the government. While I have played a role in the opposition in this House, I have always argued that such political opportunism attacks us all. It attacks all of us as members of the parliament because the media will always run the story. It is a cheap shot. It is the nature of our media coverage that, no matter what we do here to maintain this precinct or to address issues in the working environment for us or our staff, the first reaction we will see is a cheap media shot about how we are misspending taxpayers' money.

We saw it as recently as the estimates hearings that were completed a couple of weeks ago when we raised the issue of overcrowding here in the parliamentary precinct. That overcrowding issue is undeniable and it produces workplace health and safety issues that would not be tolerated in any other workplace in the city—and nor should they be—in both the opposition offices and in ministers' offices, I would contend. Rather than any sort of examination of that issue, we saw a cheap shot taken in the media from the same media people who, not so long ago, were indulging in the same cheap shots about our 'five star accommodation'. When we suggested that perhaps our now outdated and badly worn accommodation might well be replaced with offices to relieve the chronic overcrowding in this building, the same media people then took a cheap shot about us as members of parliament wanting to go and stay in five star hotels in the city. That is the sort of nonsense that happens every time we consider the important responsibility that we have to maintain this precinct for all Queenslanders and for the generations of their representatives who will serve them in this place.

We cannot do much about those cheap shots, but we together have a responsibility to address these issues in a way that ensures that the dignity of the parliament is maintained and the position of being a parliamentarian is able to engender a level of esteem in the community to attract our best and our brightest to this House in the future. To avoid this political opportunism that lessens the parliament

and lessens us all as parliamentarians, these functions and the decisions that they involve are, in my view, inarguably best vested in a bipartisan committee made up of senior members of the House. That is exactly why the committee made the recommendations that it did and that is exactly what is reflected in the provisions of this bill today.

The propositions in this bill have been criticised, somewhat unfairly I believe, by a range of people who have expressed concern about an erosion of the traditional role of the Speaker in the Westminster parliament. The level of criticism, the vigour of that criticism and the extent to which I personally was lobbied over this particular issue by a range of people who have never expressed a view about any other political issue to me came as something of a surprise and was, in my view, certainly not supported by any of the arguments that were put to me.

I understand the traditional role of the Speaker and I understand that people would be concerned if that role were to be eroded. However, I strongly contend that the traditional role of the Speaker in the Westminster parliament is not being eroded by the changes that this bill proposes. Nothing was able to be offered in support of that argument that was put with more emotion and passion and was put repeatedly to me by a range of people. There is nothing in this legislation that I accept erodes the traditional position of the Speaker in the Westminster parliament. To the contrary, the bill has express provisions to ensure beyond any doubt that, if such doubt exists in anyone's mind, nothing in the act derogates from any power, any right or any immunity traditionally held or exercised by the Speaker on behalf of the Legislative Assembly. There is an express provision being inserted to provide that nothing in the act takes away any of those traditional powers that the Speaker exercises on behalf of the House.

The bill provides that the CLA must ensure that the Speaker is given the necessary administrative and other support to perform the Speaker's functions efficiently and effectively. The bill provides that the Speaker may appoint appropriately qualified and competent persons to the Office of the Speaker. The bill provides that the CLA must consult with the Speaker before deciding upon a matter that applies in the chamber here itself. The bill provides that the Speaker will continue to be consulted by the government together with the CLA with respect to the appointment of the Clerk. The bill also provides that the Clerk and the Parliamentary Service officers and employees must follow the reasonable directions of the Speaker relating to the operations of the Legislative Assembly and the Speaker's functions relating to the Legislative Assembly.

In making some of the criticisms that I have heard about the propositions in this bill, commentators have confused the parliament itself with the parliamentary buildings or the parliamentary assets. The parliament, by the strict definition of the term, is not this building, even though that is the common usage of the term. The parliament is a group of people. The parliament is the people. It is a meeting of people. As members of that group, we have a common interest in the assets that the group is responsible for, namely, the building that houses us here in our working role and the people who provide the services we need.

The Speaker controls the parliament. The Speaker controls us when we meet as a group. When we constitute the parliament the Speaker is in control. When we come together and the Sergeant-at-Arms comes in and places the mace on the table, the parliament is constituted and the Speaker is in control. Nothing has changed in that regard. That is the traditional role and the role remains unchanged with the passage of this legislation. The Speaker controls the meeting of the group of people who constitute the parliament just as the Speaker has done since Westminster parliament first met on village greens.

However, with the passage of this legislation, the members of this parliament will control more of the functions surrounding the maintenance of the parliament's assets. The members of the parliament will control more of the provision of services to the parliament and the members of the parliament will control more of their own affairs in a bipartisan way. That will produce good outcomes over time. It will produce good outcomes for the generations of parliamentarians who will come to this House to represent Queenslanders, wherever they live in our state. It will produce good outcomes for Queenslanders themselves because this is the people's House. It belongs to all Queenslanders, whether they live in Brisbane, Coolangatta or Cairns.

The bill also includes amendments to the Auditor-General Act to implement the government's support for recommendations made by the Public Accounts and Public Works Committee in reports Nos 5 and 7. It extends the term of the Auditor-General to seven years. It extends the mandate that the Auditor-General operates under by introducing two new types of audits. The bill provides the power for the Auditor-General to conduct an audit of a matter relating to public money and property. It will allow that office holder to examine financial transactions between government entities and third parties. As recommended by the committee, it extends the power for the Auditor-General to conduct a full performance audit of a government owned corporation or a controlled entity of a government owned corporation at the request of the parliament, a parliamentary committee, the Treasurer or the relevant minister.

The provisions of the bill that relate to the Coordinator-General are as a result of a committee recommendation. The opposition certainly supports the recommendations of the committee. The one issue that I would raise in the consideration of these provisions is the consultation that is part of that process. There is an inherent responsibility, I believe, on whoever is in government in this House to respect the position of the Auditor-General and to conduct those appointments with the proper probity. That requires at the moment a consultation process, but that consultation process can be as real as the government wants to make it. It needs to be a real consultation process. We are talking about appointing a public officer for seven years. Quite obviously the period for which the statutory officer is being appointed is considerably longer than the term of a government. So the consultation that is required needs to be genuine. There needs to be a commitment to consultation across the parliament in the appointment of those statutory office holders. I would make that point as we support the extension of the period of time for which the Auditor-General can be appointed to seven years.

With those comments, on behalf of the LNP, I once again congratulate the committee for the range of recommendations that have been brought into this parliament and I acknowledge the support that the government gave to the recommendations of the committee. I urge all members to embrace the changes that those recommendations will bring to this parliament and to embrace those changes in a way that ensures that the outcomes that we are able to achieve for this parliament are good outcomes and that the outcomes that this parliament can achieve for the people we all represent can be better than they would have been before the consideration of this issue by the committee. I am happy to once again lend our support to the passage of this legislation.

Mr NICHOLLS (Clayfield—LNP) (Deputy Leader of the Opposition) (3.12 pm): I want to make a short contribution to the debate on the Parliamentary Service and Other Acts Amendment Bill. It deals with two discrete areas. I will deal firstly with the changes to the Auditor-General Act 2009 and the consequential amendments that flow from that change.

The Auditor-General's role in Queensland is significant and vital, as we all know. The Auditor-General's responsibilities are set out in the legislation that the Premier introduced and brought into this place to update those roles and responsibilities in 2009—legislation that was supported in the main by the opposition when it was brought in. Those roles and responsibilities, as I say, are wide but primarily include carrying out independent audits of the Queensland public sector and other related entities. So the role of the Auditor-General is to carry out independent audits of government departments, then to carry out independent audits of related entities—so government owned corporations—but also to carry out audits of particular aspects of operation of public instrumentalities, whether they be councils or other areas. So the Auditor-General has a wide remit to carry out very substantial and important functions.

The Auditor-General also acts on referrals—that is, takes information from members and others who are concerned about the operations of public sector entities—and can also act on referrals from the Legislative Assembly. The value of the Auditor-General to the parliament and to the wider public is well established and I think accepted by parliamentarians and the public alike who recognise the value that the Auditor-General adds to public life in Queensland. People look to the Auditor-General to hold complex areas of finance, particularly public finance, open to scrutiny. There are many areas that even experienced people would find difficult to understand in the operations of government finances and the complex interplay, if you like, between policy and policy outcomes and expenditure of money. It certainly does require a degree of experience and understanding of how the public sector works, and I think the Auditor-General holds that function and does it in ways that are not necessarily well understood by the private sector.

We need look no further than at recent reports of the Auditor-General. We have had a litany of reports that have focused on many areas of government's, particularly this government's, mismanagement. We have had the report into the bungled Health payroll system. At a cost to repair of $219 million and possibly more, this is certainly an area where the current Auditor-General has proved his worth in terms of being able to identify the failings of this long-term government and where things have gone wrong. Just this year alone the Auditor-General has exposed Labor's bungling in offender rehabilitation programs and in crime statistics reporting back in February.

In June the Auditor-General exposed the bungle and waste surrounding the proposed new driver's licence system. In fact that report revealed the true cost of the program had increased to $149 million. A program that five years ago was announced by the then transport minister, now Deputy Premier, who boasted that it would not cost a cent is now going to cost the taxpayers of Queensland $150 million—an enormous increase over even the published budget figures of two years ago of $85 million. So the Auditor-General's report in relation to that bungling outlines in stark detail the failure of this Labor government from start to finish in the implementation of the new IT driver's licence system.

The report also dealt with information security—something of increasing concern today as governments insist upon more and more information being provided to them for their records and for processing the various parts of government administration. The Auditor-General's report dealt with information security risks and the delays in service delivery that were potentially exposed because of

problems with the government's ICT system. Report No. 5 of 2011 by the Auditor-General also exposed the administrative failures of Labor in managing the state's finances, with 12 departments failing to have proper procedures in place to deal with salary matters, particularly salary overpayments.

As recently as 6 July in report No. 6 of 2011, the Auditor-General exposed the complete lack of substance behind the government's Q2 program. That report identified potentially $350 million in funding towards the government's goal to halve the proportion of children living in a household without a working parent but without any measure that was successful in terms of knowing whether that goal was being achieved or when or if the money was being spent to achieve it. The Auditor-General said in that case that 'reports focusing on how busy departments are do not show that they are effective or efficient'.

There is a litany of reports that have come out and that do demonstrate the value of an independent Auditor-General and that also demonstrate the need to maintain the importance of the Auditor-General. Currently the Auditor-General is appointed by the Governor in Council under section 9 of the Auditor-General Act 2009. There is a requirement for consultation about both the process for advertising to select the Auditor-General and the appointment of the Auditor-General. That is set out in section 9(2). That requires the relevant minister—who in this case is the Premier—to consult with the parliamentary committee, which in this case is the Finance and Administration Committee.

In terms of the current Auditor-General, whose term is I think coming to a close, we would be looking closely at how that process is to work to make sure that there is proper consultation and not just telling people how it will go. Having said that, once that process has been gone through, we then turn to section 10, which deals with the duration of the appointment. Section 10 sets out the recommendations of the EARC inquiry in 1991 which dealt with the appointment and the term of seven years. That committee contemplated perhaps two appointments totalling not more than seven years—so four and three or five and two. That was the recommendation that obviously the government took on board from EARC and proceeded to implement. Again, the opposition would not quibble with that.

What has now happened is that there has been another report—*Report No. 7: Inquiry to formally review the 'Report of the 2010 Strategic Review of the Queensland Audit Office*'. Sections 287 to 297 of that report have revised and reviewed all of those areas and made the recommendation that, to ensure the appearance as well as the reality of the independence of the Auditor-General, that appointment should be for one term of seven years. So whoever is appointed to that position should not feel under any threat in terms of their reappointment or should not feel that they are under any obligation to anyone, whether that be the government or any other party, in order to secure a further term of appointment because it is one appointment for one period of seven years. On that basis, the opposition will not be opposing that change or making any further comment in terms of any quibbles or criticisms about that appointment.

I want to now turn to the amendments to the Parliamentary Service Act. This bill is, if you like, the last stage of these proceedings that we have been engaged in for the last 12 months or so that have seen a revolution in the way this parliament operates. I believe the changes that are being implemented and have been implemented will bring in a new culture for all of us and they will provide challenges for all of us. I do not think it matters whether you are in government or in opposition; there will be challenges, and there will be some people who will rise to those challenges and some people who will find them a little too far to go. Nonetheless, I believe that the changes are very worthwhile for parliamentarians, for public administration and for confidence in the institution of parliament in this case.

The Committee of the Legislative Assembly was established under prior legislation and it delivered its first report this morning. I would hope that those members who participated in the estimates process would agree that the new estimates process was much improved on previous years. We will be dealing with the reports from the estimates committees in the next two days, and I know that I felt that there was a big improvement in the process. Is that to say that it is all ideal, that it has all been completed and that the work is finished? No, it is not, but I certainly think there is a much better process underway and I think those involved in the process would feel that way. I would hope they do; I do not want to speak for anyone else.

When you look at the statistics that have been reported you can certainly see that there was every opportunity, in most instances, for members to put their questions and to have more than just the meaningless one-in, one-out situation—we were actually able to follow through with a series of questions—and I felt that was much better. It is true that much of the business of government is not as exciting as people would like to believe it is and it is not as exciting as perhaps the media would want it to be. Some of it can be a little slow, but it is important, nonetheless, that the people who are charged with inquiring are able to do so, and I think the new committee structure does that.

The merits of the changes and the role of the Speaker have been debated a number of times in this and other places—when the initial committee report was delivered, when the original changes to the Parliament of Queensland Act were debated and again today and in various other forums that I am aware of, including as recently as yesterday, when there were debates about what this legislation will

achieve and the impact it will have on the independence of the Speaker. It is a matter of record that the opposition moved to amend the original reform bill to include the Speaker on the CLA but that the government did not accept that amendment.

I have read the opinion of Professor Carney which was tabled today, and I want to deal with a couple of things that were said in that opinion. He raised a number of issues which at first blush would cause some concern but which upon closer examination will prove not to be of concern and which are not the way that has otherwise been suggested by people. Professor Carney pointed out that the current position under the legislation is that the Speaker is vested with administrative responsibility for the parliament, and that is correct. He went on to list the matters that the Speaker controls. He spoke about things such as control of the 'accommodation and services in the parliamentary precinct' and 'accommodation and services supplied elsewhere by the Legislative Assembly for its members'. He said—

... the general role of the Speaker in relation to the parliamentary service is to—

a) decide major policies to guide the operation and management of the parliamentary service;

b) prepare budgets;

c) decide the size and organisation of the parliamentary service—

and so on and so forth.

None of those roles, fulfilled by one person appointed by the government of the day through the power of the numbers of the votes on the floor of this parliament, goes to the traditional rights, powers and immunities of this House. I think it should be made clear that those other powers about which office you occupy or which bedroom you have or which car park you use are not the traditional rights, powers and immunities of a Westminster parliament. With the greatest of respect, assigning bedrooms, offices and car parks was not the subject of the Glorious Revolution or the 1688 Bill of Rights.

Ms Bligh: But the price of hamburgers!

Mr NICHOLLS: We don't even have hamburgers.

Ms Bligh: You could change that.

Mr NICHOLLS: We could change that. This bill simply transfers the administrative responsibilities from the Speaker to the CLA and the Clerk. It does not actually make a change to the exercise of the rights, powers and immunities by the Speaker in protecting the Legislative Assembly, in protecting that independence that was fought for so long ago.

Professor Carney pointed to the possibility of a conflict between directions given by the Speaker and directions given by the Committee of the Legislative Assembly to the Clerk. I have to say again that this possibility, this remote risk, seems fanciful and that a proper understanding of the roles and responsibilities of both would resolve the matter—that is, that the Clerk is subject to the direction of the Speaker when it involves the rights, responsibilities and obligations of the House, and that can be things such as arranging for the removal of people who ought not be here, making arrangements in relation to the conduct of the business of this House or making arrangements for the conduct of people who are brought before the bar of this House, as Mr Nuttall was some short time ago. The Committee of the Legislative Assembly has no authority to intrude in those matters. The Committee of the Legislative Assembly has the authority to ask the Clerk to deal with the fact that the lifts are not working, that the toilets are not flushing and those sorts of things. So a proper understanding of the correct roles and responsibilities of each—of the Speaker and of the Committee of the Legislative Assembly—resolves any question about there being a conflict.

Professor Carney referred to the non-derogation provisions in new section 4A(2) and 4A(3). Those provisions are quite clear. I know about those provisions because as part of my membership of the CLA I specifically asked questions in relation to those roles and powers, and when the legislation was drawn up it was drawn up quite specifically to ensure the protection, both overtly and otherwise, of the powers of the Speaker. The legislation states—

The functions of the CLA and the Clerk under this Act do not limit the Speaker's functions under—

(a) section 50; or

(b) the *Parliament of Queensland Act 2001*—

that is, all the powers given to the Speaker under the Parliament of Queensland Act—

or

(c) the standing rules and orders.

It continues—

Apart from conferring particular administrative functions on the CLA and the Clerk, nothing in this Act derogates from any power, right or immunity traditionally held or exercised by the Speaker on behalf of the Legislative Assembly.

An example is then provided. Section 4A makes it abundantly clear what the roles are and it makes it abundantly clear that there is no impinging on the roles and responsibilities of the Speaker in doing the job which the Speaker is traditionally elected to do—that is, control the Assembly, control the precinct and the grounds and exercise those rights of the Assembly.

Professor Carney carried on with a discussion about the status of the Speaker, but as far as can be seen from the advice that he has provided he cannot actually find any breach of any doctrine by the changes that have been proposed. He said that there is a problem with the status, but he cannot identify any problems at all in terms of the doctrine of the separation of powers and the doctrine of the operation of the Westminster system. He then said that the problem arises from the composition of the Committee of the Legislative Assembly and he proposed that it is a problem on the basis that it is unrepresentative. What I say is that this displays a complete lack of appreciation of the reality of this place.

The Committee of the Legislative Assembly is made up of the elected leaders of the government and opposition parties and the leader of government business and the leader of opposition business. Those people are elected by their party to represent them on these matters. They are the representatives of the backbenchers of the parliamentary members of the party. That is how this place works, and that is how it works whether you are going to an official function or whether you are going to sit on the Committee of the Legislative Assembly. They are representative. We cannot have all 89 members turning up at a meeting of the Committee of the Legislative Assembly to determine how this place works.

Ms Bligh: Because then it would be the whole Assembly.

Mr NICHOLLS: Yes, then we would have a committee of the whole; we would not have a Committee of the Legislative Assembly. I am sure that there will be much that is worthy that is considered by the Committee of the Legislative Assembly that many members of this place will not want to be interested in at all—the business of getting on with the business of running this place. Leaders of political parties are elected precisely to represent the members and the backbenchers who the professor refers to.

So how is this less representative than the government-supported Speaker ruling alone? Professor Carney fails to address that particular issue. I have also heard complaints about the even split of the membership of the Committee of the Legislative Assembly and that this is seen as some dastardly plot by the government to control how it goes. I have some experience in dastardly plots. I have seen them from all sides of the parliament. Even I would find it difficult to describe this one as a dastardly plot. How the government giving up, if you like, a casting vote on the Committee of the Legislative Assembly is a dastardly plot to control the Committee of the Legislative Assembly is somewhat a bridge too far, even for me. Some advocate a casting vote to the government, but how that would be more bipartisan than an even split with no casting vote is not explained in Professor Carney's advice.

He goes on to repeat a previous assertion that the bill allows greater executive intrusion into the parliament, but he fails to say how. He seems to say that because the Leader of the Opposition, the Deputy Leader of the Opposition and the Manager of Opposition Business are the executive of the opposition that is executive intrusion into this House. Again I only wish it were true, but it is not. So quite clearly I disagree with Professor Carney's conclusion and on a rational review of his advice it just simply does not hold water.

Professor Carney may not like what is happening, and that is a completely different issue. He may disagree with what the idea behind what we are proposing is all about and the Speaker, with all respect due to the holder of that position, may feel stung in his or her pride, but in no way in my view does this bill interfere with the Speaker's rights, obligations and duties to control and to represent the Legislative Assembly. This bill facilitates the better administrative control over the physical aspects of the parliament by the parliamentarians through the Committee of the Legislative Assembly. The parliamentarians become the people in control of their own destiny in this place in terms of the physical constraints of the building, still subject to the direction of the Speaker so far as this works. I look forward to the work of the new committees, the increased transparency and scrutiny of the executive government and a better parliament for parliamentarians and Queenslanders through the passage of this bill.

Ms CROFT (Broadwater—ALP) (3.32 pm): I rise to speak in support of the Parliamentary Service and Other Acts Amendment Bill. This bill follows on from the Queensland reform and modernisation legislation that was passed by this House in May of this year and provides for further reforms to the parliament by changing the way that the Parliamentary Service is administered. Like all Assemblies, the Queensland parliament is a dynamic and living organisation that evolves over time and through this process this parliament continues its modernisation, preparing it for years ahead. From the commencement of the act members, both government and non-government members, will have a direct role in the management of the Parliamentary Service without abrogating the traditional powers, rights and immunities that are held by the Speaker of the House. These amendments come from the work of the Committee System Review Committee and I acknowledge the members who were on that committee and acknowledge the extraordinary efforts that they have put into developing and putting

forward recommendations on this legislation. Additionally, I appreciate and understand that members of the Committee of the Legislative Assembly, the Speaker and the Clerk have all been consulted, as has the Auditor-General in relation to the amendments to the Auditor-General Act 2009.

Practices from Assemblies in other jurisdictions throughout Australia and overseas were also examined and the purpose of the bill is obviously to transfer the routine administrative duties of managing the Parliamentary Service from the Speaker to the Committee of the Legislative Assembly and the Clerk. This will result in members having a greater and direct role in decision making with respect to the running of their parliament and the decisions that impact upon the exercising of their duties. The changes will also see the role of the Clerk as chief executive officer of the Parliamentary Service better reflected in respect of increased accountabilities so that that aspect of the position is more closely aligned to those of other applicable officers such as directors-general. This can be evidenced by the transference of employing authority to the Clerk along with amendments such as the addition of subsection 29(3), which provides that the Clerk must ensure remuneration and conditions of employees of the service are commensurate to those of other officers and employees of the state conducting similar duties. These administrative adjustments will see a decision-making process that increasingly reflects the demands of members as time moves towards the middle of the 21st century. For example, these amendments provide an opportunity for consideration to be given to the limited number of pay points available at the assistant electorate officer position and the difficulty that this can present in attracting staff to that position. The bill presents amendments to equip this parliament, its members and its staff for the future ahead and I commend the bill to the House.

Mr MOORHEAD (Waterford—ALP) (3.35 pm): I rise to support the Parliamentary Service and Other Acts Amendment Bill 2011. This bill and some of the changes contained within it have been the subject of some public debate. Along with the Leader of the House, I participated in a public forum discussing this matter on Monday and I must say that some of the public debate on this issue has frankly missed the point and has done a disservice to both sides of the debate. Interestingly, a former Speaker openly challenged me in that forum to say that there was no way that the LNP would support this bill. I put it to him that this process was about the empowerment of the opposition, and I am glad to hear that the LNP very sensibly has strong support for this process. I must congratulate the LNP for taking that sensible approach and taking these changes on their merits.

These changes are an extension of the integrity and accountability reform process started in 2009. Through that green paper process it was identified that there were changes needed in the system of government in this state, and one of those is to continue to ensure that the legislature can have a role in oversight of government. The issue of executive dominance of the legislature has been a problem in our state since 1922. It was identified by the Fitzgerald report as a key downfall in the Bjelke-Petersen era and why government action was not scrutinised as it should.

This reform delivers on a stronger parliament and a stronger parliament to keep the executive accountable. The way this bill does that is to empower the opposition and to give it a greater say over the process of parliament and to give it a greater say over how our committee process can operate. The Committee of the Legislative Assembly gives the opposition in this state the greatest power that it has seen. It was less than 30 years ago that the Bjelke-Petersen government denied the opposition leader the ability to table a list of shadow ministers. The position of opposition leader itself was recognised but no other shadow spokesman was recognised. What we will see under these reforms is not only the issues of the process of parliament put into a committee but also a committee over which the opposition has an equal say.

When that public forum was held on Monday, what it revealed to me is that the argument is actually a fairly narrow one when you listen to what Professor Carney has to say and what the Speaker has to say. What they are concerned about is the status of the Speaker and they see that that is attacked because the executive members of the government and the opposition are contained on that committee. What I say to that is that, firstly, it does not transfer any more power to the executive to have an equal number of government and non-government members on that committee and, secondly, the reason those leaders are on that committee is that they are leaders.

They are there not because they are the Premier or the Deputy Premier or the opposition leader; they are there because they represent by far the majority of members in this place. Frankly, we need a committee that means that people can talk to the butcher, not the block. These are the people who make the decisions of leadership among their groups and it is only right that they be on that committee. Let us give the committee a chance to deliver stronger reform in Queensland. To date, the record of the CLA is very strong. We have seen a stronger estimates process. We have seen decisions of the CLA requiring committees to be more open and transparent.

I think everyone accepts that a business of the House committee, a committee that oversees the running of committees that involves the main protagonists in this House, should necessarily be one that does not have the Speaker on it. I say that this process should never take away from the status of the Speaker. Under these reforms, the Speaker has those prerogative powers to speak on behalf of the House protected. The role of protecting the legislature as a whole is still preserved in this legislation. But this legislation empowers the opposition to play a role in our parliament. Frankly, I must say that the

contribution by some to this debate, particularly some former Speakers, has done more to damage the status of the Speaker than any of these proposals. I wish that some of the people who participated in this debate had done so with a great deal more temperance.

This is an important reform. I understand that some people have reservations, but I will put it to members this way: the current system of the Speaker running parliament is the system that we have had since 1922 and that is the system that has failed in keeping the executive accountable in this state. That is what Fitzgerald identified. This is not a process to empower the government. In fact, I think it is a brave move of any government to go down this path of reform that has created structures to keep itself accountable. This is the first time that we have had a government that is prepared to do that and I must congratulate the Premier for having that foresight to see that good government is good politics for the future of our state.

Finally, the changes to the role of the Auditor-General are also an important step in terms of accountability. Non-government organisations are provided so much funding to deliver services in this state. This notion that accountability and audit processes can follow the money, I think, is a very important one. I represent an electorate that is blessed to have many non-government organisations providing services to vulnerable people who need all the help they can get. But the people I represent who are the beneficiaries of those services also want to know that they are getting value for money and that they are getting strong services for the significant amount of government funding that those organisations receive. So while my electorate is very grateful for that funding, it is also keen to see that this accountability process of following that government money is continued and that the Auditor-General is empowered to do that. I support the bill and commend it to the House.

Mrs MENKENS (Burdekin—LNP) (3.42 pm): This bill is the second of two pieces of legislation that supports the establishment of a committee system that is a major reform of the Queensland Legislative Assembly. As we know, Queensland is the only unicameral parliament in Australia, having no upper house, and it has long been a concern and there has been a lot of discussion across Queensland over the years that this parliament has no house of review. We are seeing today the result of the work of the bipartisan Committee System Review Committee, which tabled its report at the end of last year. The recommendations of that report resulted in the reforms that are now taking place.

The Parliament of Queensland (Reform and Modernisation) Amendment Bill 2011 was passed in May this year. That was the first bill and it provided a specific restructure of the parliamentary committee system. These parliamentary committees have the powers of reviewing legislation and policy as well as providing an oversight role of government expenditure and the activities of government. As we are aware, that legislation replaced various existing committees with new committees, one being the CLA—the Committee of the Legislative Assembly—a series of seven policy committees and an Ethics Committee. The existing PCMC has remained. That legislation had bipartisan support and it set in place a system of government that is unique to Queensland and to Australia.

The legislation that we are debating today—the Parliamentary Service and Other Acts Amendment Bill 2011—specifically targets the functions of the CLA, which is the Committee of the Legislative Assembly. As well, the bill contains amendments to the Auditor-General Act to extend the powers of the Auditor-General to undertake performance audits of various public sector entities and to provide for new powers in relation to public sector entities. I will confine my comments this afternoon to the amendments to the Parliamentary Service Act.

As we know, the newly formed Committee of the Legislative Assembly is a six-member committee that is chaired by the Leader of the House and its membership consists of senior members of the executive. It is a bipartisan committee—three members from the opposition and three members from the government. Under this legislation that we are debating today, certain functions that were previously in the hands of the Speaker have been transferred to the Clerk of the Parliament and to the CLA. Basically, these functions are administrative functions with respect to the Parliamentary Service. However, it is really important to note that the importance and essential dignity of the role of the Speaker has not been diminished.

These proposed changes, very disappointingly, have produced some controversy within the wider community. But it would be fair to say that perhaps in many cases there has not been a full understanding of what these changes involved. The legislation does not take away from the Speaker any of the traditional rights and responsibilities that the Speaker holds within the chamber of parliament, which are outlined in the Parliamentary Service Act. There has been a separation of the role of the Speaker as the employing authority for the Parliamentary Service officers and employees and this is a role that has been transferred to the Clerk of the Parliament. Under this legislation the CLA will have the responsibility for deciding policies in relation to parliamentary accommodation and services. As other speakers before me have outlined, this responsibility is to do with the actual parliamentary buildings—it is bricks and mortar—and it is not to do with the traditional Westminster role that the Speaker holds. This is a role, though, that previous Speakers have undertaken. But it has been under the recommendation of the bipartisan committee—and that is the important thing; it was a bipartisan committee that truly considered this issue—that this role has been transferred to the CLA, which, as a committee, has a much broader approach to this area.

I certainly support the comments that the Leader of the Opposition made in relation to the work that the current Speaker is doing and the tremendous role that he is playing and the bipartisan and fair nature of the role that he is playing. But this issue is being looked at in the longer term. It is looking at the future. It may also be reflecting on things that have occurred in the past. It is important to note that the Speaker's powers in relation to the conduct of the parliament within the chamber and the behaviour of members has not changed. This is an extremely important role and this role of keeping the traditions and the dignity in parliament is totally without question. The functions of the Speaker as contained in section 50 of the act remain the same. In brief, that section outlines that all persons entering or upon the parliamentary precinct shall comply with the directions of the Speaker as to the behaviour, demeanour and conduct of such persons.

As has been outlined in the debate on the earlier legislation, there are two other jurisdictions that have unicameral parliaments under the Westminster system: New Zealand and Canada. Members of the review committee travelled to both of these parliaments to view and to model, to some extent, the principles and functions of their committee systems. Although this system in Queensland holds many similarities, many of the standing orders have been tailored to our system. So what we are seeing is a Queensland system; it is not a clone of the other models. What we are seeing is a huge change in the traditional parliamentary process. It has been described as a revolutionary change, which it is. It will require a culture change, but I have no doubt that members will adapt to this very well.

I was privileged to be able to visit the New Zealand parliament in June with other committee and staff members and actually view the committees in progress. It was very educational and certainly was a tremendous learning experience. What stood out the most was the extremely important and critical role that the committees play in the oversight role of the parliament, and the view of the wider community of the importance of this role. I think the challenge to the success of this new system in the Queensland parliament will be the development of the significance and the powers of the committee and the understanding across the community of exactly how powerful these committees will be and the functions they actually perform. That will be the challenge for the members. I have no doubt that our membership will rise to that challenge and we certainly look forward to that.

There will be, as I say, a culture change. What occurs within the parliamentary chamber often does not reflect out to the wider community, but in time we certainly hope that these changes will be reflected in and understood by the wider community. When we were in New Zealand we realised that there are many challenges the government will have to overcome in the implementation of these new committees.

The committee system in New Zealand has been in place for many years so, naturally, we cannot expect to emulate their facilities overnight. The committee meeting rooms in New Zealand were extremely well fitted out and very professionally designed. There were individual computers in each room showing a very well thought out IT system in place. It would be fair to say that we were somewhat overawed by their facilities. However, I really must commend the Clerk of the Parliament and the staff who attended for their very swift actions after that visit in this regard, when they saw how well the communication system worked, and for the processes they have put in place here with the intense work of the information technology staff in the parliament. We see the new comdocs system that is being rolled out to members. That system will be an internal computer system on the intranet through which members will be able to download their reports and eliminate the cumbersome process involving much paperwork. I commend them all for the speed and professionalism with which that system was set up.

Today we are debating the legislation, but there are huge logistics in setting in place the system. That will be a very difficult role. To that extent again I must congratulate the Clerk and parliamentary staff, who have worked tirelessly to ensure accommodation and communication facilities are available in the meeting rooms. There will be a lot more work to do. It is good to note the practices of the other parliaments and we hope that in time we can build on those ideas with the accommodation and the facilities. Of course, we will improve on them as necessary. Certainly there have been many ideas that have flowed from the other jurisdictions and those visits have been very worthwhile. To build, create or find accommodation for committee rooms for the future is a definite challenge for the government of the day and will require quite major resourcing. Suggestions that have been put forward—to refit some of the current accommodation floors in the Annexe and offering other processes to members who are interested in place of these rooms—bear a lot of common sense. Perhaps this would be more economical than building entirely new committee rooms in another venue.

I have no doubt that the success of this new committee system in Queensland will be achieved. I know that I share with so many of the others in this chamber enthusiasm for the development of the modern Queensland parliament. I would like to acknowledge the role that the members of the bipartisan review committee played in effecting these changes and the fact that it has had bipartisan support and the government's definite intentions to bring this about. As I say, I commend the efforts of all concerned.

Mrs CUNNINGHAM (Gladstone—Ind) (3.55 pm): I rise to speak to the Parliamentary Service and Other Acts Amendment Bill 2011. Whilst there have been very complimentary things said to date in relation to this legislation, I remain concerned about a number of areas and intend to bring those to this debate.

This bill, as has been stated by a number of speakers already and no doubt will be by others, is not well understood in the community. I will address that a little later in the debate. I do not think people in the community understand the quantum changes that are proposed. Certainly people I have spoken to in my electorate, when I talk about some of the changes, have expressed their concern in relation to these matters.

The Scrutiny of Legislation Committee had a hearing on 9 May. I wanted to bring to this debate some comments from a former Speaker. Sadly, Neil Turner passed away in between our last two sittings. I think it is fitting that in this debate, on a matter about which he felt very passionately, his views are put on the record. I am not going to quote his entire contribution because he did get off the issue a little bit at times.

Ms Spence: He also said he hadn't read the bill.

Mrs CUNNINGHAM: But he does concentrate in relation to the matter, and they are the parts I wish to quote. I clarify that it is Mr Neil John Turner, a previous Speaker in this chamber. I quote—

From the outset, I am diametrically opposed to this particular proposal in every aspect. I believe in the separation of powers and the independence of the parliament, and I do not think we should be vesting any powers over to a member of the executive. The Speaker has an onerous task, really, insofar as running the parliament, observing standing orders and being the member for an electorate. He has to oversee his electorate. But I do not think it is in the interests of the state or of the parliament to give those powers over. I just happen to believe, as I said before, in the separation of powers and the independence of the parliament. This parliament, as far as I am concerned, always was and should always be the parliament of the people and the parliament of the members and not the parliament of the executive. Having said that, I think I have made my point clear there.

He goes on to say—

The major difficulty I see is any diminution of the powers of the Speaker and handing it all over to the executive. I was not going to refer to this but I might as well. When I heard about it I thought history was repeating itself. We have Liberal National Party people on this committee who are trying to hand these powers over, if you like. When I was the Speaker, early on I was subjected to a move to take away practically all of the powers that the Speaker had. At the first budget meeting that the Treasurer had that I went to, the Premier and Deputy Premier gave a lecture and said, 'Times are tough and money is hard and we need to cut the cloth in relation to the expenditure in the parliament. And we will be taking over and handling corporate services—that is, the financial management of the parliament—from the Executive Building. And you will go back and sack all the catering staff. We are going to privatise the catering.'

I sat there like a poor old bushman that I was. Four years in grade 1 does not get you much education, you know. They said, 'Would you like to say something?' I said, 'Yes I would but you mightn't like to hear what I have to say.' I said, 'I believe in the separation of powers and the independence of parliament. You won't be hiving off corporate services to there. And you won't be privatising the catering because you haven't given any thought to it at all.'

He goes on to explain his situation and his belief that the catering staff here at this parliament provide good value for services.

In July this year, this parliament hosted a conference of presiding officers and the clerks of Australia and the Pacific. A communique was released by the participants in that conference. It states—

Speakers and Presidents attending the 42nd conference of the Presiding Officers and Clerks of the Australia-Pacific region are greatly concerned to learn of a major change proposed to the role of Speaker in the Queensland Parliament.

Conference delegates have discussed the matter and are strongly of the view that the Westminster convention of the Speaker being centrally involved in the administration of Parliament must be upheld.

Conference views the exclusion of the Speaker from the new management committee of the Parliament as a substantial diminution of the role and office of Speaker, and a serious breach of the Westminster convention.

Further, conference believes that the level of representation of the executive on the committee represents a further dilution of the Westminster system by weakening the existing separation of powers which provides a check and balance on executive power and which is even more important in a unicameral legislature such as Queensland.

Accordingly, conference urges the Queensland Legislative Assembly to support an amendment to the Parliamentary Service and Other Acts Amendment Bill 2011 currently before the House to include the position of Speaker as a member of the Committee of the Legislative Assembly, and for the Speaker to occupy the position of chair of the committee (except when the committee considers matters relating to the business of the House).

Further, conference believes it would be more appropriate for the executive's representation on a management committee of the Parliament not to include Ministers of the Crown.

That communique was signed in Brisbane on 14 July 2011.

Those are not ill-informed people. Those people are presiding officers and clerks of the Australian and Pacific parliaments. I believe that that is a compelling commentary on what is being proposed.

Today in the *Canberra Times*, Scott Prasser has written quite a significant piece on the proposed changes. Time will not allow me to incorporate all of it, but I will read some sections of his article.

After the 2009 election, Labor Premier Anna Bligh announced—without consulting the Liberal National Party opposition or the electorate—a revised parliamentary committee system.

...

... the Bligh Government began some reforms to Queensland's integrity processes.

I am not saying that all of the reforms that we have looked at in the previous changes to the committee process and now are wrong or bad. I think the committee system changes that we tested for the first time at estimates were a very positive step forward in relation to the examination of the budget. However, I hold considerable concerns in relation to the changes that apply in this bill. Scott Prasser continues—

This included appointing a select committee, the Review of the Parliamentary Committee System Committee, in February 2010, to report on 'how the parliamentary oversight of legislation could be enhanced and how the existing parliamentary committee system could be strengthened to enhance accountability'.

The committee reported in December 2010 and made 55 recommendations to reform the committee system, including basing committees around key portfolios and greatly improving the opposition's representation. It seemed a real breakthrough; was genuine parliamentary democracy finally coming to Queensland?

Sadly, there was an important area where the manipulative hand of executive government, albeit with the opposition's then support, limited these reforms. This concerned the committee's proposal to form a new partisan committee, the Committee of the Legislative Assembly. That latter committee would take over certain functions for the management of parliamentary administration, which are presently under the Speaker's control. The subsequent Government response to this proposal exacerbated those concerns, as it extended the power and roles of the Assembly committee further and would have excluded the Speaker from being a member. It means the Assembly committee will be responsible for the administration and management of Parliament not the Speaker as is the case in most Westminster systems. In addition, the Speaker was no longer to chair the Standing Orders Committee.

The Government says the changes will improve the supervision of executive government by providing a better committee system and fairer treatment of the Opposition—and they certainly do. However, it is the changes to the Speaker's roles, as well as the new Assembly committee's operations, that is generating controversy, and where the Government's motives are suspect.

There are three main concerns about the proposed new arrangements for the Speaker.

First, it has been argued that the review committee's proposals for the administration of parliament (and, hence, subsequent changes to the Speaker's role) were not in its terms of reference; they came as a big surprise. As the present Speaker, Labor's John Mickel, complained publicly at a national meeting of presiding officers and clerks of Parliament in Brisbane last month, he could not understand 'how we started out with a review committee to examine the Parliament's committee system so as to strengthen the oversight of legislation and improve accountability, and ended up not just with an overhaul of the committee system, but also my position of Speaker skewered and the balance in the relationship between the executive and the legislature fundamentally changed.' It's a good question. Was Mickel ousted because of internal Labor manoeuvrings or was it just a move to control Parliament (Mickel is a former transport minister and was once seen as a potential premier)?

Second, while the proposed new Assembly committee is bipartisan, with equal representation from Government and Opposition (three members each), the Government representatives are the most senior members of the executive: the Premier, the Deputy Premier and the Leader of the House. Some see this as too much executive intrusion into the running of Parliament. Further, while there are equal Government and Opposition numbers on the committee, it is contended that any disputed issue that cannot be resolved within the committee will be resolved on the floor of Parliament where the Government has the numbers.

Third, what underlines this concern is that the Speaker of Parliament who, in Westminster systems, is traditionally responsible for ensuring some semblance of Parliament's independence from executive government interference, and for the overall management of Parliament, has been largely excluded from the Assembly committee. Mickel argues this is an erosion of the separation of powers between the executive and the legislature, a view rejected by the state's solicitor-general.

Interestingly, the LNP Opposition was initially uncritical of the proposed changes concerning the new committee; after all, its members were on the original review committee and supported the proposals. The Opposition did not seem alive to the consequences of the changes. There has since been a shift in its stance; it now believes the Speaker should be on the new committee.

There are concerns about the balance on the committee. Whilst it is a good argument that the CLA has three members of the executive government and three leading members of the opposition, if there is a discrepancy or an argument about a matter before the committee, it will come back to this parliament and the executive has the numbers on the floor. That shows that there is genuine concern in relation to the influence of executive government in this chamber.

The report by Gerard Carney to the Scrutiny of Legislation Committee has been cited by several speakers already. There are some parts I wish to refer to. Gerard Carney refers to the current situation in relation to the Speaker—that is, the Speaker's role is to decide major policies to guide the operation and management of parliamentary services, prepare budgets, decide the size and organisation of the Parliamentary Service and the services to be supplied by the Parliamentary Service, be the employing authority for the Legislative Assembly of Parliamentary Service officers and employees, deciding their remuneration and conditions of service, and supervise the management and delivery of services by the Parliamentary Service. The bill changes responsibility for much of that from the Speaker to the CLA.

Earlier we heard that the CLA is to be given responsibility under section 5 for deciding policies about accommodation and services within and outside the Parliamentary Service precinct and, under section 6, will have a general role to decide major policies to guide the operation and management of the Parliamentary Service, to prepare budgets, decide the size and organisation of the Parliamentary Service and supervise the management and delivery of services by the Parliamentary Service. In the last debate in relation to the makeup of the CLA, concern was expressed that its membership was the executive of the two major parties. There was interjection from the floor to assure the Independents and the minor party members that they would be treated fairly.

I do not have the confidence that Independents and minor parties will be treated exactly the same as other party members, and I seek that assurance. Certainly that did not occur with the electoral funding bill, which was objectionably discriminatory. I am interested to know whether what will evidently be the CLA will treat all members of parliament fairly in determining the staffing and the pay scales for their electorate staff.

Gerard Carney believes the proposed changes could affect the Speaker's relationship with the Clerk of the parliament. Under amended section 18 the minister must now consult with the CLA as well as with the Speaker in the appointment of the Clerk as the chief executive of the Parliamentary Service. Gerard Carney talks about concerns in relation to conflicting directions from the CLA and the Speaker. Then he goes on to talk about the non-derogation provisions. I know that the member for Clayfield cited this part of Gerard Carney's report. It states—

Apart from conferring particular administrative functions on the CLA and the Clerk, nothing in this Act derogates—

and this is quoted from the bill—

from any power, right or immunity traditionally held or exercised by the Speaker on behalf of the Legislative Assembly.

What the member for Clayfield did not read is this. Gerard Carney went on—

These provisions, however, do not overcome the concerns expressed in my previous opinion. They do not alleviate the adverse impact on the status of the Speaker which flows from the composition of the CLA under the recently enacted s 81 of the *Parliament of Queensland Act* 2001. To relegate the Speaker to a part-time member of the CLA, only when it is dealing with a matter relating to the standing rules and orders, undermines the status of the Speaker.

However, I am not only interested in or concerned about the status of the Speaker, I am also concerned about this part. He states—

Of equal concern, it undermines public confidence in the capacity of the Legislative Assembly to deal with issues objectively within a highly partisan political environment. This is so particularly in relation to ethical issues and parliamentary privilege, which are now to be dealt with by the CLA without the presence of the Speaker.

A further deficiency with the composition of the CLA is the lack of backbench representation on the committee. All its permanent members are members of the executive of their parliamentary parties. The fact that bipartisan support is required for the CLA to function—given that the chairperson of the CLA ... does not have a casting vote ... does not alleviate this concern that the composition of the CLA is not sufficiently representative ...

There is much more that Gerard Carney said. Whilst it is easy to dismiss his report by saying that he does not like the proposal, the fact is that I have found Gerard Carney to be very temperate in his advice in previous reports.

I believe the Parliamentary Service and Other Acts Amendment Bill has fallen through the cracks. It was introduced into this parliament around the time that the previous committee system was ceasing and the new committee system was taking effect. There was no effective scrutiny. The report from Gerard Carney was the only thing delivered of any merit from the Scrutiny of Legislation Committee. It was not—and this has been acknowledged in this chamber—understood well in the wider community. In fact, criticisms of the bill have been dismissed in this chamber as misunderstandings of what is intended. It is controversial and it is a fundamental change to the way this parliament operates.

We participate in this second reading debate on the motion that, 'The bill be now read a second time.' Given the matters raised by eminent men and women in the community, as referred to by various speakers including my contribution and also my own grave concerns about the erosion of the role and the office of the Speaker, I move—

That all words after 'read' be omitted and the words 'be referred to the Finance and Administration Committee for detailed consideration and report to parliament' be inserted.

Hon. JC SPENCE (Sunnybank—ALP) (4.13 pm): I rise to speak against the motion. The government will not support referring this bill to another committee. I would like to make a number of points to detail why. This piece of legislation is unique in this parliament. In fact, a committee of the parliament made up of three members from the government benches and three members from the opposition benches played an integral part in the writing of this legislation. In fact, for the first time in the history of the Queensland parliament the opposition got to see legislation before it went to cabinet. They were involved in the writing of this legislation. That is my first point. I am not sure that will happen again, but it did happen in relation to this bill. There was some good input from them and from our side in the drafting of this legislation. We were intimately involved with the drafting of this legislation.

Secondly, this legislation has already had enormous public debate, as it should. It is a major change that we are affecting today and we have affected in the change to our committee system. That debate has been, for the most part, very healthy. This bill has had much more public scrutiny than most legislation that comes before this House.

Thirdly, while the Scrutiny of Legislation Committee did not finish its final report, all its deliberations—all the referrals that it received—have been made public and I did the final stage of that in tabling the last two documents this morning. So there has been more public debate and scrutiny of this legislation than most pieces of legislation that come before the House.

Fourthly, the CLA is already working—and working effectively on any account. We actually need to have this legislation finalised so that we can continue our good work in the months ahead. I am not prepared to see that slow down by referring this to a committee for consideration.

Mr SEENEY (Callide—LNP) (Leader of the Opposition) (4.16 pm): The opposition will not be supporting the amendment that has been moved by the member for Gladstone. The issues that have been raised by the member for Gladstone have been well and truly ventilated in this House previously and in the public debate. I have sought from people who have expressed those concerns any and all evidence that they might have to reinforce or to support the concerns that they have put to me, and I have received nothing. Nothing that would confirm that the role of the Speaker is being eroded can be substantiated in any way.

The debate that we have had in this chamber this afternoon has explored those issues in some detail. I am not going to repeat the points that I made in my speech during the second reading debate. I would commend the member for Clayfield for the contribution that he also made in exploring those issues. These issues have been debated in this place. They have been debated in the public forum. They have been debated in a number of places in the public forum that were constituted especially for the purpose of considering these issues and having that debate.

More importantly, we will not be supporting this amendment because this amendment seeks to send this bill back to a committee. The bill had its genesis in a bipartisan committee. That is where the bill came from. To me, it would seem ludicrous to send it back to a committee. The bipartisan committee that was set up by this parliament acted in a way that not only allowed every member of the parliament to have an input into the recommendations but also provided opportunities for members of the public to have an input into the considerations that we were making.

I acknowledge that there have been concerns expressed. I make the point again that those concerns have not been supported by any material evidence or any logical reasoning, in my view. When the concerns are tested without exception they fall away. More importantly, I make the point that the process that this parliament has gone through, from the formation of the first committee that was chaired very competently by the Leader of the House and that every member of the parliament had an opportunity to contribute to, has been long and it has been exhaustive. It has arrived at a conclusion and it is now time for that conclusion to be enacted, for this parliament to move forward and make the best of the new situation, to take advantage of the opportunities that the new provisions in this piece of legislation and in previous pieces of legislation that have arisen from that committee will, in my view, undoubtedly provide for all members in this House—all members who sit in this House today and for the generations of parliamentarians who will come here to represent Queenslanders in the years to come. We will not support the amendment.

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

Resolved in the negative under standing order 108.

Hon. RE SCHWARTEN (Rockhampton—ALP) (4.24 pm): 'Some look at things as they are and say why. I dream of things that never were and ask why not,' wrote George Bernard Shaw—a line borrowed by Robert Kennedy and subsequently used by his brother Ted in the eulogy at Robert's funeral in 1968. It is a statement which applies here today as we seek to cast off the shackles of convention as many of those who have sat here before us have chosen to do.

Our predecessors had no problem in dismissing the convention of a minister having to seek electoral endorsement before elevation to the executive—a convention which saw Churchill lose his seat in the House of Commons and which operated in other states in some cases up until the 1940s. Nor did Labor Speakers have a problem refusing to be adorned by the wig which would have caused a fit of the vapours in the international Speakers' club—a most exclusive self-preservation society which still hobbles along today. The establishment was aghast when the reformers Ryan and Theodore abolished the unelected upper house, which again still exists in some remnants of the Commonwealth today.

As constitutional lawyer Professor Carney points out, there is no constitutional offence created by this legislation. It is merely convention that allows the current practice, which by the way is not universal. I note that the member for Logan has chosen not to accept the convention to speak on a debate relevant to the parliament which he is perfectly entitled to do. That is his right, but again it proves the point that conventions are not always followed. It is worth noting that the House of Commons' convention of the Speaker being uncontested in his or her seat thus disenfranchising their electors has not been the case here in this parliament, although I do note that the late Neil Turner suggested that the current Speaker be granted that privilege—the point being that we have not been any the worse for not having slavishly followed that convention, although I have pointed out previously that we should do more to engage the notion of the Speaker's independence in the future.

'Why change?', the advocates for convention ask, not even prepared to look at any possibility that a better system may exist, not even prepared to look at things and say why the ancient institution of Speakers has, with some encouragement from the incumbent, rallied to the cause. Even across the seas it seems that Speakers are talking doom about these reforms, virtually insisting that members here are offending their virtue. But why would any Speaker not interested in change, as most are clearly not, want to look at contemporary methods of management? Why would any Speaker want to give up the right to hire and fire a convention not available to ministers?

I must say that I was disappointed to read that a HR matter involving a member and a staff member carried a comment from the Speaker when it would have been prudent to have left the matter entirely to the Clerk. Why would any Speaker want to surrender a unilateral decision-making right which has seen Speakers with no reference to this House rename rooms, build memorials to themselves, hoist their flag of choice or take down the one they hate, spend taxpayers' money as they please on pet projects, and basically do what they like?

As far as I know, this state has never adopted the notion that the Commonwealth Table of Precedence apply here—that is, that the Speaker occupies the third position after the Governor and Premier which was recently advocated by the incumbent. I see any such table as irrelevant to modern democracy, and I reject the proposition by the current Speaker that the pay of a Speaker should be equal to that of a minister. Having been a minister for nearly 13 years—with thousands of employees, scores of contractors, hundreds of subbies, hundreds of issues, billions of dollars—there is no comparison with the role of the Speaker or the workload. One might also point out that as a minister who lived here for most of that time I received no meal, clothing, laundry, private dining allowances and so on—all of which are provided to the Speaker. I have never heard a Speaker advocate that any member should get these allowances either. So much for the Speaker standing up for the rights of elected members.

So to return to the original theme, why not have change while preserving the role of the Speaker as the supreme authority over this chamber? Why not embrace the idea of a board of management taking over the role of management of the precinct? After all, as the minister for public works, I had the budget for the stone restoration which took place here during that time. That was delivered with the stonies from QBuild under the direct control of the DPW. No Speaker has ever bothered to discuss this program with me, although most Speakers found some way to get their faces in front of the media claiming credit for the fine work that our stonies carried out. But the sky did not collapse, no constitutional lawyer took umbrage and no member of this House was any the wiser.

What is the harm in allowing members of parliament to open up management to an all-party committee where decisions can be made with greater input than at any stage in our history? I acknowledge that a Speaker's advisory group has been selected, but should we be simply accepting the unilateral decision of the Speaker, or rather is it more forward thinking to look at formalising a better and more democratic process? I know that the Independents feel left out, but until either a significant number of Independents are elected or we get a hung parliament or indeed proportional representation is adopted, the composition of the committee must reflect the status quo of this parliament.

I also want to deal with the issue of executive intrusion. As former Speaker Turner reminded us, the executive has always had the power of the public purse. He was, as he said, able to stare down the privatisation of the catering here by the Borbidge government because he had the power of one—that is, it was a minority government, which the member for Gladstone was able to provide them, and he had the opportunity to vote down the change. In other words, he had the capacity to bring down the government on this very issue.

So much, therefore, for Rob Borbidge's claim to have clean hands when it came to matters of separation of executive from Speaker—and I invite the member for Gladstone to re-read what the former Speaker the late Neil Turner had to say about this because it is actually a very honest replication of the executive's role. The truth is that Borbidge tried to interfere, tried to privatise catering, but he was stymied by the fact that he lacked the numbers. His intentions would have been carried out had he had a majority. It did not bother him, the notion of inflicting his will on the legislature. I for one do not have a problem with the then Premier's actions, as it merely proves that the executive controls the purse strings that run this place.

But what I also contend is that it will be much harder for the executive to do what Mr Turner said Mr Borbidge did—that is, have the fireside chat and expect the Speaker to snap to attention. Under this new regime, the all-party CLA will be much more informed of the executive's position on funding the parliament and we will not have to wait 15 years—when the Speaker has left office—to find out about this little conspiracy. I would not take much notice of what Rob Borbidge has had to say about this. I am sure he has not even read the bill, as the late Neil Turner had not. With no disrespect to the Speakers, they tend to be in their positions as part of a political deal within the government. Occasionally, you get a Fouras who covets the position and will do anything to keep it, but other Speakers get the job, like Mr Reynolds did, by being stood down out of cabinet, so it follows that they will tend to accept the executive's decision to fund the parliament how the executive sees fit.

I make no criticism here, but I simply put the common-sense proposition that the executive of the day will always have more pressing funding proposals than the electorally unpopular idea of improving the life of politicians. So the wider the group putting pressure on the executive, the better, and I can see no more logical way of achieving this than by the opposition being included. To suggest that the opposition would cosy up on a deal to short-change the parliament is absurd in notion and unbelievably naive in fact. It is argued by some that this is a stack by the executive, that it is a takeover of the parliament by the executive, but as I said this belies the fact that the opposition sits on the CLA as an equal partner.

Some suggest that by including the Speaker we would ensure that the government could control the CLA. This of course is true but it would make an absolute nonsense of the whole show, as all it would do is promote the use of numbers rather than consensus and the whole thing would become a high farce, as the parliament services committee did under Fouras. It had to be abandoned in shame and disrespect, and it was the government of the day, not Fouras, who got rid of it.

Our idea was that those things that needed the numbers should end up here and that those things that could be resolved with consensus, which by my reckoning will be most things, will be resolved within the CLA. This in my view is a far better, more progressive approach than the winner-takes-all approach of yesterday.

I also want to set the record straight on my role in the original committee and as the Premier's nominee on the CLA. The incumbent Speaker has stated publicly this week that the executive has acted inappropriately in the delivery of these reforms, and I must refute this charge with all earnest. These reforms arose solely out of a desire by this Premier to improve on the previous tired and directionless reforms, and accordingly the all-party committee of this parliament was put together by this parliament. At no time did the Speaker object and in fact he made submissions to the inquiry.

This committee embraced the opportunity, and members who are normally at each other's throats in here worked productively towards a common goal of reforming the processes of this parliament. The report was unanimous and by and large the government agreed to the reforms without hesitation. There is no way that these reforms would have been carried out without the executive, and I personally appreciate the Premier's determination to reform and the opposition's cooperation in being willing to take this parliament into the 21st century and not back to the 16th.

For the record, there have been no riding instructions from the Premier since I have been her nominee. She has never so much as suggested a course of action, preferring to trust my backbencher nous. I utterly reject the baseless criticisms made and I challenge any person who wants to make them to provide one skerrick of evidence to prove their point. Those who know me know that I do not succumb to intimidation, and no executive would ever think that I would kowtow. It is an insult to me that such a suggestion has been made.

I also note that the current Speaker believes that accommodation here is necessary to prevent the rorting we saw in the Commons. It was also stated at the estimates in answer to a question from the member for Callide that we need to preserve the accommodation here to help new members. In fact, we have accommodation here for none of those reasons. The reason we have accommodation here is historic and by convention. This parliament has always had some form of accommodation, primarily because such accommodation was hard to come by—just ask any of the members who lived over in the Bellevue and what they thought of that.

As I look out the windows on the porch outside, I notice all these wonderful units—hundreds and hundreds and hundreds of them—that were not there when people first put that idea up. They provide quality space, and they provide accommodation that is far superior to that which those people say is five star here. It is about time that we looked beyond the walls of the parliament to house members in the future. Until such time as the parliament determines to just simply build another building—as has been determined here—and not look at what space exists in the annexe, no executive is going to write a blank cheque and neither should they.

The reality is that, as somebody who has lived in this place for a long period of time, I have never been asked my opinion and I know of no other country member who has. There has never been a survey. There has never been a value-for-money exercise done on whether we should preserve that and allow people to do as every other parliament does in Australia. Beryce Nelson spoke yesterday about saving the parliament and its first year of completion and all of the money that would have been paid out to people. I think that is rot because the obligation on restoring that building at some stage in the next 30 years has never been factored into it.

Finally, I want to dismiss the noble sentiment of the Speaker's status being lessened because a committee of this House decides on a policy of, say, electricity usage in the precinct rather than the Speaker unilaterally doing it or, more probably, the Clerk doing it without reference to anybody. I do not mean that as a disrespect to the Clerk, but I know how the place is run. This is, as the Leader of the Opposition said more elegantly than I can, unintelligent claptrap. With regard to the sort of damage done by Speaker Reynolds when he tried to nobble media coverage or Speaker Fouras humiliating himself

when he defied a caucus vote and threatened to bring down the Goss government because he could not get the Speaker's job, it is hard to believe that the status of the Speaker was enhanced by those actions and I know for a fact that it dragged the Speaker's role into disrepute around this state.

With regard to today's story by Peter Cameron, which repeats a claim made by Reynolds that this whole bill is a square-up, I find that a remark that is offensive, distasteful and probably the product of drunken ramblings on a keyboard or, more particularly, it is probably the result of mischievous comment by somebody who is undermining this process. It has no truth whatsoever. There has been no conspiracy in this. We were as one as reformists trying to do something about it, and I call on the current Speaker to distance himself from the imputation that Cameron makes in today's article.

The actions that I spoke of—of Fouras and there would be plenty of others that you could come to—are the things that demean the status of the office, not making decisions about where members should live. Sadly, I do not think the comments coming from the 'Speakers club' do anything other than portray the members of that club as clinging on to self-interest. I commend the bill, which has Labor caucus support and the support of the LNP party room. I hope that the dream of 'why not?' will be fulfilled, that those who have deliberately undermined these reforms in the views they have expressed will now accept that the will of the people, expressed through the majority—the overwhelming majority—of this parliament, needs to be taken into consideration and that the undermining will end.

Mr HORAN (Toowoomba South—LNP) (4.41 pm): It is indeed a privilege to speak to the Parliamentary Service and Other Acts Amendment Bill. This is the third occasion on which we in this parliament have been able to look at issues contained in this bill as a consequence of the all-party Committee System Review Committee that was put together at the beginning of 2010. That review committee consisted of five members of the government, three members of the LNP and one Independent. As a member of that committee I can say that that whole committee worked hard, worked diligently and had a total and absolute commitment to bring about reform that would make this parliament, and thereby the service that we provide to the people of Queensland, a better parliament.

In particular we were faced with the issue that Queensland is a unique parliament in that Queensland is a unicameral parliament; it does not have an upper house. One of the things about Queenslanders is that they tend to be a bit practical and pragmatic and get on with the job. Regardless of how it came about that the upper house was abolished, the fact is that most Queenslanders prefer to go to an election and vote, such that one party wins and one party loses and both sides get on with the job and face the voters at the next election. They want both sides to implement the policies that they said they would. It does not always happen exactly that way, but in simple terms that is how it should happen.

As I said, Queensland does not have an upper house to act, if you like, as some sort of a handbrake or a cautionary part of the parliamentary process and we therefore moved toward a system of committees in the 1980s. That was expanded by various governments throughout the 1990s until the point where we got to review the committee system at the beginning of 2010. I for one approached it, as did most of the other members of the committee, as an opportunity to put in place something within our system that meant that our parliamentary system was more open and more accountable and that provided an opportunity for people to have input into many of the decisions that are made in this unicameral house. It was also an opportunity to make use of any talent or experience that existed on the backbench of the government or on the opposition benches so that we got away from purely the one-house system of the executive of the day having total sway and put in place a committee system that would have status and that would be recognised within the parliament, within the media and within the population of Queensland as a committee system that was worthwhile and was actually doing something for the system of governance that Queensland has.

I believe that we achieved that. It was a bipartisan committee. I do not think we once went to a vote. We had a lot of robust discussion and argument. In the end there were one or two things that we on this side of the House wanted or that were in the report that we did not quite get, but we were all pragmatic enough to realise that the government of the day has the final decision and the government of the day has to make things work within a budget. Those disappointments were accepted as part of the process, but overall it got very close to what that review committee wanted.

Subsequent to the passing of that bill, I believe we have seen a strong improvement in the way that the estimates were run, and tomorrow we will see the first meetings of the portfolio committees and the PCMC, and of course the PCMC existed before. Whilst there may be some teething problems, there is now the opportunity for bills to be examined—and hopefully examined publicly, because that was the desire of the original committee, the legislation and the standing orders—and there is now the opportunity for members of the public to be invited to discuss a bill so it will not simply emanate from within the party system or within the bureaucracy and be presented here. There will be an opportunity for more input and discussion. If you like, we are front-ending the system rather than back-ending it with an upper house, which could be very costly and cumbersome.

We are well on the way to this improvement which all of us hope, given the debates that we have had in this parliament, will lead to a vastly better committee system, a vastly better parliament and better value for money for the taxpayers of this state. Those of us who have sat through some of the farcical

estimates that used to happen in this place would take some heart from the statistics for the estimates committees this year under the new system where in one portfolio committee, for example, approximately 80 per cent of the questions were asked by the opposition. Therefore it was more a true estimates committee. This system ensures that ministers and shadow ministers are more competent and more answerable.

Anyone who is worth their salt as a minister should not be afraid of these changes. They will only make them a better minister and more able to explain what they are doing and enable them to bring into this parliament legislation that is better prepared and will pass the test of their portfolio committee. Anyone who is a shadow minister in opposition or a backbencher in opposition should look at this as an opportunity to be able to display their hard work, their investigative ability, their negotiating ability and their ability to take issues to the public or to the media. Out of all of that, we should end up with members of parliament who do not just sit here like dummies and let the 18 executive ministers run the show because it is only a one-house parliament. Rather, people will be able to actively take part in it and can use their abilities to influence some change or make some improvements so that overall it will be a far better parliament.

I now turn to the key issue of this bill—that is, since the appointment of the Committee of the Legislative Assembly, the issue of the Speaker of the House. I think it has been quite disgraceful the way some people have run this issue, as though the Speaker has lost status or the Speaker has lost power. Absolutely nothing changes with the core task of the Speaker running the Legislative Assembly and running the parliament. That is absolutely sacrosanct to every member of this parliament, and that remains and should remain.

Out of these changes—because the Speaker's role will be, if you like, simply about running the parliament, as it always has been—we may well see in the future Speakers who are able to spend more time on the business of this House. We may see Speakers who do not have to refer to the Clerk, because they know every rule inside out. We may see Speakers spend more time on their core business of being in the House and giving the deputies—or trainees, if you like—perhaps a lesser amount of time or more tuition. It is important that the Speaker is seen as being important and has status not just in here for question time and maybe for the 5.30 debate or something else. The Speaker is important to this place and should not have to spend his or her time worrying about the budget of the kitchen, worrying about the budget for the cleaning of the House, worrying about the gardens and the concrete path, or whether there is a photocopier in an electorate office up in North Queensland or in the outer suburbs of Brisbane. The Speaker's task traditionally and historically has been about the parliament. That is what this legislation enshrines and in no way whatsoever does it reduce the status, the power or the influence of the Speaker with regard to the parliament.

But what this legislation does do, like the previous legislation—the Parliament of Queensland (Reform and Modernisation) Amendment Bill 2011, which improved and made more contemporary and more relevant our committee system—is give a contemporary and professional management to the precinct, or the campus of the parliament; that is, the Annexe and all the grounds and the parliamentary building and all the electorate offices and all the staff who work in the electorate offices and all the staff who work on this campus, be they security staff, be they catering staff, be they cleaning staff, be they workers in the various offices in the committees, in the library, IT and so forth. It brings a real professionalism. We have a Parliamentary Service budget that is tens and tens of millions of dollars. That budget should be managed by a board. Any business of that size would be managed by a board of which its members brought different qualities and experience. We will have these services and capital facilities managed by a board that represents on the one hand three statutory officers at the highest level from the government side—the Premier, the Deputy Premier and the Leader of the House or their nominees—and on this side of the House we will have the Leader of the Opposition, the Deputy Leader of the Opposition and the manager of opposition business or their nominees. So not only is there a broad spread of experience, because those people got there through many years in parliament and have much experience in this place or in governance, but also they will represent very broadly the 89 members of parliament. There will be six people who understand the workings of electorate offices and electorate staff. There will be six people who know the hard, long hours that electorate officers work, particularly those who might work for a shadow minister and the extra hours of unpaid work that they have to do in their particular role. They will understand the need for decent facilities and equipment so that they can service their constituents.

The other important aspect of the CLA is that it is bipartisan. Much has been said about this. I think all of us in this place know that, generally speaking, when you go into a committee there is more a cooperative atmosphere than there is in the cut and thrust of this parliament. Even in this parliament when we move from debating a bill to the consideration in detail stage there is more cooperation across the table. We see that increased cooperation in committees and we will certainly see it in the CLA. That has been our experience to the moment.

But because the government agreed—and bear in mind that government is always a numbers game but in this case the government has set down that the CLA, as requested, will be three all, a bipartisan committee—that sets the ground rules for bipartisanship into the future. Any CLA in the future that had a component within it—let us say the component from the opposition that wanted to play up and wanted to be negative about just about anything—would bring into disrepute that committee, because the decision has to be made finally in the parliament and that would always be decided in the government's favour.

So it is a wonderful concept. People out in our electorates are always asking us, 'Why can't you politicians work together a bit more?' Despite the robustness of question time, despite the robustness of the 5.30 debate or other issues that arise where we vehemently disagree, there are many times in this parliament when we agree and pass bills. Here is an opportunity at the highest level—the board of management of the capital structure of this campus and all the people who work in this campus and all the staff who work in our 89 electorate offices and their facilities—to have a board of management of experienced people who, in a bipartisan way, will be working for the staff, who will understand the needs of the staff, who understand how important the catering staff are in this place. You can spend anywhere from five o'clock in the morning until midnight working. You respect the politeness and the service that is provided by the catering staff when you are hungry and tired.

Much has been said about some of the intellectual and academic arguments that have been bandied about at a couple of forums that have been put together about the status and the role of the Speaker and undermining and so forth. I want to state categorically that this committee has worked in a professional way to give better, professional management to the buildings and the staff who service the buildings of the parliament and the electorate offices whilst at the same time maintaining absolutely all the powers, privileges and rights of the Speaker in the running of the Legislative Assembly, which is the parliament. I do not want to go into this matter in an academic way, but I want to give an example that I think very simply explains what is happening. In the game of rugby league, one of the most important and revered positions is the referee. Without the referee you do not have a game. You do not have a sport; you have nothing. You have nothing for the fans, the players or anybody. It is most important that the referee be respected and have absolute power. If anyone gives him a shove or a push, then he has the right to send that person off and that person most likely will be banned from the game, probably for life. So it is important that the referee or the umpire is sacrosanct and has absolute powers.

That is what we have with the Speaker. This place can be robust, it can be tough, it can be hard. But we need the Speaker to have his rights enshrined and they are. They are not in any way eroded by this legislation. But we would not expect an NRL referee to be running the clubs in Queensland or in New South Wales, or running their catering, or making sure that the turf was right and the fields were marked and all the rest of it. We want those referees to train, to be the absolute best at what they do and to make the game an ornament and a great spectacle because of their professional capabilities and their dedication to that important core business that they do. That is what I believe we have done here. We have provided the Speaker of this parliament with an absolute enshrinement of his rights and privileges in the running of the parliament—that most important institution of Queensland. We have put in the hands of a professional, experienced board of management the physical structures of this campus and our 89 electorate offices, the welfare and the best interests of all the dedicated staff who work on this campus or in our electorate offices, and I believe it will make Queensland a shining example of how to move forward in a contemporary and modern way to ensure that the best traditions of the parliament are preserved and enshrined and that we provide the best professional management not only of Parliament House but also all the associated buildings, all the services that are provided and all of the staff who are so dedicated to providing those services.

The final strong point about the CLA is that it will be approaching the government of the day on behalf of 89 members for budget allocations. It is a powerful board of management of experienced people from both sides at the highest levels who can put a strong case to the government of the day to maintain this building, which is the most important public building in Queensland. It belongs not to us 89 members who are here, if you like, as trustees for a period of time; it belongs to the people of Queensland and it must be maintained for them and for their children—for everybody in the future. It is important that the process of the parliament and the IT that is needed and the ancillary services that are needed are up to scratch.

Other speakers have spoken about office workers in this complex who are poked into little tiny corners that probably would not be okay in private enterprise or anywhere else or in a government department. It is important that we provide our staff with proper facilities and wages. I mentioned earlier the wages of electorate officers. It is unbelievable at times to see the discrepancy between what senior bureaucrats get and what electorate officers get. Electorate officers handle a range of things from morning to night, work long hours, do unpaid overtime, handle people who are hysterical, who are crying, who are emotional. They handle all sorts of issues whilst their member of parliament is not there because he is in parliament or is a shadow minister or a minister. I think that it is important that we have

this powerful and strong committee to look after our staff and facilities and at the same time ensure that this parliament remains a pillar of democracy because the Speaker's position is absolutely enshrined within the operation of the Legislative Assembly. I recommend this bill to the House.

Hon. JC SPENCE (Sunnybank—ALP) (5.00 pm): I think that what we have heard from government and opposition members today on this bill is very mature and thoughtful contributions. In chairing the committee which put together the recommendations that led to this legislation, it has been my experience that everyone who served on the original committee, and now serves on the Committee of the Legislative Assembly, brings that kind of maturity to these kinds of debates.

The Parliamentary Service and Other Acts Amendment Bill is unique. It and the bill that preceded it are the first two pieces of legislation in Queensland that were put together by a committee. At every stage we had an officer from the Premier's department—in fact, he is here on the floor of the chamber today—Mr Tim Herbert, sit with opposition and government members and talk about how we could frame this legislation. As I said, the committee framed the legislation. We saw this legislation even before the cabinet did and that is unique in the history of this parliament. I have to say, and I am sure I do speak accurately on behalf of Mr Herbert, that it has been quite a challenge for him as a public servant to operate in this fashion. To work with the opposition on a piece of legislation before it goes to cabinet is quite extraordinary.

Ms Bligh: He has risen admirably to the task.

Ms SPENCE: He has risen admirably to the task. What we are doing is introducing some very controversial and new changes to the Queensland parliament. Change is never without controversy. It is normal that people are going to be challenged by it. Many of the changes we have introduced are already challenging members of the parliament. On behalf of the Committee of the Legislative Assembly I this morning made the statement that I think we have to be more open and transparent in the new committee process. I think we have already challenged the public servants who have to work within this new process. It is new and challenging. We have certainly challenged a lot of the staff of the parliament, particularly the committee staff, because things are going to be done differently in the future. That is symptomatic of any change. But I really do appreciate the mature way which everyone is coming to acknowledge and to deal with the change that we are throwing up at them.

I would just like to recap on the original committee and what we realised when we were doing the report on changing the committee system and the parliament. We were all dissatisfied with many aspects of the way the parliament was run. For example, the lack of debate on committee reports. Some felt the government was dismissive of committee reports. There was some frustration at how committees were being managed. There were complaints about how the parliament was run. Some people did not like the whole hour of ministerial statements. There was some complaint about the lack of time for private members' statements.

We all acknowledged that members of parliament used second reading speeches to convey generalist observations rather than comment in any detail on the legislation and we acknowledged that, in fact, most members had an insufficient level of understanding of the level of detail about a bill. We acknowledged that members of parliament had become community ombudsmen rather than legislators. We also realised that there was frustration with the fact that members had virtually no say in decision making about how the parliamentary precinct was run. The Speakers over time have renamed rooms, made budgetary decisions and used the parliament to pursue their own personal agendas without reference to their colleagues. We have heard about that a lot today. We all believed that members should be represented on a board of management where members could have their views represented.

As members can imagine, there was a lot of debate about who should sit on this board of management. It made us all think very carefully about what the Speaker's role in the parliament is. Fundamentally we all believed that the Speaker is the person who should be the umpire of the parliament. It was terrific just now to hear the member for Toowoomba South's contribution to explain that to us. Having served on a committee with him for the last 18 months it is wonderful to hear his sporting analogies to explain difficult problems from time to time. We also acknowledged that the Speaker should be the official spokesperson for the parliament. Indeed, nothing that is being proposed in the legislation before us today interferes with those roles or, indeed, erodes any rights, powers or immunities that the Speaker has formerly had. In fact, the bill has been written to emphasise that the Speaker will retain these very important powers.

I know much has been said about the Committee of the Legislative Assembly and the membership. There has been some criticism and a number of issues about its membership. Some people have criticised—and we have heard Professor Carney's criticism—that the senior members of parliament are on this committee rather than backbenchers. I know that his criticism and his concerns are shared by some other commentators about this issue. We did discuss carefully whether it should be backbench members of parliament, but, at the end of the day, we all decided that, in fact, you needed the senior members of both sides of the chamber on this very important committee if the government of the day was going to pay attention to the recommendations of that committee. The fact that we chose to have the Premier, the Deputy Premier or their nominees, the Leader of the Opposition and the Deputy

Leader of the Opposition or their nominees reflected the very fact that we believe that those people, if they wanted to, should have the right to come to this committee and express an opinion. We were realistic enough in putting these people on the committee to know that they would rarely use the opportunity of coming to the CLA meetings. In fact, that has been the case. To date their nominees have always represented them.

The CLA is fundamentally a business committee. It is a committee of the business of the parliament. We meet regularly. Last Wednesday we met for over two hours. Yesterday we met for over an hour. We will meet again tomorrow morning. We meet when required. We often meet very quickly as required. These are not meetings that the senior leadership team are necessarily going to find time to attend and we acknowledge that. That is why we gave them the opportunity to put permanent nominees on this committee. The concept that this is some—and I think the member for Clayfield used the expression that he had heard before—dastardly plot by the executive to take over the running of the parliament is really one that beggars belief. The fact that there are even numbers on this committee and the government does not have a casting vote really does send the message out that this is a committee of parliamentary peers.

I guess the next thing I will turn my attention to is the fact that I did attend the forum yesterday on behalf of the committee and the parliament to discuss these matters with a number of former Speakers, the present Speaker and a number of academics. What they did argue yesterday was that the government was mad to give up its numbers on a committee like this, that the government should have a majority on a committee like this. They thought it was some sort of subversive plot of the government not having a majority on a committee like this. Nothing could be further from the truth. As has been noticed by many members of parliament, if this committee does not reach consensus on issues then those issues are going to come back to the parliament.

Some academics have also suggested that there is a dastardly plot in that because the executive will have the numbers in the parliament. Surprise, surprise. If this committee had the dominance of the executive then none of these issues would ever come back to the parliament for consideration. The government would always be inclined, if it had the dominance on this committee, to use its numbers on the committee to decide issues. The fact that we do not as a government have the dominant numbers on this committee I think is a healthy thing. If the committee cannot reach consensus then those issues will come back to the parliament where it properly belongs.

Mr Moorhead: Being judged by the people.

Ms SPENCE: To be judged by the people's representatives. Yesterday I also heard from former Speakers—more than one of them—that it would be impossible for a committee such as this to reach consensus because there would be so much partisan politics that there is no way in the world such a committee could ever come to a sensible decision. That has not been my experience in the past 18 months as I have served on two excellent committees, where every decision was come to in a very mature and thoughtful fashion and there was consensus about the outcome in the final analysis. I am very sorry that members of the past have not been able to operate in that fashion, but I am confident that the members of today can do so.

I make the point that during the initial committee's deliberations we called for public submissions. In fact, I approached a number of academics at our universities and asked them to make some contributions to our inquiry. We received two contributions from lecturers at the University of Queensland, but that was all. That was unfortunate and at the time I was disappointed that we did not have more academics make contributions. I talked to some about why they did not. They informed me of something that I had not realised before. They said that at universities there was no longer much interest in the study of state politics. In fact, the course is not taught anymore. These days, university courses are market driven and there is not a lot of desire to study a course in state politics. There has been a fall-off in the interest of academics in how our state parliament is being run. Therefore, it is interesting that in some universities these reforms have enlivened academics to take more of an interest in how the Parliament of Queensland is being run. I hope that after today's debate on this legislation they will see that members of parliament are mature enough to go through these thoughtful processes and can come to their own decisions. Perhaps in the future the academics would like to engage us more in these issues.

Another thing I have learned from my discussions with academics and other commentators on the bill is that there is a real lack of understanding about the role of the Committee of the Legislative Assembly and what it will do in the future. Most members of parliament now understand that role. We are not taking away any of the responsibilities of the Speaker; we are only looking at the administrative functions of how this parliamentary precinct is run. As I have said, members of parliament have a real desire to have a say in the decisions that are being made about the running of the parliamentary precinct. We did not believe that one person, the Speaker, should have all the say over those kinds of decisions in the future. I expect that all members of parliament will lobby and talk to members of the Committee of the Legislative Assembly about issues so that they can be debated at those meetings.

In the past the issue of whether or not the Independents should sit on the committee has been canvassed. I will canvass it again today because it has been raised again today. We do not envisage that the Independents would need to have a separate role on this committee, but certainly we are prepared to represent their views if they talk to the members of the Committee of the Legislative Assembly about their ideas about the administration of the parliamentary precinct. I am disappointed that the member for Gladstone has not acknowledged this today: we have already increased our consultation with the Independent members of parliament as we have been going through the formation of this piece of legislation and previous pieces. In fact, today I made sure the Independents were consulted and briefed on the changes to standing orders before we debated those changes in the House. That is probably one of the first times the Independents have had that courtesy extended to them in this parliament. As the chair of the CLA, I have given my commitment that we will continue to inform the Independents, give them as many briefings as they want and open our doors to their issues so they can be properly represented at every stage.

Tomorrow will be a big day, when the Queensland parliament's new committees meet for the first time. A lot of preparation has been put into this process. I personally thank the Clerk, the committee secretariats and other officers of the parliament who have gone to an enormous effort to make sure there are sufficient committee meeting rooms. Already they have updated our IT network and they are looking very seriously at videoconferencing. Tomorrow one committee meeting will be broadcast and in future we expect to have broadcasting facilities for more committees so that committee deliberations can be broadcast in real time on the internet. I thank all the staff of the parliament for their hard work. I am sure that our committee structure on Wednesdays will go from strength to strength.

I look forward to a future Queensland parliament that has greater capacity to hold the executive of the day accountable. At the end of the day, these reforms are about empowering backbenchers, not just from the opposition but also from the government ranks. I look forward to a parliament that is more relevant and responsive to the people of Queensland. I look forward to a parliament where the legislation that is debated is understood by many members of parliament and that we do not hear generalist observations in second reading speeches but real quality debate about the detail of legislation.

I look forward to a parliament that continues to respect the integrity of the Speaker. Yesterday former New South Wales Speaker Rizzoli said that in Australia the 'Speakers club' is a very exclusive club; there are very few of them. At the end of the day, he and others could not find anything wrong with this legislation. They acknowledged that it does not offend anything in the Constitution. They acknowledged that it does not offend any concept of separation of powers. They are concerned about the tradition and the status of the Speaker. I believe that, because of the way this legislation has been written, we have ensured that is upheld for this Speaker and for Speakers in the future. I commend this bill to the House.

Hon. AM BLIGH (South Brisbane—ALP) (Premier and Minister for Reconstruction) (5.16 pm), in reply: I begin by thanking all members for their contributions to the debate. In particular, I thank the Leader of the House for her significant role in developing and implementing these reforms, both as chair of the Committee System Review Committee and as chair of the CLA. I also thank the members of both of those committees, particularly the members of the Committee System Review Committee for delivering a report in December last year that made far-reaching recommendations that have enabled the government and the parliament to work together to reform and modernise the parliament to an extent not seen since 1922.

I thank the Leader of the Opposition for his support and involvement in various committees in developing these reforms. I agree with the Leader of the Opposition's comments that transferring responsibility for the management of the administrative aspects of the parliament from the Speaker to the CLA is a good outcome for all Queenslanders. As a bipartisan committee made up of senior office holders representing all members of the House, the CLA will provide a fairer and more just way of managing the administrative aspects of the parliament, rather than those being vested in one individual—an individual from the government's ranks. In carrying out those functions, the CLA must act in a bipartisan manner, with the chair not having a casting vote. It amounts to the administrative aspects of the parliament being managed by the members for the members.

I also agree with the comments of the opposition and others that the bill provides sufficient safeguards for the traditional role of the Speaker in that nothing in the bill can be seen as taking away from the traditional functions and privileges of the Speaker in managing the business of the chamber when we meet as parliamentarians. The Deputy Leader of the Opposition also made this point in stating that the bill makes it abundantly clear that nothing in the bill derogates from the traditional role of the Speaker. The Deputy Leader of the Opposition also commented on Professor Carney's advice and acknowledged that it did not indicate any breach of the separation of powers doctrine. I agree with those comments.

I also agree that the suggestion that the development of the CLA is some dastardly plot by the executive to control the Assembly is a truly bizarre conclusion to reach. I join with the member for Rockhampton in rejecting both private and public claims made in relation to these reforms that somehow they have been directed by the executive. I reject that as utter nonsense. Most people here would accept that, while even my ability to direct the member for Rockhampton is strained at times, my power to direct the member for Southern Downs, the member for Callide and the member for Toowoomba North is non-existent. I regret that at times as it would be very handy, but I do not think anybody is going to suggest that that power exists or resides in my hands.

The suggestion that I or any member of the executive gave anybody on this committee riding instructions is something that I absolutely and categorically reject. I gave only one set of riding instructions and it was to the whole committee that they should shake the place up; they should take the opportunity they had to conduct a complete overhaul of a committee system that had become stale and tired and was not serving the interests of the parliament. To its credit I have to say that that is exactly what the committee did. I was very surprised by the breadth and the scope of the recommendations that it came back to us with.

If anybody with just an ounce of common sense looks at these reforms and contemplates the suggestion that this was all some cunning plan by the executive to accrue advantage to itself, they would have to conclude that it had been spectacularly unsuccessful. What we have with these reforms is a government that is agreeing to subject itself to more scrutiny, to more questions, to longer estimates hearings, to public hearings and public consultation on bills that have been approved by the cabinet, to allowing the expenditure on the parliament to be a responsibility that is shared with the opposition through the CLA and to create the CLA as a powerful committee on which the government does not have the numbers. As I said, if that was a cunning plan to accrue advantage to the executive it was spectacularly unsuccessful.

I note that the member for Gladstone referred to former Speaker Turner's transcript of his appearance before the former Scrutiny of Legislation Committee which indicated his belief that the upper house should be reinstated. In fact, it was calls for the reinstatement of the upper house that led to some consultation on that issue as part of our integrity reforms. That consultation showed that there was not support of any significance among the public for the reintroduction of an upper house, but there was a recognition by the public that our unicameral chamber had to take its committee system very seriously as a thorough check and balance on the executive.

The portfolio committee structure that is overseen by the CLA, in my view, is the most cost-effective and representative way of achieving greater scrutiny of the executive by the parliament. I also note the member's comments that the provisions of the bill regarding the CLA amount to a breach of the separation of powers. Not even the opponents of this bill cling to that notion any longer. Of course, it has been definitively considered by the Solicitor-General in his advice. He noted that, far from breaching the doctrine, these reforms actually increase the role of the opposition in the administration of the parliament and, as such, is a move back towards the Westminster tradition that tends to lessen the grip of the executive on the parliament. When you look at the considered, thoughtful, reflective voices in this debate, I think the merits of the argument are overwhelmingly in that camp.

I conclude my remarks on this part of the bill by reiterating comments I made when we considered earlier amendments in relation to these reforms. They are that these reforms and the parliamentary amendments will amount to nothing unless we all accept that they require a significant change of culture to entrench and to embed a different way of conducting ourselves as parliamentarians. I think that that has been accepted by members on all sides of the chamber. Accepting the need for that and then enacting it is another challenge for us. It is in our nature to act in a partisan way and these reforms do challenge us to act on very critical issues in a way that is not partisan.

I concur with the comments made by the Leader of the House that, on all evidence to date, those people who have been charged with implementing these reforms from both sides of politics have really put their minds and their efforts into ensuring that they can find a resolution, they can work to consensus and they do understand how to negotiate compromises. To date, almost without exception, everything that that committee has returned for consideration by this parliament has been by consensus, and I commend it for that.

I now turn to the amendments proposed to the Auditor-General Act contained in the bill. Again, I thank the opposition for its support of these amendments which will significantly strengthen the Auditor-General's mandate to scrutinise the executive. The amendments proposed to the Auditor-General Act 2009 deliver the government's responses to reports Nos 5 and 7 of the former Public Accounts Committee and Public Works Committee regarding the 2010 strategic review of the Queensland Audit Office. The bill expands the audit mandate of the Auditor-General through, firstly, providing for the power to conduct an audit of a matter relating to public money and property known as a 'follow the dollar' audit. This will allow the Auditor-General to examine financial transactions between government and other entities and third parties such as companies and community organisations that accept government

grants and funding. The Auditor-General will also have the power to conduct full performance audits of public sector entities and be able to examine and report on whether the objects of a government department or other government entity are being achieved economically, efficiently and effectively.

I note comments from members of the opposition that it is important to ensure that there is true and meaningful consultation in the appointment of the Auditor-General, particularly when the term is for seven years. I of course agree with this proposition and can confirm that there are existing provisions within the Auditor-General Act which require that there be consultation with the parliamentary committee. I can confirm that such consultation is currently underway with the appropriate committee for the appointment of the next Auditor-General of Queensland.

I thank the officers of the Department of the Premier and Cabinet, who have worked hard on this legislation. As the Leader of the House said, it has not always been straightforward for them as public servants. They are very experienced and very dedicated officers. I think they have done a fine job on a very significant reform, and I thank them for their efforts. I commend the bill to the House.

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

Motion agreed to.

Bill read a second time.

Consideration in Detail

Clauses 1 to 76, as read, agreed to.

Third Reading

Hon. AM BLIGH (South Brisbane—ALP) (Premier and Minister for Reconstruction) (5.26 pm): I move—

That the bill be now read a third time.

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

Motion agreed to.

Bill read a third time.

Long Title

Hon. AM BLIGH (South Brisbane—ALP) (Premier and Minister for Reconstruction) (5.26 pm): I move—

That the long title of the bill be agreed to.

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

Motion agreed to.

MOTION

Queensland Floods Commission of Inquiry, Interim Report

Mr SEENEY (Callide—LNP) (Leader of the Opposition) (5.27 pm): I move—

That this House notes the report of the Queensland Floods Commission of Inquiry which was released yesterday.

Yesterday saw the release of the damning report into this government's preparedness for January's devastating flood. In the 30-odd hours since that report was released anyone who has taken the time to read it would not escape the conclusion that it is a litany of failure and ministerial incompetence. This report has found glaring failures in leadership and decision making by the minister responsible and the government. It found a minister and a government were asleep at the wheel. Above all else, it is indicative of a government that has lost its capacity to govern.

The report released yesterday illustrates what happens when a government that has been in power for too long becomes too tired and completely unresponsive. It demonstrates what happens when the concept of ministerial responsibility is ignored time after time and incompetent and incapable ministers survive time after time to continue to occupy positions of responsibility and are found wanting when disaster strikes. This report has been criticised in the last 24 hours because it does not blame anyone specifically. Rather than identify any single catastrophic failure, it catalogues instead a serious breakdown in administrative capacity. This serious breakdown in administrative capacity produced a whole series of inadequate responses and less than ideal reactions.

These combined together to make the flood disaster that befell Queensland in January 2011 much worse than it should have been. That lack of administrative capacity from a tired, worn-out government, that failure to act decisively from a minister who had failed many times before, meant the flood of January 2011 was much worse for people in Brisbane than it should have been.

The report confirms what so many people have felt in their hearts, what so many people have suspected—that the operation of Wivenhoe Dam, as the city's primary flood mitigation infrastructure, was less than ideal during the January floods. The operation of that infrastructure was less than ideal to say the very least. The operation of the dam was far from ideal because this administration and the minister responsible had lost the capability to manage and respond. There is no doubt that the flood that hit Brisbane in January 2011 should have been foreseeable, even though some members in the government convinced themselves that it was never going to rain again when they wasted $9 billion on a water grid.

Brisbane has a history of flooding, and the Bureau of Meteorology explicitly warned the government in 2010 that the 'wet season would be unusually intense'. The government was warned on 18 October 2010 by the Bureau of Meteorology that an extraordinarily strong La Niña weather pattern had developed and would bring an exceptional wet season to South-East Queensland. On 18 October 2010 cabinet was warned. The fact that the weather bureau actually briefed cabinet is in itself extraordinary and should serve as an indicator of the concern that the Bureau of Meteorology had at the time. They fulfilled their role of providing the warning to the community through the cabinet. So why was nothing done and why did the government fail so badly? They were the questions that this report had to provide answers to.

The report shows that the minister responsible for the critical flood mitigation infrastructure was not able to respond adequately to that extraordinary warning that was given by the Bureau of Meteorology on 18 October 2010. The commission's interim report identifies a trail of confusion and uncertainty from a minister who either could not or would not respond to the warning he received. From 18 October through until 13 December the report catalogues procrastination and confusion. Memos went around and around bureaucratic circles until finally, to use a quote from the report, the process of responding to the warning was 'parked'. The report then says—

There is no record of the Minister's having made this decision or telling anyone about it—then or at any time.

The report goes on to say that his director-general could not confirm to the commission that any decision was made at all. The reality would seem to be that the minister just found it all too hard or lost interest or went on his Christmas holidays or just hoped that the warnings would come to nothing. It was too much for him to cope with.

The report makes it obvious that this minister did not react appropriately on behalf of the government to the Bureau of Meteorology's October warning. And by mid-December he had just parked the issue, despite the fact that there was increasing rainfall to reinforce the warnings of some two months earlier. The commission's report shows that when the warning became a reality in January the flood mitigation system centred on Wivenhoe Dam was ill-prepared and not as effective as it could have been. The minister had not taken any action to increase the flood buffer capability, but that was only his first failing.

When it came to managing the flood event itself, the commission found that the operating manual for the dam was ambiguous and confusing. That confusion and uncertainty centred around two issues: firstly, the use of forecasts in deciding the release rates from the dam and, secondly, the release rates that were to be adopted to protect low-level bridges further downstream. In relation to the forecast issue, the commission's report at page 55 states—

As written, the Wivenhoe manual requires predictions as to lake level to be made using both forecast rainfall and stream flow information. The Wivenhoe manual does not prioritise one over the other, but does require that both be used.

But the evidence given by the flood engineers was that this issue was confusing and ambiguous. The commission said—

The oral evidence on this issue was variable and at times confusing.

The report concluded that the inference that forecast rain was not used in the release strategy determination was 'irresistible'. The conclusion was 'irresistible' that the forecast rain was not used in those calculations.

The commission made 175 recommendations, of which 104 apply to the state government. Yet the most compelling and most detailed centre around two things: firstly, the seemingly common-sense requirement for the minister to act and to increase the flood storage compartment of the dam should the Bureau of Meteorology ever again provide warnings similar to the warnings provided in October 2010; and, secondly, the operation manual for the dam and the degree to which the manual was substandard and outdated.

It is worth noting that the opposition has been calling for a review of the dam operations and the rules set out in that manual since March 2010, and the minister and the government have consistently tried to misrepresent those calls. But many times we made the point that the manual had not fundamentally changed since the dam was built and that it did not take into account the improvements in weather forecasting science. The commission's report confirms that, no matter how good the science was, or how far it had advanced from when the dam was built, it was not used in the release strategies over those critical days in January. The commission have recommended that the rules be reviewed. They said that this was a major priority.

The opposition has been calling for a review of those rules since March 2010. Every time I made that call, every press release contains the assurance that 'the flood buffer capability should be maintained'. Every time I made that call I made the point that 'the flood buffer capability should be maintained'. Our calls were undoubtedly initiated by the water crisis. They were initiated by the need to make the best use of the infrastructure before we went and wasted any more dollars following on from the $9 billion that had been spent on the water grid. But I made the point, and other members of the opposition made the point, that there needed to be better use of recording equipment and that there needed to be better use of forecasts—the long-term La Niña forecast, the seasonal forecasts, and the three- to five-day forecasts, all of which had improved markedly since the dam was built and all of which the commission found had been ignored by the operators of the dam because they were operating in accordance with the manual.

We also made the point repeatedly that the operating rules needed to be reviewed in relation to the rigid full-supply level. We argued that the full-supply level should be flexible depending on the season and the weather forecasts. That is what the commission has recommended. If we ever have a weather forecast or a seasonal warning like the one that was issued in October 2010, then the flexibility of the full-supply level should be able to cope with that. We argued that the manual should be reviewed, and that is what the report has recommended. The report is an indictment on the government's management of this infrastructure but, most of all, it is an indictment on the continued failings of the minister responsible.

(Time expired)

Mr NICHOLLS (Clayfield—LNP) (Deputy Leader of the Opposition) (5.37 pm): In December 2010 and January 2011—151 years after we became a state—Queensland was hit with the devastating rains and floods that we all saw. Certainly not for the first time, and probably not for the last time, large parts of Queensland were covered by floodwaters, and particularly here in the south-east were the effects felt hard in early January. Thirty-five people perished, three people remain missing, thousands of homes were lost, possessions disappeared and in fact some people lost everything. Many people are still waiting to move back home and, sadly and perhaps most tragically, many people may not recover.

While the spirit and perseverance and the steadfastness and determination of the many affected Queenslanders will shine through, many will want to know what happened—what went right and what went wrong. The report of the Queensland Floods Commission of Inquiry—I think destined to be known as 'the flood report'—is an essential part of the process. It is an essential part of Queenslanders coming to grips with the events that shook this state in December and early January, and it is part of the healing process that many people will look to in terms of understanding how the state responded and what could be done—understanding what happened and what will happen.

There is also the need for those who had positions of responsibility, who had the authority and the power to take action, to understand and acknowledge their role in the events as they unfolded and to explain their actions and role in the events as they unfolded. The flood report details aspects of failure and government inertia in preparing for and responding to the flood season, and it also highlights some systemic flaws in the system and I will turn to these now.

Action on the early warnings provided by the Bureau of Meteorology, by the government, was seemingly incomplete. Despite signing a letter dated 25 October asking for urgent advice, it appears the minister went slow on action. He did not demand written advice and he was simply satisfied with the water grid manager's 'preliminary view' given verbally on 13 December 2010—some six weeks after he requested urgent advice. So on the basis of a verbal preliminary view, held at a meeting which the minister attended to discuss various aspects of the water grid manager's operations, the minister, the person who had the authority to actually effect a change, decided to do nothing. Even as late as 24 December 2010, water could have been drawn down from the dams, but due to inertia and confusion no decision to do so was made. The report states, 'The minister did nothing to resolve this confusion.'

Today in question time we heard the government and the minister dodge the opposition questions on this issue. Repeatedly, they threw up what Campbell Newman did or did not do. It seems remarkable that government members would be so desperate that they would throw up what Campbell Newman could or could not do, when they were the ones who sat around the cabinet table, when they were the ones who had the responsibility and the authority to discharge the obligations to protect Queenslanders.

What Campbell Newman did do from the moment he was elected from 2004 is provide Brisbane residents with unprecedented levels of information to flood reports. By July 2004, 17 flood studies that had been kept secret by Labor were in the public domain. He put in place an automated flood reporting system to provide more information about local and household flooding events. In the lead-up to the summer of 2010-11, Campbell Newman consistently went out and told residents to prepare for potential floods. He did it on 12 October and he did it on 13 October, and on 18 October he said that circumstances could lead to a very substantial flood risk during the coming wet season. On 20 October he announced a new flood alert service, saying—

Brisbane is a sub-tropical city that has historically flooded many times, so there is no room for complacency during the wet season.

This is a complacency that seemed to settle over this government. On 17 November, Campbell Newman wrote to the government seeking permission to clean out Breakfast Creek so that the floodwaters would not have an effect. He got no answer until after 10 December. In short, Campbell Newman did everything that the lord mayor of Brisbane could be expected to do. The difference between Campbell Newman and this minister is stark.

(Time expired)

Hon. AM BLIGH (South Brisbane—ALP) (Premier and Minister for Reconstruction) (5.43 pm): I endorse the motion before us tonight. I think it is important that the parliament formally note what I think is a significant report that has been undertaken with a great deal of care, independence, rigour and diligence, but I do take issue with the opening words of the member for Callide, who described this as a damning report. I think it is important to recognise the improvements to the system that are identified by this report. It is inevitable in politics that the opposition will always focus on the negative, but I think it is important that in noting this report we note that it does give praise for a number of parts of our system and the people who are at the front line of that system.

This report outlines that, while there is room for improvement, Queensland's disaster management system is a robust system that worked effectively. It gives praise to those people staffing state agencies often for very long periods of time in the middle of a very serious disaster. It praises the flood engineers for the diligence of their work and the efforts they put into it. It praises local governments who made the preparations that were necessary. It praises the volunteers who helped us do what was needed to be done.

I am not going to describe this as a report that does not recognise the good work that was done by so many. I know that they feel it when all we ever say are criticisms and they feel that their efforts are not being recognised. It is an insult to so many to fail to recognise that. We are lucky to have these people who are putting their lives at risk in many ways to keep our communities safe. I take the opportunity in this debate tonight to recognise again those extraordinary people at the front line of this response and to thank them for the very courageous work that they did.

I remind members of the sequence of events in the lead-up to this disaster. The Bureau of Meteorology briefed the cabinet at my request. The bureau did not come knocking down the door; the Bureau of Meteorology had made some public comments about a serious change in weather patterns and, at my request, I asked them to brief the cabinet and they did brief the cabinet that we were facing an unprecedented weather season. They made that public and I made it public. Far from failing to take action, every director-general and every minister in the government immediately took action within their agencies to ensure that they were as prepared as they could be for the season.

In response to an unprecedented weather forecast, the Minister for Water Utilities took unprecedented action. No minister of any political persuasion in the history of this dam has ever sought advice on lowering the water levels in it. This was happening, remember, at the same time as the member for Callide was calling for the dam levels to be lifted. He has tried to come in here tonight, the fraud that he is, and masquerade that his calls for the levels to be lifted were in fact a call for the dam manual to be reviewed.

Honourable members interjected.

Mr Wallace interjected.

Mr SPEAKER: Order! Those on my left and the minister will cease interjecting.

Ms BLIGH: Thank you, Mr Speaker. We owe it to all of those who lost their lives, we owe it to all of those whose homes were lost, we owe it to all of those who have suffered so much trauma and grief to take this report seriously and to learn from it. The benefit of hindsight is an important and powerful tool. That is why we asked a commission of inquiry to use that hindsight, to take the benefit of that hindsight, and examine every point in the decision-making chain and offer the benefits of those lessons. That is why we have accepted the findings, it is why we have accepted all the recommendations and it is why we will implement them in full.

The minister, the cabinet, I as Premier and the government will fully implement this report because we believe it is a sensible, practical blueprint that gives us the chance to make our communities safer in the lead-up to what may be another dangerous wet season, but it also gives us and future governments a blueprint. It is not only now that we need to take these lessons into account; we need to make sure that they are there in 10, 20, 30 and 40 years time when these events may repeat themselves tragically again. I commend the commissioners and thank them for their work.

(Time expired)

Hon. S ROBERTSON (Stretton—ALP) (Minister for Energy and Water Utilities) (5.48 pm): Hindsight is a wonderful thing. There is no doubt that with it the world would be a better place. It is most certainly a wonderful thing for the LNP leader, Campbell Newman, who unfortunately is using the findings and recommendations from the commission of inquiry to push his own political agenda. At a time when we should be uniting behind the commission of inquiry's recommendations and getting on with the job of doing what we should to ensure that we do not see a repeat of the circumstances of the January 2011 flood, the LNP would rather make cheap political mileage out of this report.

As we heard during the course of question time today, it was I, as the responsible minister, who, following the cabinet meeting at which we received that briefing from the Bureau of Meteorology, initiated action with the director-general to (1) ensure the department's preparation for the forthcoming wet or cyclone season was underway and (2) ensure consideration was given to lowering the full-supply level of Wivenhoe Dam. As the Premier just mentioned, that was unprecedented. No minister and no government in living memory have initiated such an inquiry, and to say that the agencies were challenged by that is somewhat of an understatement. I know there has been a lot of talk about how long it took them to undertake that work, but when we consider the evidence by the water grid manager, who went through on almost a day-by-day basis the interactions he had with the various agencies getting that work underway, we gain an appreciation of just how complex that consideration was and that it proved difficult for them to come to a conclusion.

We also heard this morning—and this is also a salient point that needs to be understood—that we were also engaging in that consideration at a time when the rain was already falling. This morning we heard that in the last two weeks of December—at the time I was being provided with that brief that said a minimal reduction in full-supply level would have negligible effect on flooding levels—there were 860,000 megalitres flowing into Wivenhoe Dam already as a result of those rainfall events. Even if the recommendation had been made to reduce those full-supply levels by 25 per cent, as subsequently was the case post that January event, how you would do that while 860,000 megalitres of water was flowing into the dam beggars belief. That is a question that no member in this place can answer, and that is the simple reality.

Of course, we can always do things differently with the benefit of hindsight in terms of everyone engaged in managing that massive amount of water that was flowing into Wivenhoe and Somerset dams from October, when the member for Callide was calling for the flood buffer to be reduced—and no amount of rewriting of history can take away from the text of the press releases that he put out—backed up by the then Deputy Leader of the Opposition, who on 20 October was telling people that the full-supply level should be reduced as the water was flowing into those dams.

Of course, we see the absolutely pathetic performance by the former mayor of Brisbane, who again tried to rewrite history by offending just about everyone by saying that if he had been Premier he would have reduced the dam levels and then produces a letter to show how 'Action Jackson' he was: it only referred to Breakfast Creek and it was written to the wrong minister! But despite that, he claims that that is proof positive that he would have taken that positive action. Well, I am afraid that just does not cut the mustard. You cannot keep rewriting history to serve your own political agenda. The fact is that we are debating this with the benefit of hindsight. Not one member in this place, including members opposite and people who want to get into this place, can say hand on heart that they would have done anything differently from what occurred in those difficult months leading up to the January event.

(Time expired)

Mr DICKSON (Buderim—LNP) (5.53 pm): I rise to contribute to the debate on the implications arising from the interim report handed down yesterday by Justice Holmes in relation to the Queensland floods. This Labor state government was caught out by the drought a few years ago and as a result it went into all manner of panic spending in its belief that it was never going to rain again. But the rains did come, and they came with a vengeance. What followed was incomprehensible flooding resulting in major damage to private and public property and infrastructure and, tragically, the loss of life.

The interim report has suggested that this state government's course of action in trying to deal with the drought may have actually added to the impacts of the floods. As we know, the billions of dollars of panic spending arising from the Premier's now infamous 'new era for water in South-East Queensland' media release, dated 24 May 2007, saw a web of new infrastructure. This infrastructure included pipelines connecting dams, recycled water, construction of the Wyaralong Dam and the desalination plant on the Gold Coast, which is largely in hibernation. What would a new system like this see the formation of? A new bloated bureaucracy! The interim report shows us that this new

bureaucracy did not actually assist but instead created confusion in the minister's office as severe weather patterns loomed. The warnings of the weather bureau appear to have not been taken into account.

Rightly so, this inquiry has put the spotlight fairly and squarely on Minister Stephen Robertson. We know that on 18 October 2010 a meteorologist from the Bureau of Meteorology briefed cabinet about the seasonal forecast. He warned cabinet that the coming wet season was unusually intense. On 25 October 2010 a letter signed by the minister was sent to the water grid manager and the letter, we are told, sought the water grid manager's urgent advice about the options for and the benefits of releasing water from key storages—at a minimum Wivenhoe, North Pine and Leslie Harrison dams—in anticipation of major inflows over the coming summer. The only problem there is that the water grid manager had no operational role in managing the dams. So the question must be asked: did the minister not know which of the government owned entities to turn to for accurate and timely advice on the impending situation?

To add insult, not only did the minister turn to the wrong place for advice; the commission has noted that the only source from which the minister sought advice was the wrong place. Further, no advice was sought from anyone within DERM, even though it is believed that the minister should have consulted DERM in the interests of dam safety and flood mitigation.

I note further that the interim report refers to the creation, signing and posting of a letter as 'completing the circle'. On 13 December 2010 the minister met with the board of the water grid manager and was briefed that the water grid manager believed that a minor reduction was possible but that it would not have a significant impact on dam levels. So the minister, having been briefed by the experts from the Bureau of Meteorology, seeks to take advice from the wrong place and then, based upon that advice, takes no action at all in terms of attempting to mitigate the impacts of the torrential and continuing rainfall prior to the floods.

In short, Minister Stephen Robertson should resign—not tomorrow, not the next day but today. It is time the minister took responsibility instead of trying to deflect blame to other people. We have to remember that he is captain of this ministerial ship. If he is not prepared to take responsibility and go down with the ship, the Premier should make him walk the plank. If the minister does not resign, he should be sacked by the Premier, but I doubt that is ever going to happen. Since the report was released yesterday, the Premier has been all over the media defending the minister, who not only took no action last summer but did not even know where to look for the appropriate advice in the first place.

I see that the Labor Party is again taking ideas from Campbell Newman regarding the lifting of the Wivenhoe Dam wall. Good work, Campbell, and keep it up, because your ideas keep getting stolen by this Labor government. As we know, it spoke about how bad a job Campbell Newman did but it forgets that it is actually running the government! I hope sooner rather than later Campbell Newman is the Premier of Queensland, because the people of Queensland will have somebody they can rely on and somebody they can trust to do the right thing, unlike this government, which said, 'We won't raise power prices. We won't take away your fuel levy.' This government cannot be trusted!

Hon. NS ROBERTS (Nudgee—ALP) (Minister for Police, Corrective Services and Emergency Services) (5.58 pm): Never in our state's history have we faced such a destructive, sustained and devastating series of natural disasters in Queensland. I again want to take the opportunity to acknowledge the magnificent work of all of those people directly involved in our disaster management system such as police, emergency services agencies, EMQ, the Fire and Rescue Service and the Queensland Ambulance Service and our volunteers such as SES, Rural Fire and the list goes on. I particularly want to mention those people at the local government level through LDMGs, DDMGs and the like. As members have identified, the impacts of these floods have been absolutely devastating on our state: 35 people lost their lives, tens of thousands of homes and businesses were directly impacted and billions of dollars in damage was caused.

As the Premier has indicated on a number of occasions, we owe it to those people who have suffered loss to ensure that we learn the lessons from this disaster and take the appropriate steps to strengthen and improve our disaster management arrangements. Again, as the Premier indicated, all of the recommendations that are applicable to government—104 of them—will be implemented.

The commission of inquiry has undertaken a forensic examination of all the necessary activities of this disaster. It has come up with a range of recommendations and I want to touch on some of those in a moment. It has also identified some areas very clearly where agencies, including those for which I am responsible, can improve their performance. There was one particular issue that I want to address very briefly. The commission's report makes reference to the Queensland Fire and Rescue Service. I will just refer to the report quickly—

> In particular, the Commission has not been provided with sufficient information to answer the following questions.

I certainly do not seek to offend the commissioner in any way—and indeed I support absolutely everything that the commissioner has recommended—but in the inquiries I have made I can say that the QFRS in good faith has sought to provide all the information that has been requested and it believes

that that has occurred. But if there has been any misunderstanding or any issues where the commission feels that additional information or additional questions need to be answered, that will occur. The Premier gave an ironclad guarantee of support from all of the agencies and departments. That stands and the Queensland Fire and Rescue Service, as I believe it has done in good faith right through this commission of inquiry, will follow through with those issues with the commission.

The key findings and recommendations go to a range of issues and I might just touch on a few of those here tonight in summary form. But before I do, I acknowledge again that the commission has very clearly indicated that the fundamental structure of our disaster management system is sound and delivered effective results throughout Queensland in terms of protecting Queenslanders. I will just touch on a few key recommendations. One is that the Australian Defence Force and the Red Cross should sit more formally on the State Disaster Management Group and on local groups, particularly in the preparation and planning stage. That will occur. The ADF, and indeed the Red Cross, already participate proactively in State Disaster Management Group meetings, particularly during the response phase. They have made an incredibly valuable contribution and will continue to do so. That recommendation, of course, will be implemented in full.

One of the issues also relates to EMQ to complete a state-wide risk assessment. EMQ has been undertaking this work with some particular consultant companies and that risk assessment provides a higher level of identification of the key risks that are applicable in each particular area. Currently, that risk assessment is in its final stages of development and it is aimed to have that information to councils before the end of the year.

There were a number of other recommendations in terms of EMQ's support to councils. There was some issue raised by the commission that there was some inconsistency in the way in which EMQ had reviewed local disaster management plans. I put on the record that the act is very clear: the primary responsibility for developing and maintaining the relevancy of local disaster management plans rests with local government. There is a responsibility on EMQ to support them in that work and the commission makes some observations about some inconsistencies in EMQ's approach. That is being addressed through the development of an audit tool. The commission also noted some questions about the adequacy of some of the local disaster management plans—

(Time expired)

Mr EMERSON (Indooroopilly—LNP) (6.03 pm): About 3,500 homes and businesses in my electorate and many, many thousands of lives were impacted by the January floods. More than six months later, the mud has been scraped away from the streets and piles of debris have been removed from kerbsides. You could be mistaken in thinking that my electorate has recovered. But if you drive down some of those streets at night—in suburbs such as Fig Tree Pocket, Graceville, Chelmer, Taringa, St Lucia or Indooroopilly, Sherwood, Tennyson or Corinda—you will see the unlit homes still vacant, still unliveable. Harder to see is the devastation and heartbreak that still rules the lives of many. Locals are still fighting for insurance and relief funds and are still asking questions about the disaster that they still live with every day.

This week, they hoped to get some answers to those questions. This week, they hoped that the interim report of the Queensland Floods Commission of Inquiry would explain why their homes were inundated. And this week they hoped that they would be told that the state government and the minister they relied on had done the right thing by them, had seen the risk and had acted on it. Sadly, the interim report showed that the minister had let them down.

In the days after the January floods many people in my electorate asked me about the management of the Wivenhoe Dam. Why was so much water left in it when we had been warned of a very bad wet season? Why was so much water let out at the last moment, raising the level of the water in the river that flooded their homes? And, most importantly, could this have been avoided? As they read the interim report this week you could understand why they must be feeling very angry, because that report showed that the Minister for Water Utilities oversaw months of confusion and delay about releasing water from Wivenhoe Dam in the face of clear warnings of an extremely wet season and a wet summer.

As the interim report details, on 18 October 2010—more than two months before the floods—the Bureau of Meteorology briefed state cabinet about the seasonal forecast, warning that the 2010-11 wet season would be unusually intense. Minister Robertson then sought advice from the South East Queensland Water Grid Manager on Wivenhoe Dam's levels. He did not seek advice from anyone else—not even his own department. As the report says, based on this limited and preliminary advice, he made the decision not to proceed with the proposal for a reduction of the full-supply levels. The process was 'parked', the minister said. But as the report revealed, there is no record of the minister having made this decision or telling anyone about it then or at any other time. He told the commission that he would have discussed it with his director-general. But his director-general could not confirm that the minister had made the decision on that day or at all. The report also detailed confusion among water agencies over the responsibility for lowering the dam levels. But, as the report said, the minister did nothing to resolve this confusion. It added that the ultimate decision is for the minister, that he was the only one who could effect a reduction in full-supply levels.

So what do the flood victims in my electorate of Indooroopilly now know? They know that the minister did not clear up the confusion over responsibility for the dam. They know that the minister received warnings but made a decision to do nothing and then told no-one about it. He parked his decision. This is not a minister; this is a chauffeur. This is a minister who failed Queenslanders when they needed him the most. And this is a minister who will remain a minister, because no matter how big the debacle, the Premier refuses to sack anyone and that is the disgrace of this disaster.

Hon. PT LUCAS (Lytton—ALP) (Deputy Premier and Attorney-General, Minister for Local Government and Special Minister of State) (6.08 pm): What faced the people of Queensland last summer was unprecedented in its nature. The area of flooding was larger than the size of France and Germany combined before it even reached South-East Queensland. In addition to flooding, a category 5 cyclone with predicted storm surges not seen in Queensland since Mackay in the 1920s battered Far North Queensland.

Australia by most measures is one of the most privileged countries in the world with the fifth highest per capita income and the second longest life expectancy. In the words of Judith Wright in her poem *My Country*, Queenslanders would also have felt the 'onslaught of her terrors'. In the face of this onslaught we saw an unprecedented effort from those in our community who are paid to protect us—state, federal and local—and also the volunteers in our community.

In 2005 Hurricane Katrina hit New Orleans, an area much smaller than Queensland. An estimated 1,800 lives were lost and the area descended into complete anarchy and social disintegration. In Queensland there was one life lost in relation to the cyclone, and this was a result of indirect carbon dioxide poisoning to do with the use of a generator. In South-East Queensland, particularly from flash flooding in Toowoomba and the Lockyer Valley, there were 17 lives lost. People can debate whether it was a Q50, Q100, Q500 or Q1,000 event, but one thing is for sure, if it was a QX, one day there will be a Q2X. Why was it that there were 18 deaths in Queensland yet 1,800 in New Orleans? We must be honest and say that it is partially due to good planning and good execution, yet also ultimately natural disasters are an act of God, each falling differently. But there is always room to do things better. The Holmes commission of inquiry was set up to look at what happened, what went wrong and how to do things better.

Mr Rickuss interjected.

Mr LUCAS: We must necessarily look at what happened in hindsight and retrospectively.

Mr Rickuss interjected.

Mr LUCAS: Look, I shut up when you were speaking. We cannot have the commission sit in the disaster control centre at the time, nor in the rescue boats or in helicopters, but we can look at actions and work in the context of those events. In addition to the thousands of people who worked and volunteered, outstanding leadership was shown by political leaders including the Premier, the Prime Minister and mayors throughout Queensland, including the Mayor of Brisbane and others too numerous to mention. I know because I sat in meetings alongside them. I know because I visited more than 43 communities. I know because I witnessed it at the time, not in retrospect or having the luxury of playing politics with it.

Many other speakers will elaborate on the findings of the commission of inquiry, but I will focus on local government. There is no doubt in my mind that the response in amalgamated areas, including Central Highlands, Toowoomba, Western Downs and others, was made all the more effective due to the local government amalgamations, strong mayors and great council workers. Irrelevant council boundaries of the past were glossed over.

There has been discussion today about the reaction of the government to predicted La Niña events of last summer. No one could have been more open than the Premier. Cabinet was briefed and a public issue was made of it. What did the opposition do? Did it raise dam levels being lower? No. In fact, it was out there at the same time saying they should have been higher. Now, with the doctrine of recent invention, they question it. But the real issue is what could and should have been done in the view of the commission of inquiry? What should a minister do when presented with uncontested advice? The only other calls from the Leader of the Opposition were that the dam level should have been higher, which we now know in retrospect would have been catastrophic. There is no dispute about either his call or what it would have caused.

What is the Leader of the Opposition's defence? It is clear that he is so irrelevant that his views do not count. Yesterday Newman emphasised that in spades. Sometimes political figures can and do differ with advice they receive. The appropriate course is to seek specialist response to those concerns. But this is a doctrine of recent invention. Why was it that Newman had different views yet kept them to himself until yesterday? He says that he is a straight talker, but never once has he mentioned in the past releasing water from Wivenhoe Dam. Why did he say it? Who did he say it to? At the very same time he claims this was his view, the Leader of the Opposition was in parliament and in the media wanting the dams even higher, which is something that could have had catastrophic consequences.

Does Mr Newman seriously think that the public will believe that the day after the commission released the report, all of a sudden it was time for him to say that he had a different view last year? Who did he tell of his view last year? What steps did he take previously when he was on the board of Seqwater? When did he first raise it with the Leader of the Opposition? Was it last year when it was a public issue from the Leader of the Opposition or did Mr Seeney find out yesterday after the press conference?

I sat in BCC disaster management committee meetings. They were well chaired by Campbell Newman, I might add. I sat in those meetings when he was briefed on daily releases from the dams and at no stage in those meetings was there a comment—

Ms Bates interjected.

Mr LUCAS: And you certainly did not sit in on them because you would never be invited to do something like that.

Mr SPEAKER: Order! Address your comments through the chair.

Mr LUCAS: At no stage did he query that. At no stage did he say that he thought the dam level should have been lower earlier this year. This is recent invention. It does no-one any credit.

Dr FLEGG (Moggill—LNP) (6.13 pm): Residents of my electorate of Moggill and the other electorates that were inundated know that governments do not control the weather, but they invest enormous resources and faith in governments to show a bit of leadership and to show some forethought. The last thing they want from their government is excuses and blame shifting. Page 50 of the interim report makes one thing absolutely crystal clear and that is that responsibility rests with the minister—not the Brisbane City Council, not the opposition, not the confused array of water authorities but with the minister. The government set up this confused array of water authorities in response to a drought. What is now apparent is that they never gave any thought in setting them up to what would happen when the inevitable flood came along. The report on page 50 goes on to say—

Agencies such as Seqwater or the Water Grid Manager—

He could have added a lot more agencies—

cannot be expected to form the overview that is an essential prerequisite to the making of such an important decision.

Their first recommendation is that it be made clear that the minister is responsible. I think it is sickening for victims of the floods here in Brisbane to listen to this government trying to blame Campbell Newman, the Brisbane City Council, the water authorities, the opposition or anybody else. If we were in government we would be accepting responsibility for the decisions that we made. We would not be trying to shift the blame.

This morning this minister tried to tell the parliament and the people of Queensland that it would not have made any difference if we had lowered the dam level. What a load of nonsense! The whole principle of having a flood mitigation dam is to have capacity within it to hold back inflows of water in time of flood. The lower the level and the more capacity it has to hold back, clearly the better result it is going to be downstream. The minister went on this morning to mount one of the most implausible arguments I have ever heard in this place. He said it would have been virtually impossible to actually perform a major reduction in these levels at the same time as these enormous inflows were happening in the dam. In the *Australian* on 2 August Hedley Thomas wrote of the manual to operate Wivenhoe Dam—

It requires the operators to rely on the 'best forecast rainfall' when making predictions about the dam's lake level. The requirements are critical and, at least to lay people, commonsense.

If you have a rapidly-filling dam at a time of extremely heavy rain—and with more forecast to come—the manual is effectively saying 'the lake level is going to rise so look at the weather forecasts to get ahead of the deluge. Then release more water and give the dam more capacity for in-flow.'

But this was not how the dam was operated in January.

Even to this day the minister does not appear to realise that his responsibility is to be ahead of the game. My seat of Moggill has, I believe, more of the Brisbane River in it than any other seat. I wrote to Seqwater on a number of occasions, and that correspondence will be a matter of record, and never once, even though my constituents were severely impacted by the closures of Colleges Crossing, did I ask them to withhold water. My constituents knew, as other people in Brisbane knew, that it was only the dam that stood between us and very, very serious consequences. To hear an argument by the minister this morning that somehow people downstream would not want the disruption—the residents of Moggill and the people around Colleges Crossing are the people downstream. On 10 January Wivenhoe Dam rose 13 centimetres in an hour, and over a metre between 8 am and 3 pm. It is the job of the government to be the leader and make sure we respond ahead of the flood.

Hon. AP FRASER (Mount Coot-tha—ALP) (Treasurer and Minister for State Development and Trade) (6.18 pm): It is true to say that Queensland and the Queensland economy is still in recovery mode from the disasters that hit our state during the summer of sorrow. What cannot be counted is the incalculable human cost: 37 lives lost, thousands of homes damaged and even more livelihoods

devastated. We know the economic and fiscal cost: flat-lining growth, the $6.8 billion task of rebuilding the state that is before the government, the hitting of confidence in the Queensland economy and, indeed, the flow over into the national economy.

From the interim report of the commission of inquiry we saw a frank and fearless assessment of the events leading up to the floods. The inquiry report pulls no punches, and nor should it. Of the 175 recommendations, 104 relate to the state and the Premier has given a commitment that we will implement them. There is no doubt that some extra measures will require funding consideration. As we prepare the government's response for the next sitting of parliament, it is clear that those investments will need to be made in those capacities to ensure that we are in the best possible position to deal with what may lie ahead. Ultimately, what you have seen from this government is a commitment to look at this issue through the cold hard light of a commission of inquiry, to take the lessons and, more importantly, to take action on those lessons. Whenever you have an event of this nature and complexity, involving so many human beings, you are always going to find occasions where systems can be improved and where investments can be made. The important measure here is that this is a government that will be front-up to those facts and get on with making sure that we best prepare ourselves, as a state and a community, for what may lie ahead.

That stands in stark contrast to what we have seen from the LNP leader over the past 24 hours. He has engaged in a fantasy play. He has attempted his own pick-a-path adventure by pretending that he has wound back time to the end of last year. He is already imagining what it would be like to be Premier and is telling people that he would have lowered the water level in the dam. Of course, there is no evidence of that whatsoever; that claim is exposed as a fakery. It is nothing more than a fraudulent and confected claim that is unbecoming of someone who seeks public office in this state. We know that the claim is confected because, in fact, at the end of last year the LNP did not call for water to be released from the dam; it called for more water to be put into the dam.

Have we ever seen a greater act of sophistry and hypocrisy than that performed by the Leader of the Opposition in his contribution to this debate? I will remind members of the position of the Leader of the Opposition on this issue. On 9 March last year in this place, he said, 'I believe it would be absurd to release water from Wivenhoe Dam at the current time.' In October in a question without notice to the natural resources minister of the time, he said that the contemplation of releasing water would mean that the government 'is still failing to plan for the next inevitable drought'. On the same day he issued a press release stating that the contemplation of releasing water from Wivenhoe Dam would be a 'waste of taxpayers' money'. He said that the real capacity should be double. He said that we should put more water into Wivenhoe, not less. The LNP leader, the member for Callide, consistently—time after time—said that we should put more water into the dam, not less.

Indeed, he was backed up by the then Deputy Leader of the Opposition, the member for Southern Downs. On 20 December, in a radio interview, the member for Southern Downs said, '...certainly the LNP has a view that it's high time that we looked at whether we can store a little bit more water in that dam.' On 14 February this year, after the event, in the *Australian* the Leader of the Opposition said that all his views were justified because he was worried about the next inevitable drought. On 8 March, in an ABC radio interview, when asked about whether Seqwater should have released a lot more water, the Leader of the Opposition said, 'I think that's fairly obvious. That's very obvious.' Certainly it was not very obvious for the 12 months beforehand when the LNP consistently campaigned to put more water into the dam.

I remind members that in January Mr Newman said that any politician who says that we are going to make floods a thing of the past is misleading the community. We might say that also of a politician—that selfsame politician, Mr Newman—who for his own base political purposes pretends that something could have been done differently. He says now that he would have done something different, but there is no evidence whatsoever that he would have. All he has done is dog whistled a notion to people facing misery, and to trade on that misery is a disgrace.

(Time expired)

Question put—That the motion be agreed to.

Motion agreed to.

Sitting suspended from 6.23 pm to 7.30 pm.

MOTION

Amendments to Standing and Sessional Orders

Hon. JC SPENCE (Sunnybank—ALP) (Leader of the House) (7.30 pm), by leave, without notice: I move—

That the Standing Rules and Orders and Sessional Orders of the Legislative Assembly be amended in accordance with the amendments circulated in my name.

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1. Standing Order 133

Omit Standing Order 133 and insert the following Standing Orders—

'133. How a portfolio committee may examine a Bill

(1) A portfolio committee to which a Bill is referred may examine the Bill by—

(a) calling for and receiving submissions about the Bill;

(b) holding hearings and taking evidence from witnesses;

(c) engaging expert or technical assistance and advice; and

(d) seeking the opinion of other committees in accordance with Standing Order 135.

(2) In examining a Bill, a portfolio committee is to operate in as public and transparent manner as practicable and to this end is to—

(a) aim to engage likely stakeholders in the Bill;

(b) hold briefings from departmental officers and hearings in public unless there are compelling reasons to hold such briefings and hearings in private;

(c) publish submissions as soon as practicable after their receipt, as long as such submissions are relevant and not prejudicial to any person; and

(d) publish expert or technical advice received as soon as practicable after receipt, as long as such advice is not prejudicial to any person.

(3) Nothing in (1) is to be taken as mandating a process that must be followed by a portfolio committee.'

2. New Standing Order 194A. (Oversight of entity by Portfolio Committees)—

After Standing Order 194—

Insert—

'194A. Oversight of entity by Portfolio Committees

If a portfolio committee is allocated oversight responsibility for an entity under Schedule 6, and there are no statutory provisions outlining the committee's oversight of the entity, the portfolio committee will have the following functions with respect to that entity—

(a) to monitor and review the performance by the entity of the entity's functions;

(b) to report to the Legislative Assembly on any matter concerning the entity, the entity's functions or the performance of the entity's functions that the committee considers should be drawn to the Legislative Assembly's attention;

(c) to examine the annual report of the entity tabled in the Legislative Assembly and, if appropriate, to comment on any aspect of the report; and

(d) to report to the Legislative Assembly any changes to the functions, structures and procedures of the entity that the committee considers desirable for the more effective operation of the entity or the Act which establishes the entity.'

3. Standing Order 211 (Confidentiality of proceedings for Portfolio Committees and the Committee of the Legislative Assembly)—

Omit Standing Order 211 and insert the following Standing Orders—

'211 Confidentiality of proceedings for Portfolio Committees and the Committee of the Legislative Assembly

(1) The proceedings of a portfolio committee, the Committee of the Legislative Assembly Committee or a select committee or a subcommittee of any of those committees that is not open to the public or authorised to be published remains strictly confidential to the committee until the committee has reported those proceedings to the House or otherwise published the proceedings.

(2) Paragraph (1) does not prevent—

(a) the disclosure, by a committee in (1) or by a member of the committee or an officer of the committee, of proceedings to a member of Parliament or to the Clerk or another officer of the House in the course of their duties;

(b) a public servant or an officer of a public entity informing their immediate supervisor, Director-General or Chief Executive Officer, or responsible Minister of the evidence they have provided to a committee in (1) or evidence sought by a committee; and

(c) the disclosure of proceedings otherwise in accordance with these Standing Orders.

(3) Despite (2), a committee in (1) may resolve that some or all of its proceedings relating to an inquiry or report remain confidential to the committee, its members and officers until it reports to the House on the inquiry.

(4) Despite (2), no member shall in the House refer to any proceedings of a committee in (1) until the committee has reported those proceedings to the House or otherwise published the proceedings.

4. New Standing Order 211A (Confidentiality of proceedings for Parliamentary Crime and Misconduct Committee and Ethics Committee)—

After Standing Order 211—

Insert—

211A. Confidentiality of proceedings for Parliamentary Crime and Misconduct Committee and Ethics Committee

(1) The proceedings of the Parliamentary Crime and Misconduct Committee and the Ethics Committee or a subcommittee of those committees that is not open to the public or authorised to be published remains strictly confidential to the committee until the committee has reported those proceedings to the House or otherwise published the proceedings.

(2) No member shall in the House refer to any proceedings of a committee in (1), until the committee has reported those proceedings to the House or otherwise published the proceedings.

(3) A member who wishes to refer to *in camera* evidence or unpublished committee documents of a committee in (1) in a dissenting report shall advise the committee of the evidence or documents concerned, and all reasonable effort shall be made by the committee to reach agreement on the disclosure of the evidence or documents for that purpose.

(4) A committee in (1) may elect for this Standing Order to not apply to a particular proceeding or a particular inquiry of the committee, and adopt its own rules in relation to the confidentiality of its proceedings for that proceeding or inquiry.'

5. Schedule 1 (Dictionary)—

Insert the following definition—

'"Proceedings" for Standing Order 211 and 211A includes:

(a) evidence taken by the committee by way of hearings;

(b) written or oral submissions presented to the committee;

(c) written briefing papers and other documents prepared for the committee by its Research Director, other expert advisors or departmental advisors;

(d) draft reports by the committee;

(e) correspondence between the committee and witnesses, departments and Ministers; and

(f) private deliberations of the committee and the records of those proceedings.'

6. Standing Order 35 (Tabling of documents identifying a child or children) and Standing Order 117 (Restrictions on naming at-risk children)—

Standing Order 35 and 117—

Omit "*Juvenile Justice Act 1991*" and replace with "*Youth Justice Act 1992*" wherever appearing in Standing Orders 35 and 117.

7. Schedule 6—Portfolio Committees—

Omit, Insert—

SCHEDULE 6—PORTFOLIO COMMITTEES

(1) In accordance with s.88 of the *Parliament of Queensland Act 2001*, the following table establishes the Portfolio Committees of the Legislative Assembly, identifies the primary areas of responsibility;

(2) A reference to a Minister is deemed to include departments, statutory authorities, government owned corporations or other administrative units reporting to the Minister and parts thereof that report to the Minister with respect to the Minister's responsibilities as set out in the Administrative Arrangements; and

(3) In accordance with s.88 of the *Parliament of Queensland Act 2001* the number of members for each of the Portfolio Committees shall be six.

Portfolio	Area of Responsibility	Ministers	Oversight Responsibility
Finance and Administration Committee	• Premier and Cabinet • Reconstruction • Treasury • Finance • Arts • Public Works and IT	1. Premier and Minister for Reconstruction 2. Treasurer and Minister for State Development and Trade 3. Minister for Finance, Natural Resources and The Arts 4. Minister for Government Services, Building Industry and Information and Communication Technology	1. Auditor-General 2. Integrity Commissioner
Legal Affairs, Police, Corrective Services and Emergency Services Committee	• Attorney-General and Justice (excluding Industrial Relations) • Fair Trading • Police • Community Safety	1. Deputy Premier and Attorney-General, Minister for Local Government and Special Minister of State 2. Minister for Police, Corrective Services and Emergency Services	1. Electoral Commissioner 2. Information Commissioner 3. Ombudsman

Industry, Education, Training and Industrial Relations Committee	• Tourism • Manufacturing • Small Business • State Development and Trade • Coordinator-General • Education • Employment • Skills and Training • Workplace Health and safety • Industrial Relations • Retail	1. Treasurer and Minister for State Development and Trade (2nd committee) 2. Minister for Education and Industrial Relations 3. Minister for Employment, Skills and Mining 4. Minister for Tourism, Manufacturing and Small Business	
Environment, Agriculture, Resources and Energy Committee	• Food • Agriculture • Mines • Energy • Water • Natural Resource Management • Environment • Fisheries	1. Minister for Energy and Water Utilities 2. Minister for Main Roads, Fisheries and Marine Infrastructure 3. Minister for Agriculture, Food and Regional Economies 4. Minister for Employment, Skills and Mining (2nd committee) 5. Minister for Finance, Natural Resources and The Arts (2nd committee) 6. Minister for Environment	
Community Affairs Committee	• Child Safety • Youth Justice • Community Services • Multicultural Affairs • Housing • Women • Sport • Aboriginal Affairs	1. Minister for Transport and Multicultural Affairs 2. Minister for Child Safety and Minister for Sport 3. Minister for Community Services and Housing and Minister for Women 4. Minister for Disability Services, Mental Health and Aboriginal and Torres Strait Islander Partnerships	1. Family Responsibilities Commission 2. Commission for Children and Young People and Child Guardian
Health and Disabilities Committee	• Health • Mental Health • Disabilities	1. Minister for Health 2. Minister for Disability Services, Mental Health and Aboriginal and Torres Strait Islander Partnerships (2nd committee)	1. Health Quality and Complaints Commission
Transport, Local Government and Infrastructure Committee	• Transport • Main Roads • Marine Infrastructure • Infrastructure • Local Government • Building Industry	1. Deputy Premier and Attorney-General, Minister for Local Government and Special Minister of State (2nd committee) 2. Minister for Main Roads, Fisheries and Marine Infrastructure (2nd committee) 3. Minister for Transport and Multicultural Affairs (2nd committee) 4. Minister for Government Services, Building Industry and Communication Technology (2nd committee)	

8. Sessional Order 2(1)—

Omit, Insert—

"If a committee report is tabled that is not:

(a) a report on a bill pursuant to Part 5 of the Standing Orders;

(b) an annual report of a Committee;

(c) a report on travel undertaken by a Committee;

(d) a report of the Ethics Committee; or

(e) a report by a Committee on subordinate legislation

then a motion shall be set down on the notice paper by the Clerk that the House is to take note of the committee report."

Question put—That the motion be agreed to.

Motion agreed to.

NEIGHBOURHOOD DISPUTES RESOLUTION BILL

Second Reading

Resumed from p. 2247, on motion of Mr Dick—

That the bill be now read a second time.

Mr RYAN (Morayfield—ALP) (7.31 pm), continuing: As I was saying earlier today—very briefly—I rise to contribute to the debate on the Neighbourhood Disputes Resolution Bill 2010. As I was saying, there are a number of circumstances under the current common law in which a neighbour can cut an overhanging branch; however, there is limited scope to those particular circumstances. As members may be aware, common law provides that a neighbour can remove an overhanging branch so long as the removed branch is returned to the tree owner and the neighbour does not trespass on the tree owner's property.

As I was using as an example earlier, in my view the common law approach by its very nature is very confrontational. It is, by its very nature, a tool which may give rise to a dispute itself rather than resolve the dispute. In many cases, it is used to exacerbate existing disputes between neighbours rather than doing anything to resolve it. It is to some extent sad to acknowledge that a dispute about a nuisance tree—something so simple as an overhanging tree branch—can lead to a lifetime of disagreement, conflict and anxiety between neighbours. It is certainly something that I have seen in my office when people from the Morayfield state electorate have come in to discuss particular instances of an overhanging branch or a tree root that has encroached onto their property. To some extent it is disappointing that something as simple as a tree branch or a tree root can lead to significant disagreement between two neighbours.

That is why I am particularly pleased that this reforming state government will be modernising our laws in respect of nuisance trees and dividing fences and is introducing an affordable, simple, objective and independent resolution process. This willingness by this government to reform the laws relating to nuisance trees, laws which are hundreds of years old, and laws relating to dividing fences, laws which are some 60 years old, proves that this state government is a government that has not run out of ideas. It is a reforming government and it is a government focused on providing appropriate frameworks for our constituents to live in neighbourly, safe and empowered communities.

The new laws will modernise and simplify the law as it relates to dividing fences and nuisance trees and will allow neighbours to get on with the job of living in a neighbourly community. Broadly, the new laws will encourage conversation between neighbours by introducing two new standard notice forms, one for trees and one for fences. These laws will also encourage resolution of these disputes by creating certainty around responsibilities and rights and will also encourage finality of disputes by providing access to a cheap, simple, objective and independent resolution process through the Queensland Civil and Administrative Tribunal.

As distinct from the current law, the current common law and the current law under the Dividing Fences Act, these new laws by their very nature are resolution focused. They encourage communication between neighbours and they encourage finality of disputes. These new laws will be welcomed by the people of the Morayfield state electorate and Queenslanders generally. Many members of the Neighbourhood Watch groups in the Morayfield state electorate with whom I spoke and consulted about this particular legislation have provided positive feedback directly to me. They are encouraged by these good laws and they are responsive to the approach taken by this good, reforming government. These new laws will make a big difference in people's lives. They will help make our communities more neighbourly to live in.

I would like to take this opportunity to commend the former Attorney-General, the current Attorney-General and his staff and, of course, the departmental staff for their hard work in respect of this bill. This is good legislation and I encourage all members of this House to support it.

Mrs KIERNAN (Mount Isa—ALP) (7.36 pm): I rise to speak to the Neighbourhood Disputes Resolution Bill. This bill seeks to amend a number of issues that we know impact on many Queenslanders. As a property owner with a very large tree in the front of my property that impacts on my neighbours, I am acutely aware of my obligation and responsibility for that tree. However, I am also aware that this is not always the case and that disputes can cause a great deal of angst between neighbours.

Under our current legislation, a person who is affected by a neighbour's tree can rely on the common law of abatement to lop branches to the property, but they must return the branches to their neighbour. Returning the branches can in itself cause relationships to deteriorate. A person who is affected by the overhanging branches of the neighbour's tree must meet all of the costs of lopping the branches even though they do not own the tree.

Neighbours who are affected by trees which constitute a nuisance, for example extensive root systems which damage house foundations or plumbing, must rely on the common law of nuisance. This is unrealistic for many people because of the cost of legal action, which is also very prohibitive, and the fact that the law of nuisance is a very complex one. Where a vegetation protection order is in place over the tree then the neighbours are unable to solve the problem as a third party, usually the council, is involved.

This bill that we are debating tonight proposes that the proper care and maintenance of a tree will be the responsibility of the tree owner and provides greater choices for neighbours about trees affecting their property. The bill proposes three solutions to deal with tree issues between neighbours. If a neighbour exercises a common law abatement, for example, by lopping branches and roots to the boundary, the bill provides that the neighbour can decide whether or not to return the lopped branches or roots. Under the bill, if a neighbour wants the tree owner to take responsibility for lopping the branches of their tree hanging over the boundary, they can serve a notice for overhanging branches on the tree owner. If the owner does not respond to the notice, the neighbour can proceed to have the lopping done and recover up to $300 per annum per property. However, the notice system cannot be used if there is a vegetation or a tree protection order over the tree and the relevant authority has not approved the lopping.

Responsibility is placed on the tree owner to ensure that their neighbour's land is not affected by a tree growing onto that property. For the purposes of the bill, land is affected by a tree if a neighbour can demonstrate that the tree caused serious injury to a person, serious damage to a neighbour's land or property or substantial, ongoing or unreasonable interference with a person's use and enjoyment of their land. Disputes will fall within QCAT's jurisdiction to hear and decide any matter in relation to a tree in which the alleged land is affected by that tree.

We also know that there are problems with fences, as we have heard. We have the Dividing Fences Act 1953, which is nearly 60 years old. We would have to agree that the language of that act has passed its use-by date. The meaning of a fence or sufficient dividing fence is not clear. The application of the laws to retaining walls is uncertain. A major factor is also that the current act does not distinguish between rural and urban fencing. The application of the act to land owned by the state or council is also uncertain. The act provides no protection where one neighbour unreasonably attaches something to a dividing fence.

Changes to the law for fences will modernise many sections of the act and use contemporary drafting styles and language. It proposes a wider definition for the term 'fence', including hedges, and more clearly defines the term 'sufficient dividing fence'. A single notice for contribution to fencing work form will be introduced by the bill. The bill clarifies that the ownership of the dividing fence on a common boundary is shared equally. A distinction between a retaining wall and a fence is introduced by the bill which confers specific powers upon QCAT to make orders in relation to a retaining wall if it is necessary to resolve dividing fence disputes. The bill ensures that a neighbour can seek the removal of an unreasonable attachment to a dividing fence. Clearer rules for pastoral and agricultural fences based on decided legal authority about the fencing of agricultural properties are introduced in this bill. The bill clarifies which land owned by the state or a council is subject to contributing to the cost of a sufficient dividing fence. This does not include roads of course.

Disputes arising under the bill will be dealt with by QCAT. QCAT has exercised jurisdiction under the act since its establishment and is not receiving additional funding for this part of the bill. This is because this is an established jurisdiction and the bill provides clarification of certain aspects of law which hopefully is going to reduce the number of disputes brought to QCAT. In relation to the tree chapter of the bill, additional funding has been provided to QCAT to act on these matters. On that note, I commend the bill to the House.

Mrs MILLER (Bundamba—ALP) (7.42 pm): I rise in support of the Neighbourhood Disputes Resolution Bill 2010. This comes about as a result of a consultation project called the review of neighbourly relations project. People should be good neighbours. That is the goal in a perfect world. But in some streets and avenues there can be neighbours from hell—those who will fight over anything from trees to fences, parties or anything actually. It is always best, if it can be done, to resolve neighbourhood disputes informally, but that cannot always be done, especially if neighbours have violent tendencies or they have health issues or they cannot be reasonable due to alcohol and drug issues or perhaps it is just simply that they do not want to let that neighbour have a win or a perceived win.

The member for Mermaid Beach spoke earlier about developers and trees. I note that he is not fond of gum trees. In fact, some could say that he was a gum tree hater. Because he brought up the issue of developers, I would like to say that I get very angry when developers rip out all of trees. In fact, in Collingwood Drive, Collingwood Park, in my electorate, they have ripped out literally thousands of trees and they have been replaced with piles of woodchip. This is something that I find shameful, because it should be stopped and the local authorities should stop it and they can stop it. They have GPS technology in order that certain trees can be retained but they generally do not do this. Also, along Augusta Parkway they have ripped out all the trees there, and many of the locals are very angry with the developers being allowed to get away with that.

In relation to dividing fences, the issue can make or break relations, especially between new neighbours in new developments. I certainly have lots of new developments in my electorate and I have lots of new neighbours moving in. It can be said that fences cost a lot of money. Some want Colorbond fences, some want timber fences and some want pool type fencing, and these disputes can go on for years. Many who have just built do not consider the cost of fencing and some go into further debt and borrow money to construct them simply to have a peaceful life, but borrowing that money quite often puts them over the edge financially. So for those people who are building new homes I would implore them to take into account the many thousands of dollars that it does cost to build fences around their properties.

I am very pleased as well that the bill makes a distinction between retaining walls and fences. I have seen in my electorate retaining walls five-metres high, and I have to say that they frighten me. Some of them are built of rock and some of them of timber. Many of them are not engineered, they are not approved and they are shoddily built. The question arises as to who is responsible for these walls. The BSA sometimes gets involved in relation to retaining wall disputes, especially the manner in which they have been built. But the bill makes it clear that a retaining wall is not a fence. In fact a distinction between a retaining wall and a fence is introduced by the bill, which confers specific power upon QCAT to make orders in relation to a retaining wall if it is necessary to resolve a dividing fences dispute. The bill ensures that a neighbour can seek the removal of an unreasonable attachment to a dividing fence as well, which is common in my electorate where they try to put up carports attached to a fence. The bill makes it clear, as I said, that a retaining wall is not a fence, and I hope that this will be part of a training program and will be well publicised in our communities.

Informal resolution between neighbours is always to be encouraged, but it can be hard to have meaningful talks if you live in a community or live in a street where you are trying to have a friendly discussion and you have a bloke at the front door with a beer in one hand and a baseball bat in the other. It is not really a laughing matter, because these sorts of things do happen in my electorate of Bundamba. Of course conciliation will be an alternative dispute resolution process, and I encourage that at all times.

Dividing fences and trees can also be in dispute not only between private property owners but also between private property owners and the department of housing. I have many hundreds of housing department homes in my electorate, and I hope that the department of housing officers take note of this legislation or that there is some sort of training process in place for them, as departmental officers can be quite belligerent in relation to tree matters, particularly the dropping of leaves on neighbourhood properties because in Ipswich we do have cold winters and there are some deciduous trees that drop all of their leaves and that can be a cause of great upset, particularly for residents who may be older and who pride themselves on their beautiful gardens and their beautiful houses. I am pleased that this bill is being debated in this House tonight and hopefully there will be fewer neighbourhood disputes over fences and over trees. With that, I commend the bill to the House.

Ms FARMER (Bulimba—ALP) (7.48 pm): I rise to speak on the Neighbourhood Disputes Resolution Bill 2010. I know that there are many people from the Bulimba electorate who have been looking forward to this bill being passed, and I thank the Deputy Premier and Attorney-General—

Mr Lucas interjected.

Ms FARMER: I take that interjection. I thank the Deputy Premier and Attorney-General for his carriage of it. This is another great example of the Bligh Labor government responding to the needs of Queenslanders, being out there talking and listening so that we understand not only what the issues are for them but also what the possible solutions are.

My husband and I are very lucky. We have an excellent relationship with our neighbours, and the few times we have had to make joint decisions with them about fences or trees we have had respectful, well-reasoned discussions and everyone has been happy with the outcome. Friendly, tight-knit communities are one of our greatest strengths as Australians, and there was no greater example of friends looking after friends, strangers looking strangers, neighbours looking after neighbours—all the signs of a friendly, tight-knit community—than during the natural disasters that beset our state seven and eight months ago. These things make for the health of a community, for the wellbeing of a community.

That is why it has been very disturbing for me to hear on a more than regular basis through my electorate office of the stresses and tensions associated with neighbourhood disputes in my area, particularly when associated with fences and trees—and of instances where there has been such a breakdown of respect and communication that it has affected the mental and/or physical health of those concerned and the marriages of those concerned, that people have had to sell their homes and that their only form of interaction with their neighbours is at high volume, characterised by aggression and unpleasantness. This is just plain bad; it is bad for families and individuals and it is bad for communities. It has been the result, I fear, of simply not having an effective enough method through which people could resolve their disputes.

The Dividing Fences Act has been the law dealing with dividing fences for 60 years. However, now that we have higher population density in this state and an increasingly mobile population, and with the day-to-day financial and social pressures that face all of us as citizens and neighbours, we need a process which compensates for the fact that we do not always have the same relationships with our neighbours as we did 60 years ago. We need a bill which is more of a facilitator.

The Neighbourhood Disputes Resolution Bill will now provide just that avenue. It is the right conclusion to the Review of Neighbourly Relations project which considered the current laws, processes and remedies available to neighbours and their practicality when applied to common neighbourhood disputes about trees and dividing fences. Over 1,000 submissions were made to this review, a clear indication of the importance Queenslanders place on the matter. Given the feedback to my office, I was not at all surprised to hear that most submissions related to the tree issue, with support for new provisions for notices to trim overhanging branches to the boundary line.

Of the respondents, over 78 per cent reported they had had a dispute with their neighbour, 57 per cent reported they had had a dispute over a dividing fence, 56 per cent reported they had had a dispute about a dangerous or intrusive tree, 86 per cent believed the person who owns the tree should be responsible for any damage caused by that tree, and 75 per cent considered the absence of uniform legislation had the potential to affect neighbourly relations. This review was undertaken with the aim of encouraging the people of Queensland to be good neighbours and to support neighbours to resolve their disputes in a friendly, timely and accessible manner.

The Neighbourhood Disputes Resolution Bill does encourage neighbours in this way. It uses easy-to-understand and simple language. It focuses on informal resolution, encouraging neighbours to reach agreement on issues by providing effective and accessible remedies to resolve the most common causes of disputes in neighbourhoods—that is, fences and trees. It provides for conciliation to identify issues, develop options and consider alternatives and a way to reach an agreement. It confers jurisdiction on QCAT, replacing what had previously been a costly and exacting process for those people needing to bring a neighbourhood dispute to court.

On trees, it provides a simple resolution of disputes about trees likely to cause serious injury, serious damage or substantial ongoing and unreasonable interference with the person's use and enjoyment of their land. It provides clear direction about a tree keeper's responsibilities and reflects the strong community view that a tree owner should be responsible for the proper care and maintenance of a tree growing on their land in the neighbourhood.

I am pleased to see that, although the paramount principle is public safety, the importance of the tree to the local environment is also considered. QCAT will be required to consider several matters before saying that a tree can be removed or pruned, including protection of waterways or foreshores and any contribution the tree makes to the local ecosystems, biodiversity and public amenity. If a tree is ordered to be removed by QCAT, they may order that another tree be planted in its place.

On fences, it clarifies that the ownership of a dividing fence on a common boundary line is shared equally between neighbours. It provides a distinction between retaining walls and fences. It clarifies where a fence should be built. It gives people the avenue to stop their neighbours pulling down a fence without consultation. It provides for simple paperwork as guidance in a potential dispute—that is, the notice for contribution to fencing work and the notice for overhanging branches forms. These elements will address all of the fence related issues that are raised with me most frequently.

This bill is going to be warmly welcomed by my local community. It is going to make a real difference and I support it with the greatest enthusiasm.

Hon. KL STRUTHERS (Algester—ALP) (Minister for Community Services and Housing and Minister for Women) (7.54 pm): In life, it is the little things that matter; in relation to community harmony, it is the disputes over trees, fences and other things that can cause ongoing anguish for neighbours and for the wider community. As a local member, I know that it is disputes around these sorts of issues—overhanging trees, falling branches, fence issues, who is going to pay for the cost of upgrading a fence—that can cause a lot of concern for local people. So I commend the Attorney-General and Deputy Premier for this practical and very helpful legislative reform. I also commend the former Attorney-General, who led the early work on this bill. The bill gives us remedies that are practical, simple and very useable.

I also want to speak in support of the legislation as Minister for Housing, because we have a system of housing around the state where government is governed by the same laws as everybody else. My portfolio, the social housing portfolio, contains over 66,000 units of housing including semidetached housing, apartments and units. We are governed by the same laws as everyone else, and we, too, want our tenants to live in a neighbourly and harmonious manner. There is not a second system, a new system or a different system for our tenants; it is the same. So we, too, are dealing on a day-to-day basis with disputes around trees, fences and other neighbourhood issues.

I want to affirm to the House tonight that we certainly take these issues very seriously and we act very quickly and very responsibly. In fact, I am confident in saying that we have a superior system to some of the private lessors who do not get on to these issues quickly enough on behalf of their tenants. We actually get on to these issues very responsibly and offer remedies to people as quickly as we can.

Of those 66,000 tenancies around the state, some of them are our own houses that we own and manage; others are managed by NGOs, community based groups, church groups and others in community based housing. They are governed by these laws in the same way we are. I want to put on the record that I as minister and my department do not accept unruly and unlawful behaviour, and we are on to it. These reports that get around from time to time that we are soft on our tenants and soft on these issues are absolute nonsense. We expect the same sorts of standards and neighbourly and harmonious behaviour of our tenants as you would expect in the private sector. In fact, as I said earlier—

Mr Bleijie interjected.

Ms STRUTHERS: I know the members opposite do not like public housing.

Mr Bleijie interjected.

Ms STRUTHERS: I know they do not. In fact, at times there is an onus on us as a public housing provider to go that extra mile. Even if we issue a notice to leave on a tenant and it goes to the Queensland Civil and Administrative Tribunal for a determination, QCAT may in fact uphold the notice to leave but ask us as a public provider to find alternative accommodation for that tenant who is in some dispute. That onus is not put on private lessors. In fact, I would say with great confidence that we actually offer a superior tenancy management system to many in the private sector. I again commend the minister, the Deputy Premier, and his staff and others in the department for this good, practical, helpful legislation.

Mr DOWLING (Redlands—LNP) (7.58 pm): Tonight I speak to the Neighbourhood Disputes Resolution Bill. It is one of those areas that I know, as a former councillor, seems to consume the most time, the most energy and the most effort of not only a councillor but also the officers within council, with arguments involving fencing and where fences were and arguments over trees. We all know these disputes only too well. Those of us with a council background would see this legislation as certainly a very positive step in the right direction. The issue centres around not only the fence alignments and the style and construction of the fence but also the height of the fence and other things.

Then you move to the trees—with complaints about leaves falling into pools, branches littering gardens, trees casting shadows and trees blocking views. When any of those issues affect the amenity or diminish the enjoyment or privacy of our principal residence—our single largest asset for most of us, our home—emotions are engaged, and that is when things tend to get off the rails.

Obviously the bill is titled the Neighbourhood Disputes Resolution Bill. It would be fantastic—and we can probably put this on the to-do list—and we would be well advanced as a society if we could resolve issues about the barking dogs, the noisy parties, the cars coming and going and the glare from rooftops et cetera. I took the liberty of doing a Google search to look at the notice—the form—for either fence or tree-lopping work. The notice, if it remains in its current draft form, is actually a simple form that leaves no grey areas and is straightforward. That is in stark contrast to the sustainability declaration form that passed through this House some months ago. So it is very straightforward and, as I said, is a step in the right direction. I echo the comments from both sides of the House from those of us who have been on the receiving end of those phone calls. It is a shame that we need to legislate to this level to get resolution. As I heard many speakers on both sides say, we need to learn to live and play in harmony. We need to work together.

I am not optimistic about the QCAT process—and I do appreciate that that is the end of the line—but I would hope that councils are encouraged to support this and get behind this process. Let us hope that we and the councils can encourage this first step to be the resolution—that is, that it will be the end of the line so we do not go through those extensive and painful processes and that when it is laid out simply, the way this appears to be, we will be much better placed as a community and as a society. I want to touch on the other two issues that have been touched on by others on both sides—that is, the issue around tree roots and the damage and the concern that they cause as they grow underneath fences and the issues around adjoining crown land and adjoining council properties and resolving those issues. I am optimistic. I hope this works. With those brief words, I commend the bill to the House.

Ms GRACE (Brisbane Central—ALP) (8.01 pm): I rise to support the Neighbourhood Disputes Resolution Bill, which is current and up-to-date legislation that goes about solving common disputes between neighbours regarding dividing fences and trees. The bill reflects the review that was undertaken of the neighbourly relations project, and that was about encouraging good neighbourly relations and bringing about a method of support for neighbours to resolve their disputes in a friendly, timely and assessable manner. I hope that the bill is true to this and will enable neighbours who do have a problem with dividing fences or trees to be able to reach a mutually agreeable outcome. The bill encourages neighbours to resolve the dispute informally and uses easy-to-understand and simplified language and obviously updates a bill that is some 60 years old.

The bill contains two distinct chapters—one dealing with fences and the other dealing with trees. Since I was elected there have been many calls to my office regarding problems associated with trees and dividing fences, and they range from trees not being cut down to roots causing damage to leaves causing plumbing problems to fences being built where people did not think they should have been built. It often has been very difficult to have these disputes resolved. I found that the Brisbane City Council in my electorate had a very hands-off type of attitude to this and in a way left neighbours stewing with the problem confronting them with no obvious means of being able to resolve the dispute. As we often say, people want to have either their day in court or to be in front of a conciliator or somebody they can tell their side of the story to and have somebody either help them come to a resolution or somebody who is able to make a decision regarding their problems. If these issues fester and remain unresolved, these are people living next door to each other, for many years often, and it can get unreasonable and be ongoing. Those people need somewhere where they can get their matter resolved.

This bill addresses most of the concerns raised in the broad consultation process on the draft bill which was done over a period of time in 2010 and many people made submissions to those consultations and many of the suggestions that were put forward have been picked up in this bill. We are trying to make it very clear. There is a clear direction about who the tree keeper is, and that is a term that is used in the bill. It talks about their responsibilities and reflects the strong community view that the tree owner or the tree keeper really should have the prime responsibility for the proper care and maintenance of the tree growing on their land, possibly where they planted it or where they inherited it, ensuring that it does not interfere with the neighbours and that they take the prime responsibility. That was very clearly pointed out in the consultation process and the bill paramountly picks that up as the essence of how we are going to resolve these disputes.

The bill sets out the paramount principle of public safety of course in that no-one is now allowed to have an unsafe tree. The tree keeper or the tree owner have to take care of it. Given the importance of considering how the tree contributes to a neighbour's liveability, their environment and their ability to enjoy their block of land and their backyard, it is going to be very important that those factors be taken into account in deciding for removal or pruning or whatever the resolution is going to be in the end. The bill will revolutionise the law around trees. It will revolutionise the law around fences. There are clear descriptions about what fencing is all about, who pays and what a retaining wall is. There are adequate descriptions so that there are no grey areas in trying to work out how the bill will relate to people. I am sure the government and the department will put out easy-to-follow guidelines on the processes that one has to follow in order to give notice of cutting a tree or an order from QCAT that the tree be removed, or whatever the resolution is going to be to the dispute.

This is common-sense legislation for an issue that all of us in this House know comes before us from time to time in many ways, shapes and forms. Only just recently—I think it was about a week ago—I had an elderly woman who was very distressed about trees overhanging her property, causing her untold concerns. It took quite a lot of doing to get the neighbour to meet their obligations and ensure that their tree keeps the other neighbour's property clean and tidy. This legislation creates clarity with its easy-to-understand language and with the ability for the bill to provide that QCAT is the deciding factor.

There are conciliators who can help resolve the process of a fence or a tree dispute. The conciliation process involves a conciliator assisting participants to identify the issues in the dispute, develop options, consider alternatives and of course try to meet a reasonable and mutual resolution or agreement. They can provide advice, they can provide options but they cannot make a determination. The conciliators are there to help to reach agreement. Where there is a will there is generally a way, and a skilled conciliator can help to resolve the dispute. In keeping with the intention of the bill, it will really be up to the neighbours with that assistance to reach a mutual agreement. Conciliation is always a step in the right direction. I commend the bill to the House. I commend the previous Attorney-General and the current Attorney-General in the drafting of the bill. It goes a long way to helping us in our electorate offices meet the needs of our constituents. I again commend the bill to the House.

Mr WELLINGTON (Nicklin—Ind) (8.08 pm): It gives me a great deal of pleasure to rise to participate in the debate on the Neighbourhood Disputes Resolution Bill 2010. Many constituents in my electorate have regularly been contacting me and asking me when this proposed bill is going to be law in Queensland. I keep saying, 'We'll see what happens when parliament resumes.' It is certainly getting close to the stage where the bill will proceed through all stages and then it will be a matter of how long it will take for this proposed bill to become a valid law in Queensland. Earlier today I listened to the member for Murrumba speak to the bill. As I listened to him speak—

Mr Ryan interjected.

Mr WELLINGTON: It was a great speech. As he was speaking, I was thinking of the many constituents who have been to see me who are simply not able to take their case to the courts because the reality is that it is not affordable.

The reality is that if you have a pet, you have to be responsible. If you have trees on your land, you have to be responsible. I believe that this bill goes a long way to try to simplify very clearly the basic principle that you have to take responsibility for what is on your property, be it an animal, a tree, or a

plant. There is no doubt that there is a lot of goodwill in this bill and I am certainly looking forward to it proceeding to the final stage, becoming law in Queensland and, hopefully, being able to resolve many of the disagreements that we all have in our communities in a simple way without the need and the expense of having to go to court. So I look forward to the bill proceeding. I commend the bill to the House.

Mr LAWLOR (Southport—ALP) (8.09 pm): The Neighbourhood Disputes Resolution Bill concludes the Review of Neighbourly Relations project. In that review, consideration was given to the current laws, processes and remedies that are available to neighbours to resolve disputes concerning dividing fences and trees. Certainly, in about 30 years of practising law I think dividing fences and trees probably caused the greatest volume of—

Mr Lucas interjected.

Mr LAWLOR: That is right. It is quite amazing how people just fall out over dividing fences and trees.

Mr Shine interjected.

Mr LAWLOR: Yes, I was very grateful that I got into politics and got away from dividing fences actions.

Mr Shine: That's the trouble when you become an expert.

Mr LAWLOR: Yes, dividing fences was my specialty. The aim of the project was to encourage Queenslanders to be good neighbours and resolve disputes concerning fences and trees in a friendly and timely manner. The bill firstly encourages neighbours to resolve neighbourhood disputes directly and informally. Certainly, that saves a lot of money, even though it is going to a good cause—my mates in the legal fraternity. Nevertheless, I think it is better if my constituents can keep the money in their pockets and resolve their disputes one on one.

This bill modernises the Queensland law relating to dividing fences and changes the common law of abatement in relation to overhanging branches and also introduces a simplified remedy to deal with trees. It also confers jurisdiction on the Queensland Civil and Administrative Tribunal. The Dividing Fences Act, which has been around for almost 60 years, will be repealed and replaced by a chapter on dividing fences. Another separate chapter will introduce new state based tree legislation that will provide a simple statutory remedy for the resolution of disputes about trees likely to cause serious injury, serious damage or substantial ongoing and unreasonable interference with a person's use and enjoyment of that person's land. Although I got out of law and into politics, the issues of trees and dividing fences nevertheless seem to follow me. Even as recently as a month ago I was at a constituent's residence because she was at her wit's end about a tree that was next door. Over several years—

Mr Ryan: Did you take your chainsaw?

Mr LAWLOR: No, I did not take a chainsaw. Over several years she has had various issues with power failures in her house. She has had electricians out there. This lady is a 75-year-old pensioner who is staying in her home alone, looking after herself. She cannot afford to have electricians there. When it rained, the build-up of pine needles in the gutters would cause a back flow of water, which would then get into the electrical fittings and short-circuit the whole house. The electrician said to her that the gutters needed cleaning out. She has done that five or six times over the past three years. She has spent a lot of money on a gutter guard, but with the needle-like foliage of the neighbour's intrusive casuarina she-oak, the gutter guards were useless. The leaves used to get through the gutter guards and then block up the drain. In addition she has also tried to use water from the water tanks for her plants and so on, but the leaves used to block up the filters there. This is still happening. So this is one lady who is really looking forward to this bill being passed. Hopefully, it will give her some relief from the real issues she has had with the neighbouring tree for some years now.

The bill addresses most of the issues raised during an eight-week public consultation process on the draft bill from May 2010. It sets out clearly a tree keeper's responsibilities and endeavours to ensure that the tree keeper is responsible for the proper care and maintenance of a tree growing on their land in the neighbourhood. The bill will revolutionise the law about trees and provide a statutory remedy for nuisance caused by a tree. That has been a difficult remedy to access in Queensland because of the costs associated with bringing proceedings in the higher courts.

The bill focuses on the informal resolution of disputes about trees and dividing fences. Conciliation is the alternative dispute resolution process used to resolve fence and tree disputes. So a conciliator will assist participants to identify the issues in dispute, develop options, consider alternatives and try to reach an agreement. A conciliator can provide advice on matters in dispute and options for resolution, but will not make a determination. That is in keeping with the intention of the bill. It will be up to the parties to mutually agree on a solution via that conciliation process.

A neighbour can apply to QCAT where the neighbour alleges that the tree has caused, is causing or is likely to cause injury to any person, that the tree caused, is causing or is likely to cause damage to a neighbour's land or property and that the tree has caused, or is causing substantial ongoing and

unreasonable interference with the neighbour's land. Some examples of that substantial ongoing and unreasonable interference with the enjoyment of a neighbour's land could include interference with the television or satellite reception, loss of light, interference with the proper functioning of solar panelling and interference with a previously existing view, which diminishes the value of the land. In those circumstances, QCAT can make orders, including an order for the removal of a tree within a 28-day period, order that a tree has annual maintenance work or order compensation or repair costs for damages. This is a great step forward. I am sure it will lead to a more timely resolution of neighbourhood disputes. I commend the bill to the House.

Hon. PT LUCAS (Lytton—ALP) (Deputy Premier and Attorney-General, Minister for Local Government and Special Minister of State) (8.16 pm), in reply: I thank all honourable members for their contributions to the debate on the Neighbourhood Disputes Resolution Bill 2010. The bill is the conclusion of the Review of Neighbourly Relations. The bill contains a range of reforms to assist neighbours resolve their disputes in more efficient and effective ways. The bill's key reforms are providing a clearer definition of the term 'sufficient dividing fence', introducing a single notice for contribution to fencing work form, distinguishing between a retaining wall and a dividing fence, clearer rules for pastoral and agricultural fences, changing the common law of abatement in relation to overhanging tree branches and introducing a notice system to deal with the cutting and removal of branches encroaching on to a neighbour's property, providing a statutory remedy to deal with the trees and conferring jurisdiction on QCAT—the Queensland Civil and Administrative Tribunal—in relation to tree matters. The impact of these changes, particularly the trees chapter, will be reviewed no later than three years after the commencement of the legislation to ensure that the act is meeting its objectives. The government is determined to ensure our neighbourly communities, which is one of Queensland's great strengths, is supported by appropriate laws and dispute resolution processes.

Before I go into the detail of the bill, I wish to make some important comments about the trees chapter, in particular clause 46. I make these comments to assist in the interpretation of the bill. The trees chapter is intended to promote safety. Clause 71 provides that in an application under the trees chapter QCAT must place as a primary consideration the safety of any person. When a person brings an application to QCAT that involves personal injury which has occurred or is likely to occur, it is necessary to establish that the previous or potential injury is serious. That is the expression used in clause 46(b)(i). That is under that limb of that section.

The use of the expression 'serious injury' is to create a threshold, the intention being to weed out trivial or trifling issues. For example, if a person was struck by a twig and not injured, this would not be sufficient. A person with a mild case of hay fever from the neighbour's flowering tree might not be able to bring an application. Of course, it is a matter for tribunals. A person who tripped over a root and grazed their knee might not be able to bring an application. However, in relation to that root they might be able to establish that someone could suffer a serious injury like a broken leg in the future from tripping over that root that is there as a potential for serious injury.

Several areas of law distinguish between trivial and more serious injuries: the criminal law, workers compensation and common law personal injuries actions. The maxim de minimis non curat lex is well known to the member for Murrumba.

Mr Wells: Hear, hear!

Mr LUCAS: The law does not concern itself with trifles. I remember the famous little ditty about that: there was a young lawyer named Rex—and we will not worry about the rest of it. The function of the maxim is to place outside the scope of legal relief the sorts of injuries that are so small that they must be accepted as the price of living in society. It is these sorts of very minor incidents that the threshold of serious injury in clause 46 is designed to exclude. However, the bill will remain under review and if this purpose is not achieved this clause can be returned for consideration and amendment.

I will now address some of the matters raised by honourable members during the course of this debate. The honourable member for Kawana suggested that the title of the bill should be amended to include the words 'dividing fences' and 'trees'. It would not be appropriate to limit the scope of the bill. In fact, ultimately it may be that this legislation is further broadened in terms of further neighbourly relations.

Extensive consultation has been undertaken on this bill. The bill will impact on most Queenslanders because most Queenslanders have fences and trees and most disputes are in relation to these matters. The consultation process included three discussion papers, a number of public forums in Brisbane and rural and regional areas of Queensland, an e-survey on the Get Involved website and six weeks of public consultation on the draft bill. There was considerable community interest in the review and many submissions to be considered. The review gathered comprehensive information from the people of Queensland about how the government could assist them to live in harmony in the neighbourhood. The goal was to assist neighbours to live peacefully in the changing neighbourhood environment of the 21st century. I believe this bill goes a long way to assisting neighbours to achieve that goal.

The honourable member for Coomera focused his attention on a particular area of the bill which is the meaning of 'fence' in clause 11, in particular when a fence is a structure, ditch or embankment. The honourable member was concerned to know how members could come to an agreement where there is an embankment and when the local council cannot enforce the construction of a retaining wall because there is not a metre of height. The honourable member was also concerned that in this situation one side or the other can lose a significant piece of land because a fence has to be moved to one side or another. In these circumstances QCAT could order the construction of a retaining wall under clause 35(1)(f) of the bill in order that a fence can be built. QCAT may also order that no fence was needed or that a fence be placed on or off the boundary line. If QCAT orders that a fence should be built within one adjoining owner's property, the bill makes it clear in clause 35(2) that the occupation of the land does not affect the title to or possession of the land. I should say that this bill does not deal with the general law in relation to retaining walls other than insofar as it touches on fences. This act does not prejudice the rights of persons to make an application under section 184 of the Property Law Act 1974 for relief in respect of an encroachment.

Both the member for Kawana and the member for Gaven asked how parties would practically determine what is a sufficient dividing fence and how they would work out their contributions. Clause 13 of the bill establishes the height and materials for a sufficient dividing fence. What is a dividing fence in Bermondsey may not be the same as a dividing fence in Belgrave Square, to paraphrase the famous nuisance case. In the case of residential land, it provides a basic rule of height for a sufficient fence between 0.5 metres and 1.8 metres and refers to types of construction material. The starting point for owners is to consider the minimum height and materials necessary to divide the adjoining lands. They can then apply the presumption of joint contribution. Contribution can include money, materials or labour. If they are unable to agree, the matter can be referred to QCAT for resolution. This is the same at the moment. There is a real problem if you start to get prescriptive in terms of what it is because different neighbourhoods have different fencing requirements. I think it is far better ultimately to leave it to determination through that process.

In relation to clause 14, the member for Kawana noted that local government is not the owner of road reserves and should not be required to financially contribute to a fence between a road reserve and adjoining freehold property. A local government is not required by the bill to contribute to fences between a road reserve and adjoining freehold property.

The member for Kawana asked about the retrospective nature of clause 26. Clause 26 allows an adjoining owner to seek a contribution for fencing work needed because of the damage or destruction caused by the other adjoining owner or an entrant who enters with their express consent and applies to damage or destruction caused before the commencement of the bill. Given that the object of the bill is to minimise disputes between neighbours, the retrospective operation provision is justified on the basis that it will prevent any ongoing disputes that might occur between neighbours about who should pay for the damage or destruction of the dividing fence in circumstances contemplated by this clause. After all, we are not deeming all dividing fences in Queensland as at the passage of this bill to be as if they were new whether they are new or not.

The member for Kawana asked for my broader interpretation of clause 27 with respect to attached clothes lines which are often attached to dividing fences and can exceed the height of the fence. Clause 27 prevents unreasonable and material alteration of a dividing fence by the attachment of something to it without the consent of the adjoining owner. This is because the fence is joint property. The words 'unreasonable' and 'material alteration' create an objective test. And, indeed, what some people do sometimes with carports is they will have the pole of the carport next to the fence but there is still a pole of the carport there. We will have to monitor that, of course, to make sure it is interpreted appropriately.

One of the examples given to the review was a tarpaulin attached from the second floor roof of a neighbour's house to the dividing fence obscuring the owner's line of sight and placing great strain on the fence, particularly during high winds. There was no action the adjoining owner could take to remedy the situation. Distressed neighbours have reported such things as carports, shade sails and lattice work being attached to the dividing fence and seriously comprising the structural integrity of the fence. This is something, however, that will need to be kept under review, for the purpose of the dividing fence is to separate the lands of the two adjoining owners; it is not to provide support for other structures. But I think people have to be reasonable when it comes to these issues.

Dividing fences are not usually built to withstand the kind of pressure which can cause the fence to fail and result in further disputation between the neighbours. However, it is for QCAT to determine in individual cases whether the attachment materially and unreasonably alters a dividing fence. One of the things that I want to make sure of—and I think it might have been raised by the member for Waterford—is that we do build up a good body of case law on the website so that people can have a look at the interpretation of the legislation.

The member for Kawana has asked for further clarification of clause 37(5) which states—

This section continues to apply to the owner or adjoining owner even if, after the order was made, the owner or the adjoining owner stopped owning the relevant parcel of land consisting of the adjoining land.

The member for Kawana referred to the submission of the Queensland Law Society, which said it was problematic. Clause 37 is based upon the existing section 11, 'Cases where owner or whereabouts of owner are not known', of the Dividing Fences Act 1953. It is an important clause because sometimes it is not possible to locate an adjoining owner. They could be overseas. The absence of an adjoining owner does not mean that the dividing fence is not necessary. This clause allows the neighbour who has made reasonable inquiries to apply to QCAT for an order in the absence of an adjoining owner authorising the carrying out of the work including the way in which the contributions for the work are to be apportioned.

Clause 37 allows the applicant to obtain an order to proceed to undertake the fencing work and if they locate the adjoining owner eventually to serve the owner the order and receive the contribution. By this it clearly implies a monetary contribution. Such orders are unlikely to place any obligation on an absent owner to perform works. This would be impractical, as the reason the application is being made in the first place is that the adjoining owner cannot be located. The clause does not in any way require the absentee owner to undertake the work or to seek to enter property they no longer own. The alternative to excluding this clause would be worse. The applicant would have to pay the entire cost of the dividing fence without any prospect of contribution. I am trying to remember if I have seen in my electorate or people have written to me about cases where they have had difficulty locating overseas owners. There are a lot of overseas owners these days who have investment properties. They are people living in other parts of the world and renting out properties.

Both the member for Kawana and the member for Aspley stated that clause 38 may lead to an increase in unnecessary applications to QCAT. There was a suggestion by the member for Aspley that clause 38 should be written to encourage owners to try to resolve the matter with the neighbour first and in the event this action fails QCAT may be approached as the next option. Clause 38 provides relief in the situation where an owner apprehends that an adjoining owner intends to construct or demolish a dividing fence without authorisation. Whilst the best solution would be for the neighbours to try to resolve the matter, unfortunately it is not uncommon that the first time the adjoining owner knows about this problem is when contractors or neighbours are either on site to construct a new fence or in the process of pulling down the existing one—or, indeed, you might talk to them about not pulling it down and they go out and pull it down. The adjoining owner needs a fast and accessible remedy to halt work so that constructive negotiations can take place between the parties.

Fortunately, neighbours will now have a remedy under clause 39 of the bill to apply for an order requiring the owner to remove, modify or rectify the fence. Neighbours can also make applications to QCAT to prevent the adjoining owner from demolishing the existing fence. Clause 38 requires that the owner must believe on reasonable grounds that an adjoining owner intends to construct or demolish a dividing fence without authorisation. It will be up to QCAT to decide whether the grounds of such belief are reasonable.

The member for Kawana would like me to indicate whether the department has amended or worked on the notice forms contained in the bill. I am advised that consultation has been conducted with the key stakeholders on the notices, including QCAT, to ensure the notices are workable. They will be finalised upon the conclusion of the bill and tabled prior to commencement.

The member for Nanango wanted to see how I would resolve her problem of five different fences on one property. I am not here to resolve her problems. Having said that, she may be able to join all the neighbours in proceedings before QCAT if there is no agreement amongst the five neighbours about the type of dividing fence. If QCAT was deciding the issue, the kind of dividing fence used on a property would be a key issue in deciding what was sufficient. There are myriad things that one can ask questions about in relation to such an area of the law where there are so many different permutations and combinations.

The honourable member for Keppel was concerned that clause 42 mentions trees in public parks, but does not deal with roads and footpaths. The bill does not affect trees on footpaths or in parks. Also, the bill does not the alter the existing law concerning public footpaths and parks and, in particular, does not take away common law remedies such as abatement and remedies under nuisance, which remain available to landowners. Similarly, local authorities are given no rights under the bill to deal with problem trees emanating from private property that are causing nuisance to footpaths or parks. That is something they can deal with in terms of their local laws. They did not want to play a role in relation to tree dispute resolution for neighbours so the state has had to step in. Therefore, they can deal themselves with disputes with their neighbours. Footpaths and parks are public areas and local authorities have a duty of care to all members of the public, and specifically with regards to negligence, to ensure the public are not harmed by trees growing in public access areas. It is up to local councils to introduce local laws and policies to deal with those issues which, as the honourable member has pointed out, can be the cause of disputes between landowners and their local council.

The member for Kawana expressed concerns about the impact of the bill on owners of lots within community title schemes and body corporate managers, and tabled a letter from the Community Titles Institute of Queensland. I propose moving amendments in the consideration in detail stage of the debate

to clarify the application of the trees chapter to bodies corporate, community title schemes and individual lot owners. During the review, submissions were received from individual bodies corporate advising of problems experienced in dealing with ongoing damage caused by native trees. Generally, those submissions favoured the idea that the introduction of a statutory remedy for nuisance as a civil action was not realistic because of the cost and complexity of the law of nuisance. The bill established a legislative framework giving QCAT jurisdiction to make a range of orders on the application of a neighbour for the removal and pruning of a nuisance tree. The intention behind the bill is to reduce the risk of injury to persons and reduce property damage. For those reasons, the bill gives QCAT the power to override local laws so that QCAT can override a vegetation protection order to ensure that, if required, persons and property are fully protected from possible or future harm or damage. The common law of nuisance and negligence currently applies to trees affecting neighbours. This common law remedy will still be available to neighbours after the bill commences. You can still go back to the common law. It will be up to neighbours to choose whether they use the statutory remedies in the bill or bring a common law action for relief before the Supreme or District Courts. Unlike dividing fences, the issue of dangerous and intrusive trees and their potential to cause damage or injury are not matters that should be the subject of private contract. The effect of such a provision would be to create inequitable advantage for some tree keepers and a denial of access to QCAT for some affected neighbours. It is appropriate, in the interests of safety to property and person, to include bodies corporate, owners of lots and schemes under the Body Corporate and Community Management Act 1997 and owners of lots comprised in a plan under the Building Units and Group Titles Act 1980 as tree keepers and neighbours under the bill.

The member for Chatsworth asked if the Attorney-General could clarify the role of a tree keeper when there is a vegetation protection order over the tree. As I said previously, the tree keeper retains the role of tree keeper under the bill even if there is a VPO. It does not belong to the council; you are the person. However, the bill gives power to QCAT to order that the work be carried out on a tree where it is satisfied that the applicant has demonstrated one of the grounds under clause 66. Such an order applies even if a vegetation protection order or similar tree protection order is placed over the tree by a local council. In this way, QCAT can override any decision that may have been made about a tree by a local council. Before QCAT can hear a matter, it must be satisfied that there is a genuine dispute between the affected neighbour and the tree keeper. You cannot use it as a mechanism to knock over a tree that has a VPO on it. Your neighbour has to be complaining about the tree; it cannot be you complaining about your own tree. The bill does not allow a tree keeper to bring an application to QCAT about a tree. The neighbour must bring an application if they believe they are affected by a tree. Under the bill, the tree keeper would not be able to apply to QCAT to override a vegetation protection order.

I draw the honourable member's attention to clause 52 of the bill, which sets out the responsibilities, liabilities and rights of a tree keeper. Clause 52(3) states that noncompliance with the obligations imposed by the bill does not create a civil cause of action. That has been included out of caution to stop people from suing when they have no cause of action. During the review it was reported that a tree keeper faces a dilemma when they believe that one of their trees may pose a risk to the neighbour. Often, tree keepers are keen to take pre-emptive action, but because of a vegetation protection order placed over the tree by the local council they are unable to do so without local council approval. People who are concerned about their obligations under a vegetation protection order imposed by a local council and their possible exposure to civil action need to take this up with their local council or seek legal advice.

The honourable members for Kawana, Gaven, Nanango and Mermaid Beach raised issues about the notice for particular overhanging branches and the cost of removing branches overhanging a fence line contained in chapter 3 part 4. This notice is a Queensland innovation. Prior to the introduction of the bill, the only recourse for neighbours to deal with overhanging branches was to exercise the common law right of abatement. This means that a neighbour had to cut overhanging branches to the boundary line at their own expense. This is the point that we will have a dispute about. Neighbours, particularly older people, reported that the common law right of abatement failed them. Some submissions favoured just retaining the common law. However, the common law requires that the neighbour wishing to exercise the right of abatement essentially has either the physical capacity or the financial capacity to do so. The majority of submissions to the review wanted the tree keeper to be entirely responsible for the maintenance of trees growing on their land. Neighbours reported they have tried unsuccessfully to negotiate the issues. Some neighbours reported they have tried mediation, but the adjoining owner would not attend as it was not compulsory. The bill proposes a mid-way solution. The solution requires some financial contribution from the tree keeper or they can undertake the work themselves. The amount of $300 is a contribution only; it will not cover the costs of removing branches overhanging an entire fence line. The member for Kawana suggested that the proposal might encourage people to use it as an opportunity to make money. However, it should be remembered that the tree keeper can carry out the work themselves or get a contractor to do the work. In those cases, the work will be at no cost or at the best price the tree keeper is able to source. The bill sets out the circumstances in which the notice can be given, that is, branches must intrude more than 50 centimetres onto the adjoining land and be less than 2.5 metres above the ground. This would remove branches likely to interfere with the passage of a person or vehicle. It is also a height that would allow a tree keeper to reach up and carry out the work themselves.

The member for Mermaid Beach raised concerns about using this notice for dangerous branches of gum trees, but that would not be dealt with—and this is a reasonable point—under this system unless they were under 2.5 metres high. Instead, an application would have to be made to QCAT under part 5 chapter 3 of the bill. Clause 92 of the bill sets out for neighbours the processes they can use for the giving of a notice. Clause 44 of the bill provides that an action may be taken in relation to more than one tree, for example, a person giving a notice under clause 57 may ask for a tree keeper to cut and remove branches from two trees. If the notice requires work to be carried out on more than one tree, the maximum recoverable by a neighbour will still be only $300. The neighbour may not give the notice if the neighbour has given another notice within the previous 12 months, that is, one neighbour, one notice per tree keeper, per year. The notice system cannot be used if a vegetation protection order under a local law is in place over the tree and the prior consent of the relevant local authority has not been obtained. In more serious situations involving root damage or the risk of damage or injury to person or property, the bill provides a procedure for an application to be brought to QCAT. A height restriction of more than 2.5 metres applies for the more serious tree encroachments where there is an allegation of substantial interference to light or view.

The honourable member for Kawana expressed concern at clause 87 with respect to the onus on a seller of a property once a transaction is completed. I note that the Queensland Law Society has concerns about the clause. Clause 87 is contained in part 7 of the trees chapter, which deals with the sale or proposed sale of land affected by an application or order about a tree. Part 7 provides for situations involving disclosure and nondisclosure of the existence of an application or order under the bill. Clause 83 requires that a person selling land affected by an application or an order under the bill must give a copy of the application or order to the buyer before the buyer enters a contract of sale. Failure to do so attracts a penalty of up to 500 penalty units or $50,000. Clause 85 provides that if the buyer has been made fully aware of the possible implications attached to the order, the buyer is bound by the order.

Clause 87 provides that the person selling land affected by an order who fails to disclose the existence of an order remains liable to carry out the work. The terms of entry to the new owner's land or applicant's land, if necessary, will be a matter for negotiation between the new owner, the seller and any other affected party. It is not appropriate for the buyer to incur the expense and inconvenience of recovering costs from a seller who has been dishonest or inattentive to their obligations under a QCAT order. The reason that I am going through these at some length is, hopefully, to avoid the necessity of the honourable member asking me about them in committee.

The member for Kawana is concerned about the right of entry provisions in clause 94, particularly with respect to limitation of liability. He noted that the Queensland Law Society also shared these concerns. Clause 94 deals with the important issue of entering the land owned by another person for the purpose of carrying out work under the bill. The bill has been very careful to protect the fundamental rights of the owner of the land when it comes to entry by another person. Clause 94 provides that a person may enter land owned by another only where there is an agreement or an order by QCAT. Clause 94(4) also limits the right of entry to reasonable times and to a reasonable extent. Depending on the circumstances, an owner of land can be held liable for the injuries sustained by a person carrying out work on their land. Common activities that take place on the average suburban block of land include pool cleaning, electrical installation, building work and meter readings.

The need to take reasonable precautions when entering another's property is an existing common law duty covered under the tort of negligence. It is not unreasonable to expect the landowner would take reasonable care to make his property safe or to inform any entrant as to any known dangers on the land. It is for the same reason that you cannot dig a hole in your front yard, cover it with newspaper, have someone fall in it and think you will not be liable. If the property owner engages a contractor to perform the same work, it is unlikely the contractor's common law rights in the event of any breach of common law duty would be abrogated. However, clause 57(3)(c), which deals with notice to remove overhanging branches, contains a reminder to neighbours and tree keepers to consider their public liability and other insurance obligations. A reminder will also be included on the actual form of the notice. It is appropriate for property owners to hold insurance to meet their liability for personal injury and property damage which occurs on their land and obtain their own independent legal advice about these matters.

The members for Kawana and Mermaid Beach consider that one of the most important outcomes of the bill will be its effect on QCAT. The Department of Justice and Attorney-General will meet the total funding costs for these reforms from internal resources. QCAT was allocated $227,000 in the 2009-10 budget to commence the implementation of this jurisdiction. This amount is provided annually on an ongoing basis. The increased funding takes into account that there will be fewer matters to be dealt with in relation to dividing fences because the law will be clearer and the assumption that the number of tree claims that proceed to QCAT will be similar to that in the New South Wales jurisdiction.

QCAT has formulated a high level implementation plan for the new jurisdiction. This is interesting. As part of this plan, QCAT has seconded an arborist for five months as well as taking on some additional activities such as advertising for assessors, training and information fact sheets. In addition, my

department is implementing a neighbourhood information website to be accessed by the public at www.justice.qld.gov.au. This will provide a central point of information about the avenues available for the resolution of common disputes between neighbours including noise, trees and fences. The web page will provide advice on which agency is responsible for the regulation of particular issues and links to their websites. It will provide guidance on dispute resolution techniques, including conciliation, promote the dispute resolution branch's mediation services and provide advice on the proposed new dividing fences legislation and tree legislation and provide a right, a recourse to QCAT.

The member for Gaven expressed a view that there was a possible flaw in the bill because of QCAT's lack of review powers. The appeal rights for parties involved in a QCAT proceeding are governed by its own act, the Queensland Civil and Administrative Tribunal Act 2009. A party can appeal a decision about a minor civil dispute to the Internal Appeal Tribunal in QCAT. A party can appeal the decision on the question of law or fact. A party can also appeal, with leave, to the Court of Appeal on a question of law. Information about the appeal processes under the QCAT act is available at its website.

I thank the member for Waterford. He raised two issues, firstly, that the department should publish the decisions that a tribunal may make to act as a guideline for future participants. QCAT currently publishes those cases where written reasons are produced on the Supreme Court library website, generally in the minor civil disputes jurisdiction, which includes matters about dividing fences. Reasons are given orally. An audio record of the reasons can be supplied to parties on request. However, as the bill establishes a new remedy for trees, it is anticipated that written reasons would be requested by the parties and made available. As I indicated earlier, I am very keen to get a body of case law down and accessible. Decisions may also be accessible under section 229 or 230 of the QCAT Act.

The second issue raised by the member for Waterford was about the accessibility of QCAT. Hearings for minor civil disputes, which include dividing fences disputes, are heard in the local Magistrates Court with the exception of the Brisbane Magistrates Court. For example, for the people of Logan, a minor civil dispute involving a dividing fence can be heard at the Beenleigh Court House. Non-minor civil dispute applications which may include tree matters can be lodged in any Magistrates Court in Queensland or at QCAT in Brisbane. If these applications are lodged at Magistrates Courts, they are immediately sent to Brisbane to be case managed within the Brisbane registry. QCAT circuits regularly to the major centres of Cairns, Townsville, Mackay, Rockhampton, Gladstone, Bundaberg, Hervey Bay, Maroochydore, Ipswich, Toowoomba and Southport. QCAT also conducts hearings in other regional centres from time to time. It also utilises videoconferencing and teleconferencing for hearings and conferences. QCAT has regional sessional members and will also be recruiting regional tree assessors who will assist with those proceedings heard outside of Brisbane.

In conclusion, I again thank all honourable members for their contribution during the debate on the bill. I also thank the many stakeholders and members of the Queensland community who provided such valuable input during the development of this legislation.

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

Motion agreed to.

Bill read a second time.

Consideration in Detail

Clause 1—

Mr BLEIJIE (8.45 pm): I move the following amendment—

1 Clause 1 (Short title)

Page 8, line 5, after '*Resolution*'—

insert—

'*(Dividing Fences and Trees)*'.

I table the explanatory notes to my amendments.

Tabled paper: Explanatory notes to Mr Bleijie's amendments to the Neighbourhood Disputes Resolution Bill [4972].

This amendment is quite a simple amendment. However, I note that the Attorney-General indicated in his response that he will not be supporting this amendment. Quite simply, it changes the title of the legislation from the Neighbourhood Disputes Resolution Bill to the Neighbourhood Disputes Resolution (Dividing Fences and Trees) Bill. In the consultation that I conducted, QCAT, the Queensland Civil and Administrative Tribunal, expressed quite severe concerns that without specifying fences and trees in the title of the bill, there is the potential for a major influx of matters before QCAT. I think that should be avoided at all costs. In the legal community we are told that QCAT is stretched to the maximum in terms of both its staff and its building space. With all the additional jurisdiction that is imposed on QCAT, it will struggle with what I suspect will be an influx of matters.

I am concerned that at any stage of a dispute between adjoining neighbours, by simply googling 'neighbourhood dispute, Queensland parliament, Queensland government', they will end up with this bill. I do not know about other members in this place, but I have already had constituents contacting me asking when this bill is going to be given assent and when is it going to be implemented because they want to use its provisions to talk about anything but dividing fences and trees. This is going to be problematic in terms of the pressures on case load and workload for QCAT. I suspect—and this is also its concern—that it is going to get flooded with matters which people want resolved that are not essentially related to dividing fences or trees.

I accept the Attorney's proposition that he put forward in his response. He said he would not agree to this amendment because this bill may be amended in the future. However, this bill was introduced in November 2010. We then started the debate on 24 March 2011 and some four months later we are finally finalising this bill. When I hear the Labor Party government say, 'Don't worry, this is going to be amended in the future,' I wonder how many years they are talking about. I think it is more prudent to deal with the issue now rather than wait for the future. I note also that, in his contribution to the debate, the member for Morayfield talked about 'this modernising Labor government' and 'this modern bill'. If it is modern for the Labor Party to introduce a bill in this place in November 2010, debate it in March and then finalise the debate at nine o'clock at night some four months later, I would hate to see 'fast', 'efficient' or 'slow'. I would really hate to see 'slow'. The point of this amendment—

Mr Shine: For 32 years you did nothing!

Mr BLEIJIE: How long have you been in power?

Mr Shine: Twenty.

Honourable members interjected.

Madam DEPUTY SPEAKER (Ms Farmer): Order! The member for Kawana has the call.

Mr BLEIJIE: Thank you, Madam Chair. As I was saying, this amendment is vitally important because I think we should be dealing with the here and the now, not the modern Labor Party future. If we talk about the modern Labor Party future, we could be potentially talking about another 20 years before we see another amendment to this bill.

Mr Ryan: Hear, hear!

Mr BLEIJIE: My good friend the member for Morayfield, I certainly want to be presumptuous—

Madam DEPUTY SPEAKER: Order! Member for Kawana, I ask you to come back to your point.

Mr BLEIJIE: Thank you for that direction, Madam Chair. The amendment that I am proposing is absolutely relevant in terms of the jurisdiction of QCAT. This bill confers all jurisdiction on QCAT. QCAT have an additional burden placed on them with so many bills that have come before this House now. So we are talking about an additional burden on QCAT. We can ease that burden, members.

Mr Lawlor: What do you want—them sitting around doing nothing, I suppose?

Mr BLEIJIE: We have the opportunity—the member for Southport has the opportunity tonight to ease that burden on QCAT so that his constituents can go to QCAT and, as I think the member for Mermaid Beach said, the queue in QCAT will not be the longest queue in Queensland. He has an opportunity tonight to embrace this and accept the opposition's amendment. If the member for Southport does accept our amendment—and I am singling out the member for Southport because he is the loudest in the chamber at present—then his constituents will have faster and more efficient access to justice through QCAT. If we can do that, I think we are achieving something that we are obliged to achieve in this place.

So let us deal with the here and the now, not with what the Attorney-General thinks he may want to put into this bill in 20 years time. The fact is that this bill deals with dividing fences and trees. It does not deal with any other matter of a neighbourhood dispute. So why object to the bill actually being titled and referred to throughout as what it actually deals with—that is, neighbourhood disputes over dividing fences and trees? I am quite upset that the Attorney-General has not accepted the opposition's amendment. I thought it was a good amendment to assist QCAT, bearing in mind that QCAT was established under this government's reign. Members opposite are very proud of QCAT being established under their reign, but surely they are receiving the same information that members of the LNP are—that QCAT is bursting at the seams and that people are experiencing delays with QCAT.

If we have an opportunity to stop that, if we have an opportunity to ease that burden on QCAT and improve people's access to justice by naming this bill what it sets out to achieve in an orderly fashion—resolving disputes between neighbours in relation to dividing fences and trees, nothing else—then why wouldn't we? In fact, it is not prudent for any member to come into this place or for any government to come into this place and base legislation, and name legislation, on what potentially the Attorney-General might wake up in the morning in five years time and say—'Yes, we should have a neighbourhood dispute in relation to loud parties. Let's include that.' You can look at the title again then. We should have the courage of our convictions tonight to deal with the matter at hand and to try to ease this burden.

I warned the Attorney-General in the debate—this was not me being a smart alec for the sake of moving an amendment; this was me—

Madam DEPUTY SPEAKER: Order! Could I point the member for Kawana to standing order 236. You are engaging in tedious repetition, and I ask that if you wish to make any new points you do so.

Mr BLEIJIE: Thank you for that direction, Madam Chair. The amendment that I move to clause 1 has come from direct consultation with QCAT itself. QCAT itself will be the only jurisdiction to deal with these matters. It is the essential jurisdiction. Based on the consultation I did with QCAT, I commend this amendment to the House.

Mr LUCAS: There are eight legal practitioners in the chamber tonight. I do not know where the honourable member studied law, but I know this: anyone who thinks the short title of the bill determines the legislative jurisdiction or the judicial jurisdiction of a court or a tribunal clearly has a very, very peculiar interpretation of the law.

Division: Question put—That the member for Kawana's amendment be agreed to.

AYES, 32—Bates, Bleijie, Cripps, Cunningham, Davis, Dempsey, Dickson, Douglas, Dowling, Elmes, Emerson, Gibson, Hobbs, Horan, Johnson, Langbroek, McArdle, McLindon, Malone, Menkens, Messenger, Nicholls, Powell, Pratt, Robinson, Seeney, Simpson, Springborg, Stevens, Stuckey. Tellers: Rickuss, Sorensen

NOES, 48—Attwood, Boyle, Choi, Croft, Darling, Dick, Finn, Foley, Fraser, Hinchliffe, Hoolihan, Jarratt, Johnstone, Jones, Kiernan, Kilburn, Lawlor, Lucas, Male, Miller, Moorhead, Mulherin, Nelson-Carr, Nolan, O'Brien, O'Neill, Palaszczuk, Pitt, Reeves, Roberts, Robertson, Ryan, Schwarten, Shine, Smith, Spence, Struthers, Sullivan, van Litsenburg, Wallace, Watt, Wellington, Wells, Wendt, Wettenhall, Wilson. Tellers: Keech, Grace

Resolved in the negative.

Non-government amendment (Mr Bleijie) negatived.

Clause 1, as read, agreed to.

Clauses 2 to 6, as read, agreed to.

Clause 7—

Mr BLEIJIE (9.06 pm): Clause 7 is the introduction overview of the bill, and my question is in particular reference to clause 7(4). The overview says, 'A sufficient dividing fence is required between 2 parcels of land'. It also says, 'Generally, neighbours must contribute equally to the building and maintaining of a sufficient dividing fence'. Under the old legislation, the equal contribution was the same, but now we have definitions of sufficient dividing fence in the legislation. The overview also says that neighbours must 'not attach something to a dividing fence', and we will get to that later in the discussions on the clauses. Clause 7(3) says—

This chapter encourages neighbours to attempt to resolve a dividing fence issue informally.

Clause 7(4), which is where my question relates, says—

However, if neighbours can not resolve a dividing fence issue, the dispute may be taken to QCAT for resolution.

I note in the Attorney-General's response to the issues raised by honourable members throughout the debate he spoke about the budgeted additional money that QCAT will be receiving for the forward estimates. In the amendment we just moved and which was defeated, we had the debate in relation to QCAT. My question relates to clause 7(4) but it is a general question throughout the bill and I am happy for the Attorney to answer this issue in one go.

My question goes to the heart of QCAT's preparedness for these matters to come before it; it goes to the heart of the burden that I talked about in the other debate. I want to know from the Attorney what consultation has taken place from when we debated this in March to now so that we know that when this bill receives assent QCAT will be absolutely ready for this and we will not have a situation where people are waiting on forms. What preparation has QCAT done in the last four months to get it ready for this bill to be passed this evening? I am not only asking about the financial capacity that the Attorney has talked about tonight but the other capacity in terms of staffing. I note the Attorney said there was one horticulturist employed—

Mr Lucas: Arborist.

Mr BLEIJIE: Arborist. He spoke about the office space in QCAT in terms of additional staff. I am after a complete guideline from the Attorney-General in terms of resources, staffing resources and other matters that QCAT has raised with the Attorney to make sure they are absolutely prepared for this bill once it is enacted.

Mr LUCAS: I have indicated previously the funding allowances and I will not go through those again. Additionally, QCAT has formulated a high level implementation plan for part of the new jurisdiction I am advised, and it has seconded an arborist as well as taking on some additional activities, like advertising for assessors, training and information fact sheets. There will be an implementation time of several months between the passing of this legislation and its proclamation to come into effect probably about four months, in which time these things can be further bedded down so we can make sure that we can communicate with the people of Queensland in particular about their rights and obligations under the new legislation. It is important to get it right and it is important that people understand their rights and obligations.

I have spoken with QCAT on a number of occasions informally and formally about matters. I am confident that QCAT can rise to the occasion. I see this jurisdiction as being one of the key justifications for QCAT. I look forward to it operating this. The moneys were chosen more or less in consultation between my department and QCAT as to the appropriate level of funding that it would require. Of course, as with anything, if there are changes in that over time, we will deal with that.

Mr BLEIJIE: Thank you, Attorney. I want to follow on from the Attorney's response there in terms of these fact sheets. Am I right, Attorney, that you said this will be implemented in four months time after we pass—

Mr Lucas: To be operative approximately in four months time, yes.

Mr BLEIJIE: I note that in the bill we are debating there is no start date to this, so it is somewhat presumptuous to say that it is going to receive assent in four months time when in fact I do not believe there is a start date in the bill. So essentially as soon as it receives royal assent, it will start.

I ask the Attorney to clarify that. In terms of the additional financial resources that are on offer to QCAT, can the Attorney provide advice with respect to the staffing of the registry? Obviously when the forms are filled out we will have to make sure QCAT is adequately staffed to ensure people can continue this process of access to justice, which is essentially what QCAT is about—fast and efficient access to justice. I want to make sure the finances that have been given to QCAT would adequately staff the registry and know whether this new process forms part of the normal registry, where all documents are lodged, or whether QCAT will have a separate unit to deal with this.

Last time I spoke to QCAT, in February this year, it had employed one additional staff member, but I would submit to the House and to the Attorney that one additional staff member in relation to this jurisdiction will not cut it, in my view, given the number of applications that I believe QCAT will be getting. QCAT, as I have already said tonight, is under the pump and is strained in terms of its jurisdictional abilities to deal with the matters that it has to deal with anyway, let alone what is coming.

I want to know how the Attorney thinks this will start in four months. If there is a date that I have missed in the bill then I apologise, but I do not think there is. I want to know how the Attorney can say that this process will start in four months, because I understand that as soon as the act gets royal assent it will commence.

Mr LUCAS: Under clause 2 it commences on the date of proclamation. I cannot comment on whether QCAT has one staff member or not now that the member has made that assertion. Clearly, by the time it needs to operate it QCAT will have more staff. You do not employ people before the bill is passed at that level in a registry.

Clause 7, as read, agreed to.

Clauses 8 to 26, as read, agreed to.

Clause 27—

Mr BLEIJIE (9.15 pm): Clause 27 deals with attaching things to a dividing fence. I note that in his response to the debate tonight the Attorney talked about attaching certain things to a dividing fence. I have real concerns with respect to this clause of the bill. The Attorney will note that subclause 27(1) states—

An owner, or a person who has entered the owner's land with the owner's express consent, must not, without the consent of the adjoining owner, attach a thing to a dividing fence that unreasonably and materially alters or damages the dividing fence.

Examples of an attachment—

carport, shade sails, lattice work, canvas, signs

If in fact someone does attach a thing to a dividing fence, it then says—

If an owner does not comply with subsection (1), the adjoining owner may apply to QCAT ...

Obviously QCAT will then have the jurisdiction. It goes on to say—

... reasonable standard, having regard to its state before the thing was attached.

There are things that people attach to fences, and again we are getting into this fine line of balance. On the one hand, in other areas of the state we are urbanising our land and building smaller lots. Fences and neighbours are becoming closer and closer, particularly in areas controlled by the ULDA. In some areas there are 250- to 300-square-metre blocks of land. That increases the likelihood of things such as shade sails being attached to fences. I can envisage that a shade sail could be attached to a post on the fence and then to the gutter, which is maybe 1½ metres from the boundary, without any adverse impact on the adjoining neighbour because it is not blocking a view and the house is there in any event.

Let us say the fence is in the middle—there is one neighbour 1½ metres from the boundary and the other neighbour is also 1½ metres from the boundary on the other side—and one attaches a shade sail. The bill actually gives shade sails as an example. Unless we are dealing with shade sails that are quite prominently higher than the roof, we could be dealing simply with mums and dads living in a house 1½ metres from the boundary fence who attach a shade sail above a kid's sandpit. Clause 27—the bill

actually gives the example of a shade sail—could actually create more disputes where the neighbours say, 'This piece of paper here says that you can't attach shade sails,' without reading about the reasonable standards. They would then have to go through the whole QCAT application.

I am not sure whether it is going to be based on the advice the Attorney gave earlier or whether it is going to be a wait-and-see approach. I know the Attorney noted once the case law starts to apply through QCAT, but I want it placed on the record that I believe there will be issues with this because many people, particularly in small-lot subdivisions, attach a lot of things to dividing fences that do not necessarily affect the structural integrity of the fence. I can see that it will create problems, particularly with regard to signs, canvas and shade sails.

Mr LUCAS: I think it goes without saying that there is an issue of dispute with respect to it. That is why we are actually making provision for it in the legislation. The very fact of the matter is that people are having difficulties at present when it comes to structures that are attached to fences. In front of me I have—and I will table it for the benefit of the House—an example of some fencing that was the subject of a complaint, with structures attached to it, that the honourable member might want to see.

Tabled paper: Photograph of fences [4973].

The problem is, of course, that if we do not put any remedy in there then we run the risk that people will think there is nothing they can do about that. Primarily a fence is a fence and that is its primary obligation. If someone attaches something to it then that is not so much a problem unless it unreasonably or materially alters or damages the dividing fence, and that is the test. This at least provides for a situation whereby there can be some level of intervention where that happens. It will always be the case in neighbourhood disputes that there will be people who will have differing views as to what that section means, but if that section was not there we would have a situation where other people would then be claiming that there were not remedies available for them.

This legislation will not stop neighbourhood disputes in relation to fences and in relation to trees. That is why it provides a dispute resolution mechanism in relation to them and that is why this is reasonable in the circumstances. It provides some examples. It does not provide that if it is a carport then you cannot do anything to it. It provides examples of structures that might or could potentially unreasonably materially alter or damage but they do not have to, and it depends on the circumstances of the case. Any substantial shade structure, unless the fence itself was very substantial, one would expect would be anchored differently. I do not think I can take it any further.

Clause 27, as read, agreed to.

Clauses 28 and 29, as read, agreed to.

Clause 30—

Mr BLEIJIE (9.20 pm): Clause 30 deals with the process of obtaining a contribution to fencing to resolve disputes. Clause 30(1) states—

Adjoining owners are encouraged to attempt to resolve issues about fencing work to avoid a dispute arising.

I think that subclause gets to the heart of the bill in terms of trying to resolve these issues without going to QCAT. The parties may have to go to QCAT, but this clause tries to avoid that. In the consideration of this particular clause I wonder whether the government considered that this is where the fact sheets will have an impact in terms of the mediation process. Or are we saying that if people ring QCAT with these issues QCAT will say, 'Go away. Talk about it among yourselves,' or is there going to be a proactive process where they are encouraged to have assistance with mediation? A lot of times when neighbours start the process where they think they may be going to mediation usually one of them gets a bit heated up and that is when we get into the dispute. This particular clause refers to resolving issues to avoid the dispute arising. I want to know what process and what assistance will be available to people to assist them in resolving the issue without the actual dispute arising.

Mr LUCAS: The honourable member makes a reasonable point. First of all, if a matter goes before QCAT itself, QCAT has its own mediation procedures that it relies on. But I take it that the honourable member is not referring to those and nor particularly am I referring to those. The sorts of things that I am contemplating are existing self-help kits that some community legal services provide and also the Legal Aid advice line. I think it is not an unreasonable point.

We will have a look at whether there is some material to assist people in resolving disputes themselves. So if a person has a dispute about a fence, they could go away and have a talk to someone else. Does their mate at work think they are being reasonable? It is a very informal way to at least make people have a second think about the issue before they even take it beyond a discussion between them and their neighbour. There are neighbourhood dispute resolution centres and those sorts of things as well. I think we have the ability to potentially have a look at a graduated level of mediation. I am not talking about expensive mechanisms for doing things. But I will have a look at whether there is any ability to do that. Because this bill did not go before the parliamentary committee as it was introduced under the old system, I am more than happy to have the parliamentary committee briefed in relation to the forms and some of those self-help documents that it might want to have a look at or express a view in relation to.

Mr BLEIJIE: I think that is worthwhile and I would encourage that, because I think what is going to happen is that, immediately upon getting word of this bill when it has been enacted, QCAT will be inundated with callers saying, 'I have a neighbourhood dispute.' There is going to have to be a process where QCAT can work out whether the tree is 2½ metres, or below 2½ metres, or over 50 centimetres, or what sort of dispute it is. But if QCAT can nip it in the bud early in terms of this sort of assistance that I am talking about, and the minister has indicated that he is happy for the legal affairs committee to look at these sorts of things in the future, I would encourage that. That would certainly receive bipartisan support.

Clause 30, as read, agreed to.

Clause 31—

Mr BLEIJIE (9.25 pm): Clause 31 deals with the notice to contribute for fencing work. We are not talking about trees here; we are talking about fences. Under the old Dividing Fences Act a person would informally write to their neighbour in relation to wanting to construct a fence. They would go through the process and work it out that way. This clause puts in a structure to put that request in a notice. Subclause (2) states—

The notice must be in the approved form and state the following—

It refers to the type of fencing work. I note that throughout the bill reference is made to what a fence is. It can even be shrubbery and that could be described as a sufficient fence. My issue relates to when the government introduces bills with notice provisions and statutory forms or approved forms, such as sustainability declarations. At the time when we debated that bill about sustainability declarations I warned that that form would be amended. I think we are now up to either version 6 or version 7 of the sustainability declaration. I think it was in February this year when I had the briefing from the Attorney-General's department and I was provided with a series of notices. I note that the member for Redlands has advised me that there are some draft documents still on the website. The question to the Attorney-General with respect to those notices in the approved form is whether the form has changed since the bill was introduced in 2010. Can the Attorney-General provide the House with the latest documents of the approved forms that people will be working with?

The second element I want to deal with refers to subclause (3), which refers to the notice. So if I am neighbour A and I give a notice to neighbour B to contribute to a fence, a written quotation has to accompany that notice. As far as I can see, the bill does not set out the type of quote it should be. I am after some guidance in terms of whether the quote has to be from a contractor or a fencing supplier. Does it have to be an authorised quote from a building contractor? A registered builder? Someone registered with the BSA? Or a friend of a friend who whips up a written quote? Is there any intention in the bill to set out what type of person is going to be providing these written quotes?

With respect to the first issue that I raised in terms of the documents, I would appreciate the Attorney-General's advice with respect to whether the documents are on the website and whether they will be the final documents once this bill is enacted.

Mr LUCAS: I would expect that further consideration will occur in relation to the forms. As I indicated before, I am more than happy to consider how we might involve the parliamentary committee in at least commenting on them. I do not want them going through *War and Peace* in relation to it.

In relation to the quote itself, there are various persons who can lawfully erect a fence. Do not forget that you can lawfully erect a fence yourself. You can build your own fence, provided it is not some monstrosity. It might be a situation where you are doing some repairs and you are just putting in a quote for the timber that you are using to do that. One needs a degree of flexibility in relation to that. I think again, though, in terms of the material that is provided in terms of education, it should make clear that you cannot hire third parties to do things that they cannot lawfully do.

Mr BLEIJIE: I accept that position from the contractor's point of view. I do have a problem with one element of the Attorney's answer and that is these forms. The Attorney has said that these forms will be developed with further consultation. This bill was introduced in November 2010. We started the debate on 24 March. We are now four months later finalising the debate on this bill tonight and then at a date set by proclamation the bill will become law. The question with respect to these approved forms is: how has the government not been able to have the required consultation? How is it we are debating it some nine months after the introduction of the bill and we are still talking about further consultation in relation to the approved forms? The bill was a draft. There was a consultation phase. We have now had nine months of the bill laying on the table of the House and we are still talking about further consultation to get the forms right.

Mr LUCAS: You are not bad, are you? I just made an offer to you to consult the parliamentary committee with respect to it so you can actually have a say in relation to things and then you have a go at me for it. I mean, strike a light! The simple fact of the matter is that, in a formal sense, when the bill is passed is when you finally sign off on those things. I reserve the right to finally sign off on them when the bill is passed. You moved amendments. If I actually said, 'No, we have set them in stone here and you can move all the amendments you like but they will be ignored,' you would be the first to say, that I had then been impertinent to the parliament in relation to it.

Mr DEPUTY SPEAKER (Mr O'Brien): Order! The Deputy Premier will make his comments through the chair.

Mr LUCAS: Finally, the government makes a determination in relation to the forms in accordance with provisions of the legislation. I simply made the point to you that I am more than happy—and I take very seriously the issue of consultation—to consult the parliamentary committee in relation to it because this went under the old legislation.

Mr BLEIJIE: Again the Attorney proceeds on this thuggish behaviour in this place to try to make a point.

Government members interjected.

Mr DEPUTY SPEAKER: Order! The House will come to order. The member for Kawana has the call.

Mr BLEIJIE: We are here tonight debating the clauses in the consideration in detail stage. If the Attorney wants to get up and act like that, that is fine, that is his business, he can do it. I simply make the point that with respect to the approved forms the government has form in this regard. It has set a precedent that it should not be proud of with respect to approved forms in this place. I made mention of the sustainability declarations. We are now on about form 7. I simply make the point that it is fair enough for the Attorney to come in here and say, 'We will now consult; we will get the forms right,' but I think Queenslanders, looking at the history of the government when it introduces these types of bills with these approved forms, will see that it does not have a good track record. I simply pointed out the sustainability declarations. I make the point to the Attorney that it is fair enough for him to make the offer to the committee. He makes a personal attack that I am somehow suggesting that is not a good idea. I am not the committee. I am a member of the committee. If that is what the Attorney wants to do, he is quite entitled to do that. The point is that the government in terms of these approved forms does not have a good track record. I am simply making the point that if we could not trust them on all the other bills that have gone through over the past few years how can it be any different for this bill?

Clause 31, as read, agreed to.

Clauses 32 and 33, as read, agreed to.

Clause 34—

Mr BLEIJIE (9.34 pm): Clause 34 talks about representation at QCAT—

Without limiting the QCAT Act, section 43, in a proceeding under this chapter an adjoining owner may be represented by a real estate agent.

QCAT does have a few issues at the moment. The legal community tell me one is in terms of lawyers acting for clients in QCAT. Access is denied to some clients by not being able to have a lawyer in QCAT. You have to go through a process of applying for the required leave to appear. But if one looks at the track record in QCAT in terms of the decisions, a lot of the times when lawyers want to act and seek that leave it is actually in fact rejected. We now have a bill where it says people can be represented by real estate agents. This is with respect to the jurisdiction of QCAT resolving the disputes.

I cannot fathom how we can put into legislation that people can be represented by real estate agents and yet it is so hard for people who may require or who want access to justice through representation by a lawyer. They may be financially secure but unable to communicate with others and having a legal representation in QCAT would benefit them and their case. I know there are provisions in terms of the other tribunals where you could agree with the other party and have representation. I do want to know from the Attorney, where it specifically mentions representation from a real estate agent, how is it easier in a QCAT process to be represented by a real estate agent and not by legal representation?

Mr LUCAS: There are provisions for the representation of people by lawyers in QCAT. The purpose of this legislation is not to debate that tonight, other than to say the whole idea about QCAT in minor civil disputes is to seek to resolve matters expeditiously without the incurring of legal costs. I know that the Law Society has an ideological position in relation to that. I as a lawyer have an ideological position in relation to the fact that lawyers are not necessary in many instances to sort out minor disputes. What ends up happening is that, if you have an as-of-right jurisdiction, big insurance companies, the big end of town, rich people compared to pensioners, get the ability to trot along with lawyers and blast them out of the countryside and I do not subscribe to that philosophy.

Real estate agents are not specialist advocates and so their ability in most instances to have that unfair bargaining or advocacy position in relation to others is far less of an issue. The reason it is there is, for example, that many people are investor owners of real estate properties and they may indeed be an investor owner of a real estate property in Brisbane but live in Cairns. Therefore it is not practical for them to appear in the tribunal and therefore the most appropriate and inexpensive way for them, and the fairest way for the other party to deal with it, is via a real estate agent who in other respects represents you in many matters concerning tenants and, indeed, tradespeople and the like.

Mr BLEIJIE: You made the point about the commercial real estate agent. Is there not the potential that a commercial or residential real estate agent acting for you, who may also market your property, has a vested interest in the real estate? You made the point about rich people going in and blowing pensioners out of the water. I believe I have raised with you in correspondence, either in my shadow portfolio or on behalf of my constituent base in Kawana, the issue of the pensioner who would, in fact, like representation in QCAT.

On the one hand we are allowing by legislation real estate agents to just be appointed to act in this capacity. On the other hand, giving people who have just as many rights and responsibilities under this act—because it is a complicated act in terms of particularly the tree divisions of the Dividing Fences Act and notice provisions and things—access to lawyers would, in fact, give people access to the justice that they require. If the real estate agents have a vested interest in it, I fail to understand how we can give real estate agents the legislative power to act for these people but, on the other hand, if people want lawyers to act for them they have to go through a whole process of seeking leave to appear and getting their case heard.

Mr LUCAS: Real estate agents already represent people in residential tenancy matters. It seems that it has worked out satisfactorily. In relation to whether someone has a need for a lawyer as a result of them representing someone or real estate agents, that is a matter the tribunal can consider.

Clause 34, as read, agreed to.

Clauses 35 and 36, as read, agreed to.

Clause 37—

Mr BLEIJIE (9.40 pm): Clause 37 deals with the application for an order in the absence of an adjoining owner. I refer specifically to clause 37(5), which states—

This section continues to apply to the owner or adjoining owner even if, after the order was made, the owner or the adjoining owner stopped owning the relevant parcel of land consisting of the adjoining land.

I note that the Attorney-General made some comments with respect to this. I also note that the Attorney-General has received a public submission from the Law Society. I thought it prudent to ask the question of the Attorney-General to set out the concerns of the Law Society and also the practical application that they have suggested to overcome this issue. In their correspondence dated 8 July 2010, addressed to the department of the Attorney-General and available on the website, the Law Society states—

1.1 Clause 37 of the proposed bill recognises that QCAT may make an order in the absence of an adjoining owner. However the Society is concerned with clause 37(6)—

now clause 37(5)—

which states that:

> "This section applies even if, since the order was made, the owner or the adjoining owner has stopped owning the relevant parcel of land consisting of the adjoining land."

1.2. This clause is problematic as it places an unreasonable onus on a former owner to seek permission of the current landowner to enter the land and carry out the required work. The former owner is placed in a tenuous position if the current landowner unreasonably refuses consent to enter the property, requiring the former owner to apply to QCAT for further directions.

...

1.3 To overcome this issue, the Society suggests that any order include a reference to future owners/assigns and there be an addition to clause 36, which specifies matters for QCAT consideration in dividing fence matters, as follows:

"(f) if there is to be a change of ownership of an owner or an adjoining owner."

1.4. To that end, the Society suggests that a copy of the title search be included in an application under the proposed Bill to illustrate not only that the parties have standing, but to indicate if there will be a change of ownership by reference to a Settlement Notice on the title.

1.5. Alternatively, the Society suggests, in order to ensure that a successor in title is bound, to make the order attach to the land under the Act. In those circumstances it would also assist if, like a vegetation protection order, the order is notified to the Registrar of Titles. The Registrar may then make a notation on the title stating that the land is subject to an order to carry out fencing work or remove a tree, for example. This may be done by way of administrative advices which are placed on the register and which are capable of being searched by a prospective purchaser or their solicitor.

I know that the Attorney-General covered some aspects of this. I point directly to the Law Society's submission. They made a further submission to me on 24 March in which they say that they have also provided a copy of the letter to the Deputy Premier and Attorney-General. They state that the issues they had raised in paragraphs 1.1 to 1.5 relating to clause 37(5) had not been addressed. The Law Society has placed what I believe is a strong argument for those particular issues. I am seeking the Attorney's advice. I know that he has received that submission. I want further clarification in terms of the Law Society's response and its suggestions for those particular terms. If the Attorney-General or the department contacted the Law Society and talked further about those issues, why has the bill before us rejected those submissions from the Law Society?

Mr LUCAS: I will be very brief. I covered the honourable member's queries in my reply to the second reading debate in an attempt to save the parliament being unnecessarily repetitive in relation to matters. The section contemplates monetary orders being made in relation to these matters. The suggestion that people will be seeking access after the event is illusory. In relation to material that ought to be attached to applications before QCAT, of course it is a matter for QCAT to determine the basis upon which it is satisfied of that, just as any court will when deciding whether someone can be located or not.

Dividing fence orders are personal; they do not attach to the land. In fact, I am incredibly surprised that the Law Society, which always goes on and on and on about interferences with conveyances and things that make contracts void or voidable, would suggest that there be a register in relation to land. They are personal orders. The act provides adequately to deal with the recovery of the moneys in relation to them.

Clause 37, as read, agreed to.

Clause 38—

Mr BLEIJIE (9.46 pm): Clause 38 deals with an application before an unauthorised construction or demolition. I note that the Law Society also raised this issue. I want to speak specifically in relation to clause 38 and raise the concerns conveyed to me by the Law Society, in particular addressing the issue of stopping the basis of vexatious applications being made where an owner is permitted to apply for orders based solely on belief without being required to attempt to negotiate with their neighbour first. I note that the Attorney-General briefly mentioned this in his reply to the second reading debate.

Under one aspect of the bill we talk about having neighbours resolve between themselves issues as best they can and as quickly as they can, but clause 38 precludes that from happening. I note that the Law Society, in their further submission to me dated 26 March, said that the matter relating to commencing a QCAT application based on the belief that the neighbour intends to construct or demolish a dividing fence in section 3 of the submission has not been addressed. They state that it appears there is a risk of baseless and vexatious applications being made where an owner is permitted to apply for orders based solely on the belief, without being required to attempt to negotiate with their neighbour first.

On the one hand, the bill says that you should negotiate or attempt to resolve the issue, and we have talked about fact sheets. On the other hand, under some aspects of the bill that is not the case. I ask the Attorney-General why this issue is yet to be resolved, certainly in terms of the Queensland Law Society, which has written a substantial six-page submission on this bill and a further two-page submission. Those submissions congratulate the government in terms of some aspects of the bill that were amended based on its advice, but other elements were purely rejected. I want to know why this issue is yet to be resolved. If it is left unattended, it could potentially contribute to an increase in the number of matters coming before QCAT unnecessarily.

Mr LUCAS: I dealt with that in my response to the second reading debate. If you spoke to someone about the likelihood of their knocking down a fence, you would probably be encouraging them to do it before you could get off to the tribunal. I have dealt with this in detail.

Clause 38, as read, agreed to.

Clauses 39 to 41, as read, agreed to.

Clause 42—

Mr BLEIJIE (9.48 pm): Clause 42 is headed 'Trees to which this chapter applies'. It states—

Subject to subsections (2) to (5), this chapter applies to trees on the following land—

(a) land recorded in the freehold register ...

I ask for clarification with respect to clause 42(4), which states—

This chapter does not apply to trees planted or maintained—

(a) for commercial purposes; or

(b) under an order of a court or tribunal; or

(c) as a condition of a development approval.

I want to pose a hypothetical to the Attorney. Where we talk about development approvals, take the case of an estate that has been approved and there is a front yard with trees that overhang. Some of these development approvals have building covenants. Is the bill essentially saying that if these trees were approved under that development covenant in the original development application and these branches overhang, these people have no rights to either use the common law abatement provisions or the new provisions in the bill? I want clarification, firstly, in terms of the development approvals for a lot of these smaller lot allotments. If those DAs contain building covenants which instruct them to 'plant a particular tree here' and it hangs over, are they in fact exempt, or am I looking at it too broadly and it is purely DA, not a building covenant?

Mr LUCAS: I think your second point is probably right, a building covenant is not the same as a development application or, indeed, a building approval. This does not, in any event, override the common law in relation to abating a nuisance and the like. I think it is more so in terms of ensuring that developers do not use the provisions of this legislation to escape the responsibilities that might be imposed upon them in terms of vegetation or other issues as part of that development approval. Of course, when development approvals are then finalised and they are fully discharged, that ceases to be the situation. You do not go back to the developer after the development is done and say, 'Hey.' Then the general law in relation to whether people have the appropriate zoning or use for the property applies. I think your latter presumption is probably appropriate.

Clause 42, as read, agreed to.

Clauses 43 to 47, as read, agreed to.

Clause 48—

Mr LUCAS (9.52 pm): I move the following amendments—

1 Clause 48 (Who is a *tree-keeper*)

Page 35, line 16, 'scheme land'—

omit, insert—

'common property for a community titles scheme'.

2 Clause 48 (Who is a *tree-keeper*)

Page 35, lines 20 to 21, 'a parcel of land the subject of'—

omit, insert—

'common property comprised in'.

I table the explanatory notes to the amendments I have moved.

Tabled paper: Explanatory notes to the Hon. Paul Lucas's amendments to the Neighbourhood Disputes Resolution Bill [4974].

I thank the honourable spokesperson for agreeing to me making one contribution for all of my amendments to save being repetitious. The amendments clarify who is a tree keeper in the case of legislative arrangements in relation to bodies corporate and building units and group title land. The tree keeper is the owner of the individual lots, but it is the body corporate for common property. That was raised by the industry association. I think the honourable member picked that up in his contribution as well. Clause 48(1)(e) provides—

if the land on which the tree is situated is scheme land under the *Body Corporate and Community Management Act 1997* ...

It is the tree keeper. It is the intention of this clause to only capture the owners of common property. The registered owners of individual lots in the scheme are included in clause 48(1)(a). To avoid possible duplication and to clarify the intention of the clause, the reference to scheme land is deleted and reference to common property for community title scheme is inserted. Similarly, clause 48(1)(f) provides—

if the land on which the tree is situated is a parcel of land the subject of a plan under the *Building Units and Group Titles Act* ...

Again, there is the appropriate amendment to clarify that.

I will mention the other amendments now to save dealing with them later. The purpose of the amendment to clause 57 is to clarify that the notice system can only be used once per tree keeper per annum and the maximum per year for trees on the property is $300. The honourable member has an amendment in relation to that new notice system and we will debate that in due course. Amendment No. 4 is to ensure that proper safeguards are in place to protect tree keepers where the properties are entered without notice, and again the explanatory memorandum deals with that. The last amendments Nos 5, 6 and 7 amend clause 89. The purpose of the amendment is to improve safeguards for a tree keeper where his property is entered without notice. The amendment to clause 89 ensures that, where a tree keeper's land has been entered without notice, subsequent notice is given to the tree keeper. Notice must be given either before entry or after entry in all cases.

Mr BLEIJIE: I just want it noted for the record that in relation to the amendments relating to the common properties and bodies corporate, it was the opposition which tabled the letter from the CTIQ during the second reading debate which raised some of these issues on which the bill fell short. I want to acknowledge the Attorney's statement during his summing-up that I did, in fact, table that document. As always, the opposition will hold the government to account and will keep raising these issues in debate on these bills. I am glad that our accountability measures and tabling of certain submissions from the CTIQ led to various amendments being put forward and agreed to.

Amendments agreed to.

Clause 48, as amended, agreed to.

Clauses 49 to 56, as read, agreed to.

Clause 57—

Mr LUCAS (9.56 pm): I move the following amendment—

3 Clause 57 (Notice for particular overhanging branches)

Page 39, line 33 to page 40, line 2—

omit, insert—

'given another notice under subsection (2) within the previous 12 months (for any tree) to—

(a) the tree-keeper; or

(b) anyone else who is also a tree-keeper for the tree with the overhanging branches mentioned in subsection (1).'.

I have spoken in relation to this amendment previously.

Amendment agreed to.

Mr BLEIJIE (9.57 pm): I note the amendments that the Attorney has made. I read the explanatory notes earlier this evening with respect to the amendments relating to the 12-month provision in clause 57. I think it did need clarification in terms of the policy intent. I had raised issues during the second reading debate. We are talking in this part about trees and overhanging branches. We are talking about the first aspect of the bill which deals with branches that are hanging 50 centimetres over the boundary line and less than 2½ metres high. So we are not talking about the big gum trees. We are simply talking about an overhang of 50 centimetres and under 2.5 metres high. I had an issue with a potential situation in which a branch might be lopped at one interval and then six months later another branch needed to be lopped. I note the provisions—and the Attorney has confirmed this through his amendment and highlighted policy intent—that only one notice can be issued per year, which I think is absolutely necessary. Otherwise there could be the situation where a particular notice each year could be levied against someone.

I seek some clarification in terms of the branches. If someone wants to give notice in June, would they include all the overhanging branches on the one notice and that would be deemed as one application? They cannot, therefore, then serve another notice of offence around the corner but the same neighbours. I think that is the policy intent—one notice every 12 months. That would alleviate the concern I had with respect to a potential overlap of issuance of notices every year. As the branches grow, they issue another notice, creating an undesirable situation.

I just want to make sure that the notice was with respect to all branches and that you can in fact have multiple trees on the form, not just one particular tree. So the issue is whether one notice can apply to many trees rather than just one particular tree.

Mr LUCAS: Yes.

Clause 57, as amended, agreed to.

Clause 58—

Mr BLEIJIE (10.00 pm): I move the following amendment—

2 Clause 58 (Resolution by neighbour)

Page 40, lines 15 to 22—

omit.

I note that the Attorney has said tonight on a few occasions that we are going to have a dispute on this amendment, so I take that as an indication that he is not going to support the opposition's amendment.

Mr Lawlor: Oh, do you think?

Mr BLEIJIE: I thought I had it, member for Southport. I thought I had won the Attorney over on that aspect, but clearly his comments tonight indicate anything but that is the case. Clause 58 deals with the resolution by neighbour. This bill basically says that, if you have a dispute and you issue a notice to a neighbour to chop the trees down, they have 30 days to respond. If they do not respond, you can go to clause 58 and have the dispute resolved by issuing these particular notices.

Subclauses (4) and (5) say that the tree keeper is liable for the reasonable expenses incurred by the neighbour involved in cutting and removing the overhanging branches. So once you issue a notice the tree keeper has 30 days to take care of it. If they do not do it, the neighbour who issued the notice can get the trees chopped down and then issue a bill up to a maximum of $300 to the tree keeper. The amendment that I am proposing deletes subclauses (4) and (5), which state—

(4) The tree-keeper is liable for the reasonable expenses incurred by the neighbour involved in cutting and removing the overhanging branches, but only to a maximum of $300.

(5) The neighbour may recover as a debt the amount for which the tree-keeper is liable under subsection (4).

I set out in the debate why I foreshadowed that we would be moving this amendment. The simple reality is this, and I will use an example from my own home at present. My neighbours who are great neighbours completely lopped trees from a whole section of the fence. There were a couple of overhanging branches, but we have a great relationship with our neighbours. Some people can just say, 'We're not going to make an issue of it. We don't care about a few overhanging branches.' Anyway, these neighbours lopped all of these trees and there were a few overhanging branches.

An honourable member interjected.

Mr BLEIJIE: No, it is not a long story. It goes to the heart of this amendment. There were a few trees that would have satisfied these provisions. So technically I could have asked my neighbours to come and cut those few branches down. If they did not reply in 30 days, I could then issue a notice and I could in fact get it done and I could send them a bill up to a maximum of $300, or I could simply chop those couple of branches down and not worry about it and easily not engage in a neighbourhood dispute.

This bill tries to resolve these issues without getting them into a dispute. But as soon as you start talking about a monetary amount and you issue a notice to your neighbour to pay $300, I can clearly see that people will be put off by that. I say that for this important reason: if you have issued a notice to someone or asked them to chop branches down and they do not do it within the 30 days, 30 days is not a long time to issue a notice. People may go away or for whatever reason they may not take any notice because they may think that a 50-centimetre branch, or under a 2½-metre branch, is not really an issue.

What I can see happening here—as has been the case with pool fencing laws, as has been the case with pink batts scheme, which was brought in by the Labor Party federally—is that you are going to get rogue traders running around to homes saying, 'Have you any overhanging branches? I will go out the back and I will inspect them. It will cost you $300. We will issue a notice to your neighbour. Give me a call in 30 days. If they don't get back to us, we can do it. Here is the invoice and you can get your neighbours to pay the $300.' I do not think that is positive in the sense of what this bill is meant to represent. This bill is meant to represent the whole process. You do not want people going to QCAT. You do not want people having these disputes. You want disputes resolved in an orderly fashion. But, as soon as you start issuing notices for a monetary amount, unfortunately there are people in our society who will take advantage of this.

Neighbours may have one little 50-centimetre overhanging branch that has been bugging them for two years and they will get some mate who will do up a quote for a couple of hundred bucks—because it will take a couple of hours to do it with all the bits and pieces. Then these poor people are going to be slugged. You are going to have—just as you had with the solar laws, the pool fencing laws and the pink batts scheme—people running around saying, 'You have overhanging branches. We will take you through this process. It will cost you this amount. You can get that from your neighbour.' So this amendment deletes that provision.

It does not delete the provisions in terms of the notice. We on this side of the House agree with the notice provision. Give the notice and go through the process. But what should happen is that if you have issued the notice you should not simply go and get it done yourself and then charge your neighbour $300. You should go through other provisions to QCAT. You should go through the normal process and issue those types of notices. As soon as you talk about a monetary amount, you are going to start creating neighbourhood disputes based on money. Unfortunately, there are those in our community who will use this as an opportunity, as I said in my speech on the second reading, to make a quick buck—I will not say a lot of money because it is only up to a maximum of $300. But it is a process which we can alleviate by deleting this clause. I ask those members opposite and the Attorney-General to support this amendment.

Mr LUCAS: I am really very surprised that the opposition has moved this amendment. This amendment was actually introduced as a result of consultation in relation to the bill. Many neighbours wanted to have the ability to resolve an overhanging tree issue expeditiously but they were not in a position where they could do it themselves. The honourable member might have the ability as a young man who is physically fit to remove overhanging branches very, very easily. Overhanging branches give the greatest concern, frankly, to pensioners and people who are often frail or infirm or the very fact of seeking to remove them, even if they are low-hanging ones such as provided for under this provision, could in fact cause them some damage or injury or stress. Sometimes elderly people worry about things to a far greater extent than others might do. This was an attempt to give them some certainty to quantify what they might be able to ask for in their circumstances. In fact, if anything, $300 would represent an amount that may in some circumstances not be sufficient to deal with it. But at least it gives them the ability to have some understanding that a contribution would be made.

The honourable member says he cultivates good neighbourhood relations with his neighbours, and that is correct. That in the first instance is how one would expect to do things. I can certainly remember when my four children were very young and our next-door neighbours did not have a high fence. They had a little half-falling down chain wire fence. We agreed that we would pay for the full cost of erecting a six-foot timber fence because, frankly, we did not believe that it should be incumbent upon

them to do that and we wanted to have good neighbourly relations. It is better to not have an argument with them over a fence worth a few thousand dollars than to end up in a situation where you have made an enemy of your neighbour. I think that in most instances people would do that. For the member to suggest that people necessarily will come and deliberately get trees lopped and the like to get $300, he might as well say that people will get really big overhanging trees lopped for $5,000 and seek to go off to QCAT to get their money back on that basis. They could do just the same in relation to other provisions.

As I said, I am really surprised that the opposition would not see the benefit to people such as pensioners and the like in giving them a mechanism where they could actually seek that. The majority of Queensland neighbours who responded to the review wanted the tree keeper to be entirely responsible for the maintenance of trees growing on their land. This included the cost of trimming, lopping and removing overhanging branches.

The honourable member on many occasions tonight has indicated his concern about the workload in QCAT—about how we will be overtaxing them and how we have to be careful about the staffing and financial burden on them—yet he seeks to remove a provision that would actually provide a massively expedited mechanism for resolving this and in fact put far more of an adjudicative role on QCAT. This amendment smacks more of opposition members wanting to move something to say they have actually moved an amendment than of them actually having a good sit down and a good think about the policy reasons behind it.

Mr BLEIJIE: The only thing surprising about the Attorney's response is that he pursues this line of the seniors. I will throw it back to the Attorney-General with this example. You have a senior who is the tree keeper, the owner of the tree, and they have an overhanging branch that complies with the 50 centimetres and 2½ metres in the legislation, and you have a young, fit person who could chop it down but refuses to do so and they issue notice. The senior, the pensioner, cannot do it because they are not physically able to go on the land and chop it down. They refuse to do it within the 30 days and the young, fit, able person then issues them the notice and a bill to charge them or get it done for $300.

The Attorney cannot use this proposition that somehow he is surprised I am raising this issue because of the seniors, because if you put it on the other foot and you put it on the reverse aspect where the pensioner, the senior in the community, actually is the tree owner, then you will have what I am talking about—that is, the dodgy operators. We saw it with the Labor Party pink batt scheme, where people knew there was easy access to obtain some cash from people and they went about doorknocking people's homes. You are going to have that situation—just as pool contractors are now going out doorknocking and saying, 'Is your fence applicable? We'll have a look. It's going to cost you X amount of dollars.'

Mr DEPUTY SPEAKER (Mr O'Brien): Order! Member for Kawana, it has been a long night and I ask you to refer not just to the provisions of the bill but to the provisions of the clause that is currently before the House. None of what you are talking about now refers to the clause that is before the House. I would bring you back to that matter.

Mr BLEIJIE: I am dealing with my amendment and the Attorney responded by mentioning the seniors and I am responding to the Attorney's comments.

Mr DEPUTY SPEAKER: No, listen to me. I am not going to get into an argument with you. I draw you back to the clause that is currently before the House. It has nothing to do with pink batts and nothing to do with pools. You will deal with the clause that is before the House or you will sit down.

Mr BLEIJIE: Thank you, Mr Deputy Speaker. Clause 58 of the bill deals with the liability of the reasonable expenses incurred up to a sum of $300. In my amendment, I am seeking support from members opposite to delete that clause from the bill. I do that because the clause will place an unnecessary financial burden on the pensioners in our community, the battlers in our community who can least afford a fight over the financial provisions that this bill will set upon them.

In doing so, I seek the support of those opposite to stick up for the battlers of Queensland, the pensioners of Queensland. We on this side always fight for their rights. As always, we fight for those pensioners. We will not burden them with $300 from people who may use this as an opportunity to gain a fast $300 income from the pensioners and seniors in our community. We on this side of the House will not stand for that.

Mr LUCAS: You are a disgrace.

Mr Seeney interjected.

Mr LUCAS: You have just—

Mr DEPUTY SPEAKER: Order! The Deputy Premier will refer his comments through the chair.

Mr LUCAS: The honourable member has just thought of that.

Mr Bleijie interjected.

Mr LUCAS: The honourable member now suddenly claims that he is a defender of pensioners in relation to the matter. It is the pensioners who are the people who will be confronted with an inability to lop trees. What is the alternative if you do not have it?

Mr Bleijie interjected.

Mr DEPUTY SPEAKER: Order! Deputy Premier, resume your seat. Member for Kawana, the Deputy Premier actually listened to your question in silence and did not interrupt.

Mr Seeney: No, he didn't.

Mr DEPUTY SPEAKER: Leader of the Opposition, that is enough. Member for Kawana, you will relay the same courtesy. The Deputy Premier has the call.

Mr LUCAS: To come and claim that you are defending the pensioners by having—

Mr Seeney: Through the chair. How many times have you got to be warned?

Mr DEPUTY SPEAKER: Well, you are warned so sit down and be quiet. The Deputy Premier has the call.

Mr LUCAS: The honourable member claims that he is on the side of the pensioners, when what his amendment will necessarily do is force them to be hauled before the tribunal if they have overhanging branches and, in fact, potentially expose them to a penalty above $300. This is ludicrous in the extreme.

The $300 is an amount that is a reasonable liquidated amount, but of course you cannot actually recover any of it personally to stick in your pocket as an adjoining neighbour; it has to be part of the amount of money that you paid. So it is ridiculous. What would happen here is that you would have a situation where the pensioner has got the overhanging branches and it would actually cost $500, and the wealthy neighbour can only recover $300 from them. If the opposition had their way, they could go off to QCAT and get $500. That is their great defence of pensioners. But if the other side of the equation applied and they did not have the ability to abate the nuisance themselves because they are a weak and frail person, they could not have the expedited way of proceeding. This is simply ridiculous. As I said again, it shows clearly the hypocrisy involved in it.

Mr DEPUTY SPEAKER: Order! Deputy Premier, your language is unparliamentary. I ask that you withdraw.

Mr LUCAS: I withdraw. Finally, the honourable member has gone on and on and on in the debate about his concern about QCAT, but the amendments he has proposed necessarily involve more disputes in QCAT because it takes away an expedited manner in which they are dealt with. It speaks for itself.

Mr BLEIJIE: You just made all of that up. For goodness sake—

Mr DEPUTY SPEAKER: Order! The member for Kawana will refer his comments through the chair.

Mr BLEIJIE: Thank you, Mr Deputy Speaker. The Attorney-General just made all of that up. I reject entirely the premise of his argument in terms of what he is putting forward. I took the interjection at the time, although he did not interrupt me, did he? He listened in silence! I took the interjection when the Attorney was speaking with respect to being billed by your mate. That is the problem we are going to have. People will get dodgy invoices issued by their mate who may have worked on a fence some years ago. They will get a receipt made up saying it will cost $300 to take away a 50-centimetre branch and they will issue it to the pensioner and say, 'You haven't responded in 30 days.' The poor pensioner will not have the physical ability to enter the person's land and chop the branch down themselves, so they will be issued with this $300. Pensioners cannot afford it. They cannot afford it in this time of Queensland's economic crisis.

As I said, this amendment to this clause will get rid of this $300 tax on pensioners and seniors and those people who can ill afford it in our community. We will always stick up for them. We will reduce taxes where we can. We will not accept this tax burden on the people of Queensland.

Mr LUCAS: If the allegation that the honourable member makes is that it is from some years past, how could that possibly be the situation with a notice to someone in relation to a requirement to undertake lopping? Of course if the amount is bodgie or ridiculous, there would be nothing to stop the pensioner or indeed anyone else securing a quote for an appropriate amount that is lower than it. If an appropriate quote—

Mr Bleijie: They've still got to pay.

Mr LUCAS: But if there is an overhanging branch, at law that is a requirement anyway and has always been a requirement.

Mr Bleijie: Not to pay $300!

Mr LUCAS: You always had the ability to take action—

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

Mr LUCAS:—and you have the ability in the absence of this—

Mr DEPUTY SPEAKER: Order! Deputy Premier, we will not have the cross-chamber conversation. You will refer your comments through the chair. The member for Kawana will cease interjecting.

Mr LUCAS: Mr Deputy Speaker, I am not referring to 'you' as in him; I am talking about 'you' as in relation to a person. It is not in relation to what action he has to take as an individual person in relation to trees. If you take this away, what you cause is people to get a higher amount imposed upon them, not a lesser amount. That is what you cause necessarily because you have to go back to the general provisions and the general provisions do not provide that mechanism for giving certainty.

Division: Question put—That the member for Kawana's amendment be agreed to.

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

NOES, 50—Attwood, Boyle, Choi, Croft, Cunningham, Darling, Dick, Farmer, Finn, Foley, Fraser, Grace, Hinchliffe, Hoolihan, Jarratt, Johnstone, Jones, Kiernan, Kilburn, Lawlor, Lucas, Miller, Moorhead, Mulherin, Nelson-Carr, Nolan, O'Neill, Palaszczuk, Pitt, Pratt, Reeves, Roberts, Robertson, Ryan, Schwarten, Shine, Smith, Spence, Struthers, Sullivan, van Litsenburg, Wallace, Watt, Wellington, Wells, Wendt, Wettenhall, Wilson. Tellers: Keech, Male

Resolved in the negative.

Non-government amendment (Mr Bleijie) negatived.

Clause 58, as read, agreed to.

Clauses 59 to 65, as read, agreed to.

Clause 66—

Mr BLEIJIE (10.29 pm): Clause 66 of the bill relates to orders that QCAT may make. Subsection (2) states—

QCAT may make the orders it considers appropriate in relation to a tree affecting the neighbour's land—

(a) to prevent serious injury to any person; or

(b) to remedy, restrain or prevent—

(i) serious damage to the neighbour's land or any property on the neighbour's land; or

(ii) substantial, ongoing and unreasonable interference with the use and enjoyment of the neighbour's land.

Subsection (3) goes on to state—

However, subsection (2)(b)(ii) applies to interference that is an obstruction of sunlight or a view only if—

(a) the tree rises at least 2.5m above the ground; and

(b) the obstruction is—

...

(ii) severe obstruction of a view, from a dwelling on the neighbour's land, that existed when the neighbour took possession of the land.

It is probably a general question with respect to this clause. If there is a structure on a property or it is a pre-existing tree, I seek clarification that people will not be able to use these provisions to make orders in relation to getting trees chopped down when they were pre-existing. I would not think it fair that someone buys into a property where there is a pre-existing structure or tree or something that is already approved or is long-established there and then people can apply and say that it is blocking the sunlight when in fact they bought the property when the structure was already there. I just want to make sure that the bill covers that and does not allow that to happen.

Mr LUCAS: First of all, there are a number of limbs that one might rely on in relation to the provisions that one can seek. If there is a pre-existing tree there and you have bought a property and it becomes a danger or something like that, then of course you can go back on to that limb, so to speak, to deal with the matter as distinct from this. The intention of this is to stop people growing trees later on deliberately to annoy people or take away their sunlight and also for people not to complain if a tree frankly is there but that otherwise did not cause that. I will see if there is anything further I can add in relation to that.

I will give the member some further information. The main issue relates to the potential application of clause 68 of the bill, which empowers QCAT to make orders that it considers appropriate in relation to a tree causing substantial ongoing and unreasonable interference with the use and enjoyment of the neighbour's land. A tree or trees that rise at least 2.5 metres above the ground and which severely obstructs a neighbour's view can fall within the ambit of clause 66. The severity threshold requires that the view must be nearly blocked out. Further restrictions limit the protection of a neighbour's view. The view must be capable of being seen from a dwelling on the neighbour's property prior to the neighbour taking up possession of the land. If there was not a dwelling on the neighbour's

land which had the view in question and the neighbour has, in fact, built up to obtain a view, then it is highly unlikely that QCAT would make an order for the protection or maintenance of the view. If the neighbour's view was to satisfy these requirements under clause 66 it would not necessarily result in the removal of trees. Clause 72 sets out that a living tree should not be removed or destroyed unless the issue relating to the tree cannot otherwise be satisfactorily resolved, for example, trimming and the like.

It is important to remember that under the existing laws there is no property in a view. So this legislation has to some extent changed that in a way to try to make it fair to people all round and to take into account what people know when they buy a property but also what can happen after they buy a property.

Mr MESSENGER: As the shadow Attorney-General has said, clause 66 relates to the orders that QCAT may make. I refer the Attorney-General to subclause (2)(a), which states—

(2) QCAT may make the orders it considers appropriate in relation to a tree affecting the neighbour's land—

(a) to prevent serious injury to any person.

I will ask the question directly to the Attorney-General and then build my argument after that. Under this clause 66, can QCAT make an order to remove a tree that is or is likely to be used as a roost for a group of flying foxes in order to prevent serious injury to a person under a public health imperative? Many people are wary and aware of the obvious public health dangers that trees pose—widow-makers, large limbs, rotten tree trunks about to split, poisonous fruit, large fruit which could harm people when they fall. Because of the Hendra virus crisis more and more people are aware of the not-so-obvious public health dangers that trees pose, namely as roosts for flying foxes. Trees become very dangerous to human health as soon as they become roosts and are homes for flying foxes.

Honourable members interjected.

Mr DEPUTY SPEAKER (Mr O'Brien): Order! I want to hear the honourable member's point, especially in regard to relevance. So I would ask that the House come to order.

Mr MESSENGER: If a group of flying foxes decides to set up camp in a neighbour's trees, then immediately those trees and the unusual fruit that they bear have the potential, as stated in clause 66(2)(a), to cause serious injury to any person. The fruit of the flying foxes that I refer to are the bat urine, the bat faeces, the bat placentas. They are just as dangerous as limbs, split trunks and poisonous fruit. That fact was rammed home to me five years ago when I visited a grandmother in Charters Towers with the member for Charters Towers, whose trees in her backyard provided a home for thousands of bats. Under the government's legislation, she was not able to even cut down the trees. There is a $100,000 fine or a year's jail sentence as the maximum penalty provisions. Those penalties are faced by Queenslanders who wish to, or cut down and destroy trees being used by flying foxes as roosts. There are many Queensland families reassessing the dangers that both trees in their own and their neighbour's yards pose if they become roosts for flying foxes.

If the trees were not in people's backyards, then the risk of serious injury as written in this clause to any person immediately lessens. I go to the bottom line of this argument. Clause 67(3) states—

Except as provided under subsection (1), QCAT may not make an order for a person to carry out work on a tree that is prohibited under another Act.

I am assuming that as soon as a tree is occupied by flying foxes it is prohibited under another act. Under this clause, can QCAT make an order to remove a tree that is or is likely to be used as a roost for a group of flying foxes in order to prevent a serious injury to any person?

Mr LUCAS: This legislation does not relate to trees on one's own property in relation to one's own desire to remove those trees. Other laws regulate that. This bill relates to trees on other people's property that have an impact that falls within the ambit of the proposed legislation. So if the member is complaining about someone who has a tree in their own yard and animals in that, then that is not something that is covered by this legislation. This legislation deals with neighbourhood disputes, that is, trees in relation to their interaction with next door neighbours and not otherwise.

In relation to matters that QCAT takes into account, I would point out that the legislation in clause 71 provides very clearly that the paramount principle is public safety in relation to a neighbour's trees. Clause 73 provides general matters to consider when it comes to the nature of the tree and its contribution generally. The test of serious injury depends on the particular circumstance of the case and that is a matter for QCAT to determine.

Mr MESSENGER: I think that the Attorney-General may have misunderstood the scenario that I was posing to him. Just as a tree poses a health risk by a branch overhanging a neighbour's fence, a tree can also provide a health risk by providing a place for flying foxes to roost. Just as you would have a reason to cut down a tree for an overhanging limb, what I am suggesting is that QCAT may under this legislation order the removal of a tree from a neighbour's property that is providing a roost for flying foxes. I know that this is a unique problem and the danger posed by trees full of flying foxes in neighbours' backyards was not thought of when this legislation was drafted. However, people are so desperate to protect their families and community's health from the dangerous diseases that flying foxes

carry, and they have received so little help from this government to deal with the significant public health threat, that they will use any piece of legislation that will help them. What I am suggesting here is that the Attorney-General has not ruled out the possibility that people may use an order made by QCAT under clause 66 to remove trees in neighbouring properties that provide roosts for flying foxes.

The matter will become more and more common because of the dramatic increase in flying fox numbers that we have in Queensland. As CSIRO export Lingfa Wang says on *Radio National*, for example, the black flying fox 80 years ago was not even close to Brisbane and then in the last century it has moved southward and it is now making its presence felt in the Sydney area. This matter is not only of high relevance now, it will become increasingly a matter of high relevance for people who are desperate to find a legal way of removing the flying fox menace from their neighbour's yards and, indeed, their own yards.

Mr LUCAS: I indicated before to the honourable member that it does not apply to matters in people's own yards. That is a matter for other legislation to deal with. The honourable member might be interested to know, however, that I think it would be self-evident that far more people would lose their lives in Australia each year as a result of trees falling on them or limbs of trees falling on them and injuring them than would succumb to diseases relating to flying foxes. I just note that for the record.

The section is clear: if there is a situation where there is a view that QCAT has about the prevention of serious injury then it can make orders it considers appropriate. The structure of the act is that with those orders in the ordinary case there is essentially a hierarchy. Removing a tree is the last resort. That is a matter for it to decide. I know that there was a New South Wales case where the tribunal actually decided that the fact that a tree was used as a habitat was not of itself a reason. But it will be decided by QCAT on the basis of evidence. Rather than the honourable member making suppositions or allegations about the impacts of that, it would have to be on the basis of evidence considered by QCAT which I cannot, of course, foreshadow because that would depend on the particular circumstances of a case.

I would make the closing observation that if one wants to remove every tree from every person's yard in Brisbane to make sure that we do not have a flying fox problem, I think that we might actually suffer some greater consequences to people's yards and their children and the habitats that we live in and the climate and soil stability and those sorts of things. It is a little bit like the situation when you are in the lifeboat and you push everyone else on. Sooner or later you all get pushed on and there is nothing left for anyone. Perhaps there are better ways that we can resolve these issues.

Clause 66, as read, agreed to.

Clauses 67 to 78, as read, agreed to.

Clause 79—

Mr BLEIJIE (10.44 pm): Clause 79 talks about any orders made by QCAT having to be maintained in a register other than obsolete orders made under this chapter. Just briefly to the Attorney, I want to know what the cost is to set this register up and whether it is going to be an internal register at QCAT. Also where it talks about obsolete orders, how long will orders be kept in this registry?

Mr LUCAS: I do not have in front of me how much the register will cost to set up. Obviously these matters are kept electronically these days. In relation to obsolete orders, it is more so a question I think of ensuring that they are stored in a fashion that does not confuse people as to whether they are actually in force in relation to particular properties or not at that point in time. For example, an order might be an ongoing order in relation to a tree in relation to a particular property, but you do not want to be in a situation where people are confused by the fact that it may no longer apply due to the effluxion of time or other circumstances. That does not mean that they cease to have a copy of the orders. It is a court record. You can go and find a Magistrates Court file from 1953 somewhere in the state archives. But it is merely in terms of the best way in which it can be kept. It is noted that under clause 81 the register is entitled to be searched by people for information about the register and it is free.

Clause 79, as read, agreed to.

Clause 80, as read, agreed to.

Clause 81—

Mr BLEIJIE (10.47 pm): With respect to entitlement to search the register, it is good that no fee will be payable but does the Attorney envisage that this will be like the CITEC system where people conducting property searches can do it through a CITEC or will it be specifically on a QCAT maintained website? If you had lawyers acting for you purchasing properties and there are application orders, are they going to have to now search QCAT or is the government intending to put it into the CITEC basket?

Mr LUCAS: The records are held by QCAT. The question of whether, for example, it could be linked with a hyperlink from the CITEC website I am certainly happy to take some advice on and if that is able to be done easily enough then that is something we can certainly do as a prompt to people from there.

Mr BLEIJIE: I think it is prudent to do that because there are certain liability issues under this application where it is joining buyers and contractors and things. If it is the situation that it can be easily done when solicitors are conducting all their searches then I think we may alleviate potential liability issues into the future. I will take the advice from the Attorney that it is something that he will look at.

Clause 81, as read, agreed to.

Clauses 82 and 83, as read, agreed to.

Clause 84—

Mr BLEIJIE (10.49 pm): Clause 84 of the bill states—

Consequences if copy of application given

If, under section 83, a person gives a copy of an application to a buyer, the buyer is joined as a party to the QCAT proceeding when the buyer enters into the contract of sale.

This issue was raised by the Law Society in its submission and, in its further submission, it states that that issue has not been resolved. I ask how a buyer who terminates a contract for sale prior to settlement or who cannot obtain the finance withdraws from QCAT proceedings once joined without the expense of seeking the leave of the tribunal to do so? Basically, are these people forever committed or can they somehow be let out of the contracts they have entered into? If their finance is not approved, how can they get out of this application where they have been joined as a party?

Mr LUCAS: If someone seeks to be excused from being a party to the proceedings, they should make the appropriate application to QCAT, if it has ceased in the matter, to dispose of it. I do not see that that would happen very much in practice because dividing fence disputes, whilst they do occur from time to time, frankly are rarely ongoing at the time that someone is selling a property. That is relatively rare, because people like to have those matters resolved before then. It is difficult to see that there is another mechanism for doing that expeditiously. You may have a circumstance where a party says, 'I am terminating the contract because I believe that I have not fulfilled the conditions precedent to its completion', and the other party says, 'No, that's not true.' It may not be that you give someone the right to unilaterally withdraw from an application in the absence of it being accepted by both parties that that is the case. I do not think it is necessarily that simple.

Clause 84, as read, agreed to.

Clauses 85 to 87, as read, agreed to.

Clause 88—

Mr LUCAS (10.51 pm): I move the following amendment—

4 Clause 88 (Local government may decide to carry out work)

Page 56, after line 23—

insert—

'(5A) If an authorised person enters the tree-keeper's land under subsection (5)(b) or (c), the local government must give the tree-keeper a notice of entry to land within 10 business days after the entry is made.

'(5B) An authorised person must enter the tree-keeper's land only to a reasonable extent needed to carry out the work under this section.

'(5C) This section does not authorise entry to a dwelling on the land.'.

I have spoken to this matter before.

Amendment agreed to.

Clause 88, as amended, agreed to.

Clause 89—

Mr LUCAS (10.52 pm): I move the following amendments—

5 Clause 89 (Requirements of notice of intention to enter land)

Page 57, line 7, after 'land'—

insert—

'**and notice of entry to land**'.

6 Clause 89 (Requirements of notice of intention to enter land)

Page 57, line 8—

omit, insert—

'A notice under section 88 must—'.

7 Clause 89 (Requirements of notice of intention to enter land)

Page 57, lines 18 and 19—

omit, insert—

'(v) either—

(A) for a notice under section 88(4)—the day on which the authorised person is to enter the land; or

(B) for a notice under section 88(5A)—the day the authorised person entered the land.'.

As I indicated earlier, I have spoken to those matters in the earlier discussions.

Amendments agreed to.

Clause 89, as amended, agreed to.

Clauses 90 to 93, as read, agreed to.

Clause 94—

Mr BLEIJIE (10.53 pm): This clause deals with liability and the implied consent to enter land. In its submission, the Law Society raised this issue and, in its further submission, said that it still has not been sorted out. In the original submission to the Department of Justice, the Law Society states—

2.1. The Society is also concerned that the proposed bill gives a person (including their employees and agents) a right to entry with seven days notice in clause 93, however it does not limit the liability of the landowners that:

(a) the entry is at that person's risk; and

(b) the entry is subject to that person taking reasonable precautions not to damage, destroy or in any way adversely affect the property.

My question is this: we have submissions from the Law Society in which they make two recommendations in terms of a person's risk and reasonable precautions. Why has the government not implemented those recommendations from the Law Society?

Mr LUCAS: I touched on this in my second reading response. There are two reasons. Firstly, entering someone's property pursuant to statutory right or, indeed, an order of a tribunal does not mean that the owner of the property holds no liability for it. If I walk onto your property to doorknock or to deliver a pizza or a census, it does not mean that I give away my rights to expect that it will be safe. For the Law Society to require the law to be changed to say that someone enters at their own risk is quite extraordinary.

Secondly, the honourable member raised the point of whether someone does damage when they are on the property. The need to take reasonable precautions when entering another person's property is an existing common law duty covered under the tort of negligence. If they commit an act of negligence and do damage to someone's property when they are entering it, the law provides for that. There are two sides of the coin and they are both dealt with in how this operates. First of all, the landowner is not excused from liability in relation to duties that they owe someone who comes onto their property. Secondly, the person who comes onto the property is not excused from duties to the landowner in terms of what they do as a result of things that they operate. I do not see that as being anything at all unusual or extraordinary.

Clause 94, as read, agreed to.

Clauses 95 to 101, as read, agreed to.

Clause 102—

Mr BLEIJIE (10.56 pm): I had intended to move various consequential amendments. However, as we only slightly lost the vote earlier this evening, I will not now move those amendments. Suffice to say that my comments stand in relation to the provision where I talked about including the words 'dividing fence' and 'trees'. We are dealing with the amendment I moved earlier in relation to $300, which has been described by many colleagues on this side of the House as the great big Labor tree tax of $300 which will be imposed on pensioners and hardworking Queenslanders.

In conclusion, tonight the Attorney-General and his colleagues have persistently raised the argument that the opposition is wasting parliament's time and resources and that, in fact, as the shadow Attorney-General I am wasting parliament's time and resources. I take the nods from the member for Everton and the member for Southport.

Ms Jones interjected.

Mr BLEIJIE: I say to those members, and particularly to the member for Ashgrove, that if they cannot handle the heat in this place, get out! If they cannot handle the pay packet—

Mr DEPUTY SPEAKER (Mr O'Brien): Order! Member for Kawana, resume your seat. It is late and you are not referring to the clause of the bill that is before the House. You will do so now or I will sit you down.

Mr Seeney: He is responding to interjections. He is allowed to respond to interjections.

Mr DEPUTY SPEAKER: Order! Member for Callide, I do not need your assistance. The member for Kawana will refer to the clause that is before the House or he will sit down.

Mr BLEIJIE: In conclusion, I will not now move those consequential amendments as the first amendment I moved with respect to these was rolled by those opposite. I will end my comments on that note. I say that it is not a waste of parliament's time to be here tonight debating the consideration in detail stage of the bill. That is what we are paid for. That is what the Attorney-General is paid for. It is what he has a GPS tracking device in his car for, to debate these issues. I will never end a debate in this place just so that parliamentarians can get out of here earlier.

Clause 102, as read, agreed to.

Clauses 103 to 105, as read, agreed to.

Schedules 1 and 2, as read, agreed to.

Third Reading

Hon. PT LUCAS (Lytton—ALP) (Deputy Premier and Attorney-General, Minister for Local Government and Special Minister of State) (11.00 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. PT LUCAS (Lytton—ALP) (Deputy Premier and Attorney-General, Minister for Local Government and Special Minister of State) (11.00 pm): I move—

That the long title of the bill be agreed to.

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

Motion agreed to.

ADJOURNMENT

Hon. PT LUCAS (Lytton—ALP) (Acting Leader of the House) (11.00 pm): I move—

That the House do now adjourn.

Hervey Bay, ALP Candidate

Mr SORENSEN (Hervey Bay—LNP) (11.00 pm): The headlines from ABC Wide Bay radio on 20 July stated, 'ALP candidate criticises own party over jobless rate'. The transcript states—

Queensland Labor candidate ... has criticised his own party for not taking action on unemployment in the Wide Bay [region]—

The candidate says—

... he has written to Premier Anna Bligh about the region's 10.6 per cent jobless rate.

He says the State Government's ... plan only includes 'vague notions' of how to create more jobs.

He goes on to talk only about vague notions such as unemployment growth in the fishing industry and that the agricultural industry and the forestry industry do nothing to reduce the numbers of unemployed. Let us talk about the fishing industry. There are snapper bans and then we are released from the snapper bans. Just look at agriculture. The Labor Party could not care less about agriculture. Then there are the vegetation laws, and it goes on and on.

Let us take the forestry industry and look at what happened there. That is right, this government sold off the forestry industry. Remember the little booklet on the Queensland asset sales? They could not even tell the truth there. When they announced the sale of Forestry Plantations Queensland they said it was the trees for sale, not the land. It goes on and on.

The ALP candidate goes on to say that he is going to give the Premier, Anna Bligh, advice about what is required, and that is leadership which looks outside the square. Here is the ALP's candidate flying the state Labor flag, telling us what we on this side already know—vague notions are not enough. What great words: 'vague notions'. Not only that, he went on to say that the time to act is now and we need positive action from the government to put people to work. Its own candidate is saying that its 'vague notions' are not enough. It is time to act now and get people to work in Wide Bay. He can put it in writing, but I have to tell him that from my experience he will be waiting a long time for a response—that is if he gets one at all.

Far North Queensland, Events

Mr WETTENHALL (Barron River—ALP) (11.03 pm): Last Wednesday the Premier announced the results of the final economic impact assessment of the inaugural Cairns Airport Adventure Festival showing an economic boost of $7.5 million, double the original estimate. That is a remarkable achievement in the first year of an event and it is a credit to everyone involved but particularly the team at USM Events. An amount of $6.2 million was generated for the Cairns and far-north region, exceeding all expectations. Over 6,000 people attended the festival, 3,388 of them participants. An amount of 21,122 visitor nights were generated for the local tourism industry. The event supported the equivalent of 83 full-time jobs. The average stay for visitors was 5.7 nights, although international visitors stayed an average of 7.7 nights. The average daily spend for visitors was $395.

The other major event for Far North Queensland that the Queensland government has supported through Queensland Events was also historic: the first AFL premiership points match in Cairns and the first north of Brisbane. The Gold Coast Suns v the Richmond Tigers at Cazaly's Stadium at Cairns on 16 July was a resounding success. A sell-out crowd of 11,000 fans watched an entertaining game of Aussie Rules with the Suns victorious at the final siren 12.13.85—9.16.70. The match effectively became a Queensland versus Victoria clash with Suns local talent Jarrod Harbrow, Charlie Dixon and Rex Liddy of course attracting keen interest and strong support. But Tigers fans really came out of the woodwork and gave their team plenty of encouragement as well. Gary Young and the team at AFL Cairns deserve special recognition for realising the dream of hosting a home and away game. I would also like to thank the players, officials and supporters of both football clubs. I also must thank the AFL for having the confidence to back the game in Cairns.

Sports Tourism now has a proven track record in the Far North. I am very excited by its potential to emerge as a lucrative niche tourism market that can build resilience into the sector. The new funding announced in the budget will effectively double funding for events to $175 million over the next four years. The Bligh government's investments in Challenge Cairns and the Suns v Tigers match were well made. The return on those investments provide a vital boost for our regional economy that is highly dependent on tourism and is highly vulnerable to external shocks. We need more major and regional events to be supported in Far North Queensland, so the increased funding that gives us that opportunity could not have come at a better time.

Allconnex

Dr ROBINSON (Cleveland—LNP) (11.06 pm): The Allconnex debacle continues to be a major concern to the ratepayers of Cleveland and the Redlands. On Monday, 25 July, the Gold Coast City Council split with Allconnex. The council decided that it was not in the interests of ratepayers to continue the council's relationship with Allconnex. The estimated cost of this separation from Allconnex is approximately $60 million.

The withdrawal of GCCC, the major shareholder, from Allconnex has created a problem for the remaining two councils, Logan City Council and Redland City Council. The RCC has been placed in a difficult position by this government—between a rock and a hard place. To continue with Allconnex is not considered viable, but the cost to withdraw may be in the $30 million to $60 million range. This quandary has been imposed upon it by a Labor government that cannot plan and that lurches to and fro on water reform. RCC now must make the best decision for its own ratepayers as a result of the unworkable system foisted on them.

The mayor of the RCC, Councillor Melva Hobson, has publicly stated that Allconnex is no longer viable for the two remaining councils to run and would require 'drastic changes'. Redland mayoral candidate, Councillor Karen Williams, has also expressed great reservations about the situation that the council is left in. Cleveland and Redlands residents are understandably afraid of rising water costs under this government, especially the elderly, families and single occupiers in unit complexes. Residents continue to be most angry at the way things have transpired and are calling for the government to reduce the price of water by decreasing the bulk water price that the government charges these water entities.

Allconnex was a mistake of this failed long-term government from the very beginning. It was tolerated but never really supported by Redlands residents and many councils in the hope that somehow it would generate lower water prices. Allconnex is a creation of the state government and the government cannot just wash its hands of responsibility for its creation just because its model has now failed.

Tonight I join Councillor Karen Williams and call on the state government to take responsibility for its failure and to finally do the right thing by the Redland City Council on water. After turning the cheap water in the Redlands under Redland Water into much higher water prices, this government should now provide the funding—in the range of $30 million to $60 million—for the council to leave Allconnex and for the water distribution and retail functions to be returned to the council. The government cannot just walk away from its child; it must take responsibility.

Four years ago the Premier claimed she would ensure that water was not priced beyond the reach of ordinary Queenslanders. Today it is clear that she has failed to live up to the promise. Water has become another Labor broken promise, and the very least this government can do is assist the Redlands council to get its water retailer and distribution back in order.

Taranganba State School Choir and Sunbury Community Choir

Mr HOOLIHAN (Keppel—ALP) (11.09 pm): On Saturday, 30 July my wife and I attended Taranganba State School. We found out—and I would like to let the whole chamber know—that schools are no longer just about reading, writing and arithmetic. The school choir performed in company with Melbourne's premier show choir the Sunbury Community Choir. This choir is recognised worldwide and they were brought to Taranganba by the RADF funding that is provided by the state government. The choir started four years ago in 2008, under musical director Adam Przewlocki, when they were one of the top 16 in the Battle of the Choirs. In 2009 they won first prize in the open choral section of the Australian National Eisteddfod. In 2010 they won a silver medal at the World Choir Games in Shaoxing, China.

Taranganba State School choir trained with the Sunbury choir and presented a community choir on behalf of the school chaplaincy service. The children really appreciated working with experienced choristers. Part of the Sunbury Community Choir is made up of the Sunbury Divas, which is a group of about 65 women who perform in Melbourne.

Taranganba State School has a great record in the arts and they also have a very good musical group. Under the inspired leadership of their principal Peter Tanzer, their deputy principal Greg Lowcock and their singing teacher Jenny Cook, these children, together with the Sunbury choir, performed the song *I am Australian*. If anyone wants to hear that song performed in a way that they have never heard before, I would suggest that they listen to a performance of the Sunbury Community Choir or, if they do not get to hear the Sunbury Community Choir, they can always come to the electorate of Keppel and attend Taranganba State School and listen to the magnificent voices of the children from the Capricorn Coast.

Gold Coast, Police Resources

Mr STEVENS (Mermaid Beach—LNP) (11.12 pm): Gang related crime and serious armed assaults are becoming the regular headline for media coverage of activities on the Gold Coast which is leaving my constituents of Mermaid Beach worried and concerned about the honesty of the Bligh government's commitment to adequately protecting and policing the acknowledged most difficult crime region in Queensland. Bandaid solutions offered by the Bligh government, such as 50 more police officers for 30 days, is an insult to the hardworking police corps working day and night in underresourced capacities to try to stem this vicious rise in serious assaults and regular hold-up attacks.

It will not get any easier in an economy that is increasingly under pressure and where money for drugs et cetera will become harder to find under lawful activity. Let me be clear and categorical that the current police force on the coast is doing a fantastic job in enforcing the thin blue line with the resources that they have at the moment. All credit to them in the great success stories of quick apprehension of murderers and uncovering huge drug stashes. But they are severely understaffed, underresourced and overstretched in budgets which has forced the Gold Coast City Council to use ratepayer funding to purchase a helicopter—which the Bligh Labor government fought vehemently to stop—to assist our police. Only media pressure converted them to the good idea of a helicopter, and now we await the promise of a helicopter becoming a reality.

Mermaid Beach is home to a large motorcycle gang, with a clubhouse that is a fortress and a no-go area in terms of personal safety. My question to Premier Bligh and the Labor government is: how many of these bikie gangs have been brought to account under Labor's much vaunted outlaw bikie gang legislation—called the Criminal Organisation Act—of November 2009, which is almost two years ago? Can she update the House and my concerned residents of Mermaid Beach on how many arrests, investigations and prosecutions have occurred with the outlaw motorcycle gangs as a result of that legislation? The rhetorical answer is none, and it is just symptomatic of the spin, deceit and ineptitude of a Labor government bereft of ideas, lacking in lawful rectitude and entwined in statistical manipulation to hide the enormity of the drug trade and the escalation of violent crime on the Gold Coast.

The tourism industry on the Gold Coast is taking a hammering from extraneous factors such as the GFC, the high Aussie dollar and the after-effects of bad images of flood and cyclone damage to our sunny beach based holiday destination. Add to these problems an image of an out-of-control, crime infested, underbelly city and you have a hard product to sell domestically and internationally. On Hooker Boulevard recently, in the middle of my electorate, a man was gunned down and left to die. We are all aware of the tragic incident—

(Time expired)

Chatsworth Electorate, Public Transport

Mr KILBURN (Chatsworth—ALP) (11.15 pm): Since being elected as the member for Chatsworth one of my priorities has been working on improving public transport, particularly buses, in my electorate. I am very glad to announce tonight to the people of Chatsworth two pieces of very good news. The first thing I would like to announce is that, after many months of discussions between me and the Minister for Transport and TransLink, TransLink will start a public consultation process this month to review the services provided to the residents of Gumdale, Wakerley, Belmont, Chandler and Ransome and in particular to look at improving the connections between those suburbs and the Carindale bus interchange, which will then allow them to use the fantastic services from Carindale to travel to the city, UQ and other areas around the city.

The residents of Gumdale and Wakerley and surrounding suburbs are invited to speak to TransLink staff at Eastside Village Shopping Centre on Wednesday, 17 August from 8.30 to 10.30 and on Saturday, 20 August between 9.30 and 11.30. I would encourage as many residents as possible to attend these sessions to discuss this important issue with the TransLink staff and in particular to tell them what would be the most effective routes around the Gumdale-Wakerley area to make those linkages into Carindale.

While we are discussing Carindale, the other piece of good news is that the transport minister announced recently that, when the new Eastern Busway extension opens later on in the year, it will also coincide with an increase in bus routes and buses running through that area. That will be of particular benefit to people in my area. There will be 31 new buses; 12 new bus stops; and five new bus routes, including two high-frequency bus routes—route 222 from Carindale to Roma Street and the route 590 from Garden City to No. 1 Airport Drive. It will also include a new peak 271 route servicing Carindale, Camp Hill, Carina, Bennetts Road, Coorparoo and into the city; a new peak hour feeder route from Cannon Hill to Carindale via Belmont which will improve services to my residents in the Belmont area; a new peak hour route 205 from Scrub Road to the city via Winstanley and Samuel streets; and a new high-frequency, cross-town route 590 from Garden City to Carindale. All these improvements will lead to a massive increase in bus seats available in my area.

I would also like to quickly mention that the LNP, through their candidates in both my electorate and the neighbouring electorate of Mansfield, have run e-petitions sponsored by the member for Clayfield calling for things that have already happened. Yesterday the Clerk tabled a petition from the member for Clayfield asking for a route from Mount Gravatt to Garden City. That has already happened. It was announced in this media release two weeks ago. So what we see is the member for Clayfield sponsoring petitions to allow LNP candidates to get email lists that they can use for campaigning. I think that this should not be done and the member for Clayfield should be ashamed of himself.

(Time expired)

Department of Environment and Resource Management, Water Act 2000

Mrs PRATT (Nanango—Ind) (11.18 pm): I have been talking to a gentleman by the name of Rod Reilly, who states that he has had longstanding issues with the Department of Environment and Resource Management that include inconsistencies in the treatment of stakeholders under the Water Act 2000. I would like to quote what he has said—

Detailed below are a few of the questionable actions.

And he has documentation and tapes supporting his beliefs in his possession. He continued—

In relation to Cubbie Station when Stephen Robertson was Minister,

I believe

1) A briefing note dated 19/4/2002 relating to 100,000 megalitres of storage was lost till 30/6/2003.

2) A briefing note relating to 57,000 megalitres of storage was signed by the Minister and advisor and backdated by both prior to the documents existence.

3) During a FOI process, information was covered up that would have highlighted the error by the Minister and his advisor.

4) The Minister failed to publish his approval of 57,000 megalitres of storage as required by section 27(5)(c) of the Water Act 2000.

5) Approval of a water storage was given by the Minister when a licence and permit was not held.

More recently, on the 13/3/2011 I met with then Minister Kate Jones and Director General John Bradley.

I believe

1) I gave the 3 same letters to each of the Minister and Director General.

2) The 3 letters sought a prompt response.

...

3) In answer to question on notice 696 which asked Minister Jones 'When will Mr Reilly's letters be responded' Minister Jones replied 'I'm advised that Mr Reilly's did not provide correspondence for response during that discussion'.

4) A tape recording of the meeting backs up my claim I gave them the letters.

5) The Department has advised me they do not have these letters on file.

6) No response to my 3 letters has been received as at 1/8/2011.

Finally,

The Department of Environment and Resource Management has a new Minister and Director General.

I ask they carry out their responsibilities appropriately and expect this includes

1) Investigate why my letters are not on file.

2) Adequately and promptly respond to new copies of my 3 letters which have been forwarded to the new Minister and Director General.

I have also sent Mr Reilly's documentation to the minister and it seems to have gone missing as well. Recently I was asked for copies again. Although I am not suggesting there is some sort of skulduggery, something is not working correctly in this department. I would ask that the minister finds out and investigates why Mr Reilly is having so much trouble with the documentation. From my understanding, I have given it to them twice and it would appear that Mr Reilly himself has given it three times.

(Time expired)

AJ Wyllie Bridge

Ms O'NEILL (Kallangur—ALP) (11.21 pm): The floods of this summer have left a lasting legacy in the electorate of Kallangur, not only in the hearts and minds of those residents who suffered damage to property but also in the form of lasting serious damage to the AJ Wyllie Bridge at Petrie. After the floods detailed inspections by experts, including divers, found severe scouring where water had removed earth from the bridge pier foundations along with cracking on some sections of the bridge. This meant that the northbound bridge has had to be closed and will be demolished and rebuilt. Northbound and southbound traffic are using one lane each on the southbound bridge. It is expected that the new bridge will be finished in 18 months, weather permitting. Works also include relocation of services such as major sewer pipe and water mains, which has been a big delay because these cannot just be cut off and connected later; the community cannot do without them.

Unfortunately, major projects take time, and while many people have been shocked at the proposed 18-month time line, what is not widely understood is that the planning and design of the new bridge is being fast-tracked by ensuring that processes that are normally done consecutively are being undertaken concurrently. For example, demolition of the northbound bridge and the ordering of precast concrete elements for the new bridge will ensure that construction of the new northbound bridge proceeds as soon as the design is completed.

Contractors involved in tendering on the reconstruction of the bridge will be invited to become actively involved during the design phase so that the best possible bridge option is designed and constructed, reducing delays and misunderstandings. This means that the project will actually take at least six months less than usual. When we see a road or bridge constructed, we only take note when the construction starts. The length of time planning and designing is hidden and is usually not of much interest. But I assure all those using the bridge or wishing to use the bridge again that the utmost attention is being given to speeding up the process.

I am proud that we have taken the decision to build a new bridge, that we have put community safety as the highest priority. I am working with the department to ensure that pedestrian and cyclist access remains open and that any access will minimise disruption to an already difficult traffic situation. I commend Main Roads staff and the minister for listening to the concerns of the community. I was very grateful that departmental staff made themselves available to attend a public meeting in Petrie on a recent Friday evening to explain the construction and planning phases and to hear the concerns of all, including the concerns of local businesses.

I understand and sympathise with the frustration of users of the AJ Wyllie. I can also assure my constituents that I am meeting regularly with the minister and local councillors about the low-level bridge at Youngs Crossing to seek a solution that will deliver an all-weather crossing that is not impacted upon by water releases from North Pine Dam.

Don River, Build-up of Sand

Mrs MENKENS (Burdekin—LNP) (11.24 pm): I rise to speak on the build-up of sand in the Don River. We have seen the release of the flood inquiry with numerous recommendations to avoid future disasters. In my Burdekin electorate, we have the Burdekin River and the Don River. Sand build-up in the Don River is a disaster waiting to happen and should there be a major flood, many residents—including those in two retirement and nursing homes—will be in grave danger. Something must be done to prevent another tragedy like we saw in Grantham.

In February 2008 the Don River flood saw huge damage to the lower river delta area. The Don River Improvement Trust was granted federal funds to repair the damage and mitigate further loss in future floods. Significant stabilisation works were done on the banks by the trust; however, the sand build-up is yet to be addressed and funding for this has not been forthcoming. The same has occurred in the Burdekin and Haughton river areas.

The impact of cyclones Anthony and then Yasi on top of an already wet start to 2011 created a prolonged wet season this year. Residents living in the Lower Don area were left stranded for weeks, with some having to ferry schoolchildren across the river by boat every day. The breakaway where the river broke through after the 1946 floods is clogged with sand now, and with every wet season water is not flowing away like it should and flooding has become a very real problem.

The Whitsunday council has been seeking funds to undertake clearing works within the river system but this is only a short-term fix. Despite meetings with DERM, local government and Don River Improvement Trust representatives are desperately wanting to rectify this problem, which has been a known problem area for some time.

In 2008, the then Minister Craig Wallace admitted the Don River near Bowen was at risk of flooding during the wet season because of sand build-up. He announced in 2008 that the state would invest $1.4 million restoring the river's banks and rock walls with a management plan to lower sand levels. The floods of February 2008 inundated large areas of Bowen causing hundreds of thousands of dollars of damage to homes and crops. Mr Wallace was quoted in an ABC interview saying that sand was not being mined out of the river fast enough. He said—

We've allowed extractions of around 112,000 metres of sand per year from the Don River.

Unfortunately, only about 55 to 65 cubic metres of that has been activated for use. We will look at how to encourage further extraction in the management plan.

These were Mr Wallace's words three years ago and still the people of Bowen are waiting for this sand to be removed. This is ministerial incompetence.

Near enough is simply not good enough. The people of North Queensland want action. They want local people with local knowledge, and this government has been ignoring their pleas. Surely the concerns of residents in these delta areas—who are living in fear of major flooding due to the lack of suitable dredging—need to be given high priority. We certainly do not need to face the unnecessary loss of more lives. Instead of getting the job done, this tired Labor government is spending more money on management plans and inquiries. This work is long overdue. We must not leave this any longer.

(Time expired)

All Hallows' School, 150th Anniversary

Ms GRACE (Brisbane Central—ALP) (11.27 pm): As a very proud past pupil, it was a great pleasure on the weekend of 23 and 24 July 2011 to attend the 150th anniversary of All Hallows' School celebration mass and the school's sesquicentenary celebrations. I was joined by the Minister for Education, Hon. Cameron Dick, who I am sure enjoyed the day just as much as I did. The mass was celebrated by Archbishop Bathersby and Father Ken Howell, with many distinguished guests, past and present students, parents and friends, teachers and staff coming together to enjoy Brisbane's perfect weather on the beautiful lawns of All Hallows'.

Two years after the separation of the colony of Queensland from New South Wales, All Hallows' School for girls was founded by the Sisters of Mercy, and the first pupil, Annie Tighe, from Drayton on the Darling Downs was enrolled as a boarder on 15 December 1861. The school was the first permanent home of the Sisters of Mercy in Queensland—who are also celebrating their sesquicentenary—and is the oldest surviving secondary school in Brisbane. I pay tribute to those pioneering women of the Sisters of Mercy for their courage, vision and determination in ensuring that girls received the same education opportunities as boys. Their story is a truly inspiring one when one considers that this occurred 150 years ago in times when girls and women did not enjoy the same opportunities that we do today.

I want to acknowledge Sister Sandra Lupi, congregation leader, and other members of the congregation leadership team who were also present for the celebrations and their ongoing support for the school. After 150 years, although buildings and teaching methods have changed, Principal Dr Lee-Anne Perry and staff at All Hallows' School remain committed to creating an educational environment characterised by the Christian values of love, reconciliation, challenge, justice, mercy, service, faith, hope and freedom of spirit in the tradition of the Sisters of Mercy.

For many years, All Hallows' has been served extremely well under the leadership of the principals: Mother Vincent Whitty, Mother Bridget Conlon, Mother Rose Flanagan, Mother Patrick Potter, Mother Regis Quirke, Mother Borgia Byrne, Mother Alban Salmon, Sister Mary Loretto Flynn, Sister Mary Marguerite Doyle, Sister Jean-Marie Mahoney, Sister Anne Hetherington, Sister Ann O'Farrell and

current principal Dr Lee-Anne Perry. They are all outstanding women who have worked and are working tirelessly to educate girls and maintain the proud history and record of All Hallows' School. I know over 1,400 female students, and my own daughter, are currently benefiting from their inspirational work and commitment.

Celebrations like these do not happen without hard work, coordination and planning, and I want to acknowledge the small committee and other members of the school community who have worked tirelessly over the last 18 months. Thank you to Angela O'Malley, Tim Sherlock, Lenore Thompson, Terry Cobcroft, Louise Gruhl, Kristin Devitt, as well as the Mothers' Network and Parents and Friends Association, the Past Pupils Association and staff in the Sisters of Mercy Heritage Centre. I also want to thank and acknowledge Pam Betts, Chair of the School Board, and all board members who I know worked tirelessly to ensure a successful day. Principal Dr Lee-Anne Perry and her staff also deserve special mention and sincere congratulations on a job well done in opening up the school to all visitors who I know enjoyed all the displays and activities on offer. In conclusion, in the words of Catherine McAuley, founder of the Sisters of Mercy, in Dublin in 1831—

... no work of charity can be more productive of good to society, or more conducive to the happiness of the Poor, than the careful instruction of women ...

(Time expired)

Question put—That the House do now adjourn.

Motion agreed to.

The House adjourned at 11.31 pm.

ATTENDANCE

Attwood, Bates, Bleijie, Bligh, Boyle, Choi, Crandon, Cripps, Croft, Cunningham, Darling, Davis, Dempsey, Dick, Dickson, Douglas, Dowling, Elmes, Emerson, Farmer, Finn, Flegg, Foley, Fraser, Gibson, Grace, Hinchliffe, Hobbs, Hoolihan, Hopper, Horan, Jarratt, Johnson, Johnstone, Jones, Keech, Kiernan, Kilburn, Langbroek, Lawlor, Lucas, McArdle, McLindon, Male, Malone, Menkens, Messenger, Mickel, Miller, Moorhead, Mulherin, Nelson-Carr, Nicholls, Nolan, O'Brien, O'Neill, Palaszczuk, Pitt, Powell, Pratt, Reeves, Rickuss, Roberts, Robertson, Robinson, Ryan, Schwarten, Seeney, Shine, Simpson, Smith, Sorensen, Spence, Springborg, Stevens, Stone, Struthers, Stuckey, Sullivan, van Litsenburg, Wallace, Watt, Wellington, Wells, Wendt, Wettenhall, Wilson