

~~Mr SPEAKER: The period for question time has expired.~~

~~MINISTERIAL STATEMENT~~

~~Queensland Fire and Emergency Services, Blue Cards~~

~~ **Hon. CD CRAWFORD** (Barron River—ALP) (Minister for Fire and Emergency Services) (11.16 am): I rise to make a ministerial statement. I make no apologies for requiring blue cards for Queensland Fire and Emergency Services personnel before they get into a uniform and on the end of a fire hose. We hold the highest standard for the men and women on the state's front line because we have to. We need to make sure every possible step is taken to ensure the safety of young Queenslanders. Each and every day QFES personnel come into contact with children, whether that is an SES volunteer searching bushland for a missing child, a firefighter evacuating a town or a road crash rescue crew attending a road traffic incident.~~

~~QFES already undertakes criminal history checks on new staff and volunteers. Legal advice now indicates the blue card screening should be introduced for all staff and volunteers serving our community as firefighters or rescuers. QFES is a values based organisation and this decision brings it in line with community expectations. We know that some personnel already have blue cards because of their other commitments elsewhere in the community. I realise for some without blue cards obtaining one may be a small inconvenience. QFES is working proactively to support its workforce, its volunteers and its staff in making their applications. QFES has more than 30,000 frontline staff with about one third having already applied for their blue card. I know for the vast majority of QFES staff there will be no objection to the blue card. I know it will go some way to help recruit young volunteers, particularly in rural areas. As a parent myself I would have a very clear expectation that my child was safe.~~

~~Our firefighters have worked under some very challenging conditions in recent years and rightfully have earned the respect of the Queensland community. It is not an unusual or unreasonable standard, with most other frontline staff already required to hold similar accreditations. As I have mentioned, QFES is working closely with our staff and our volunteers to help them obtain a blue card. Unfortunately, those unable to obtain a blue card for whatever reason may be ineligible to continue frontline work with QFES, but I expect that they will be few in number.~~

~~I have filled out the blue card form myself. It is not hard—it only takes a couple of minutes—but the message it sends is significant. Parents teach their children to trust men and women in uniform. This requirement ensures we meet this community standard. When the going gets tough and Queenslanders are in need they deserve to know that those who wear the QFES uniform are worthy of their trust.~~

~~MOTION~~

~~Amendment to Business Program~~

~~ **Hon. YM D'ATH** (Redcliffe—ALP) (Leader of the House) (11.19 am), without notice: I move—~~

~~That, in accordance with sessional order 2B(4) and (5), the Business Program motion agreed to by the House for this week be amended to remove 1(d).~~

~~Question put—That the motion be agreed to.~~

~~Motion agreed to.~~

~~NATURAL RESOURCES AND OTHER LEGISLATION (GDA2020) AMENDMENT BILL~~

~~Introduction~~

~~ **Hon. AJ LYNHAM** (Stafford—ALP) (Minister for Natural Resources, Mines and Energy) (11.19 am): I present a bill for an act to amend the Cape York Peninsula Heritage Act 2007, the Geothermal Energy Act 2010, the Gold Coast Waterways Authority Act 2012, the Greenhouse Gas Storage Act 2009, the Land Act 1994, the Land Title Act 1994, the Mineral and Energy Resources (Common Provisions) Act 2014, the Mineral Resources Act 1989, the Petroleum Act 1923, the Petroleum and Gas (Production and Safety) Act 2004, the South Bank Corporation Act 1989, the Survey and Mapping Infrastructure Regulation 2014 and the Transport Infrastructure Act 1994 for particular~~

purposes. I table the bill and the explanatory notes. I nominate the State Development, Natural Resources and Agricultural Industry Development Committee to consider the bill.

Tabled paper: Natural Resources and Other Legislation (GDA2020) Amendment Bill 2019.

Tabled paper: Natural Resources and Other Legislation (GDA2020) Amendment Bill 2019, explanatory notes.

The Natural Resources and Other Legislation (GDA2020) Amendment Bill 2019 supports the adoption of Australia's latest standard for measuring position, the Geocentric Datum Australia 2020 or GDA2020. In addition, it will deliver improved state land decision and land titling processes. Importantly, it also will extend the boundary of the Cape York Peninsula Region to include additional land parcels to deliver uniformity in the management of the Cape York Peninsula Region protected area estate.

Firstly, I would like to talk about the significance of the provisions of this bill that allow for the adoption of Australia's latest standard for measuring position, known as the Geocentric Datum Australia 2020, or GDA2020 for short. Geographical position descriptions are included in many pieces of existing Queensland legislation. This has been done to either establish the format position information is exchanged in; or to regulate activities at a set location or area, such as a marine park. This bill makes the necessary amendments to a number of pieces of legislation across the natural resources, mines and energy and transport portfolios to adopt GDA2020 in Queensland.

The amendments will ensure Queensland's legislation responds to evolving positioning technology and the continued modernisation of Australia's datum. To locate a position accurately, two things are needed: a reference framework that describes the shape and size of the earth, known as the datum, and a coordinate system—the latitudes and longitudes. The coordinates describing the location of a feature on the ground—for example, a road or fence—will be different depending on the datum used. Datums are used where people rely on location information in surveys, mapping, geology, navigation and astronomy.

Since 1966, Australia has had four datums, including the Australian Geodetic Datum 1966, the Australian Geodetic Datum 1984 and the Geocentric Datum Australia 1994, all of increasing accuracy. The GDA2020 better accounts for the movement of Australia's continental plate, evolving positioning technology and will align with global positioning systems. Global positioning systems create coordinates for features, such as a building, by reference to the centre of the earth. Over time, the coordinates for the features will change as a result of continental drift. By contrast, datums such as the Geocentric Datum Australia provide a coordinate system that is fixed to a tectonic plate at a specific point in time. In Queensland, we use the Geocentric Datum Australia 1994.

Australia sits on one of the fastest-moving tectonic plates, moving at about seven centimetres per year, which is about 1.8 metres since 1994. While this may seem imperceptible, it is significant when using equipment that relies on accurate, real-time positioning data. Upgrading to GDA2020 ensures that Australia and Queensland can reap the benefits of 21st century positioning technology, such as connected and automated vehicles, smartphone devices and apps, remote controlled mining and agricultural equipment or drone technology.

All Australian jurisdictions have been working together since 2015 to implement our nation's latest datum GDA2020, by 30 June 2020. In 2017, the Australian government legislated GDA2020 as the new national measurement standard for position under its National Measurement Act 1960. With the adoption of GDA2020, previous datums remain valid, but will ultimately not be supported by modern geopositioning devices.

The bill makes necessary legislative amendments to support adoption of GDA2020 in Queensland by the Australia and New Zealand Land Information Council's implementation date of 30 June 2020. Further changes to the national standard for position are inevitable as the continental plates will continue to drift. Similarly, as technology improves more accurate and real-time position information will be demanded, particularly in the digital economy. Legislation must be responsive and allow for efficient datum updates.

The bill achieves this by using a single point of truth under the Survey and Mapping Infrastructure Act 2003 to identify the datum for the future collection and sharing of position information. The Land Act and Petroleum Act 1923 provisions will use the datum defined under the Survey and Mapping Infrastructure Act 2003, ensuring these provisions remain contemporary and consistently apply the latest standard for position. Coordinates for a given position change depending on the datum used. Therefore, failure to include the datum reference with coordinates can render the coordinate information ambiguous. The bill ensures position references are technically complete, that is, coordinates are provided with the associated datum and, where appropriate, updated to GDA2020.

The amendments to the Transport Infrastructure Act 1994 make it clear that position references for the Logan Motorway facility and Gateway Motorway facility were defined using Geocentric Datum Australia 1994. The bill amends the Mineral and Energy Resources (Common Provisions) Act 2014 and the resources acts to make clear that AGD66 was used to define blocks and sub-blocks. The resources acts include the Geothermal Energy Act 2010, the Greenhouse Gas Storage Act 2009, the Mineral Resources Act 1989, the Petroleum Act 1923 and the Petroleum and Gas (Production Safety) Act 2004. For resource legislation, the provision clarifies that, while the original division into blocks and sub-blocks was undertaken in AGD66, the chief executive has the ability to display the blocks and sub-blocks in a spatial database using the current datum.

The bill amends the Gold Coast Waterways Authority Act 2012 to update position references for areas near the mouth of Currumbin Creek, the Gold Coast Seaway and the mouth of Tallegbudgera Creek from GDA94 to GDA2020. While the coordinates are different when expressed in GDA94 and GDA2020, both refer to the same position or location in Queensland.

Aside from these important datum changes, the bill amends the Land Act 1994 to improve processes for lease renewal, making model by-laws for trust land and determining an appropriate ballot process for competitive state land allocation. Under current provisions of the Land Act, renewal of a term lease is contingent on the lessee lodging an application. The bill amends the Land Act to enable the chief executive to make an offer of a new lease prior to the lessee lodging an application. Providing an alternative pathway to lease renewal will result in efficiency improvements for government and reduce the number of steps a lessee must take to renew their term lease.

A further reform I am bringing forward is to the current way we make model by-laws for trust land. Currently, the Land Act provides that the Governor in Council may, by regulation, make model by-laws for trust land, a process which, by its nature, is time consuming and cumbersome. The bill amends the Land Act to allow the minister to make the model by-laws and publish them on the government website. Under the Land Act, the processes by which an interest in state land may be made by competition include auction, tender or ballot. The ballot process is prescribed in regulation and is outdated—so outdated that it involves the use of marbles and containers for drawing a winner. It has not been used in several decades, with the marbles and containers currently stored in the State Library of Queensland.

The bill amends the Land Act to provide the chief executive with the power and flexibility to adopt an appropriate modern and competitive process. A further amendment to the Land Act is proposed to allow the state to grant unallocated state land without competition where native title exists or otherwise would have existed, but for historical extinguishment. Specifically, the bill amends the Land Act to provide for the grant of land identified within an Indigenous land use agreement to a person as trustee for the identified First Nation people. The amendment eliminates unnecessary cost and time outlaid by native title holders to lodge a native title claim over the unallocated state land to have the prior extinguishment disregarded, so that they can meet the priority criteria. The amendment does not affect any existing process or rights of people to apply for the land; it simply provides an additional option for granting land under the Land Act.

The bill amends the Cape York Peninsula Heritage Act 2007 to replace the map identifying the Cape York Peninsula Region. The Cape York Peninsula Region map will be updated to extend the boundary of the Cape York Peninsula Region to include four land parcels added to the Daintree National Park since a significant number of Indigenous land use agreements were established in 2007, plus two parcels of unallocated state land and one road adjacent to the park. The update of the Cape York Peninsula Region map ensures these additional parcels of land are able to be transferred to Aboriginal ownership and dedicated as national park—Cape York Aboriginal Land—which is a jointly managed national park. This amendment contributes to achieving uniformity in the management of the Cape York Peninsula protected area estate, most notably for the iconic Daintree National Park, by the Eastern Kuku Yalanji people and the Department of Environment and Science.

I also bring forward some minor administrative amendments. The bill amends the South Bank Corporation Act 1989 to remove any reference to paper certificates of title, which, since 1 October 2019, no longer have any legal effect. Finally, the bill also amends the Land Act 1994 and the Land Title Act 1994 to improve the efficiency of titling processes. I commend the bill to the House.

First Reading

Hon. AJ LYNHAM (Stafford—ALP) (Minister for Natural Resources, Mines and Energy) (11.31 am): I move—

That the bill be now read a first time.

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

Motion agreed to.

Bill read a first time.

Referral to State Development, Natural Resources and Agricultural Industry Development Committee

Mr DEPUTY SPEAKER (Mr Kelly): In accordance with standing order 131, the bill is now referred to the State Development, Natural Resources and Agricultural Industry Development Committee.

~~DISTINGUISHED VISITORS~~

~~Mr DEPUTY SPEAKER~~ (Mr Kelly): ~~I acknowledge that in the gallery we have a visitation of ambassadors from Latin America. We have the ambassadors of Argentina, Panama, Cuba, Costa Rica, Colombia, Venezuela, El Salvador and Guatemala in the gallery. Welcome. Bienvenidos.~~

~~Honourable members: Hear, hear!~~

~~CIVIL LIABILITY AND OTHER LEGISLATION AMENDMENT BILL~~

~~Second Reading~~

~~Resumed from 22 October (see p. 3486), on motion of Mrs D'Ath~~

~~That the bill be now read a second time.~~

~~ Mr LANGBROEK (Surfers Paradise LNP) (11:32 am): I rise to speak in the debate on the Civil Liability and Other Legislation Amendment Bill 2018. Page 20 of the committee's report states that this bill is not identical to the legislation that exists in other jurisdictions. Other speakers in this debate have mentioned this issue. I acknowledge the contributions yesterday of the shadow Attorney General, the member for Toowoomba South, and the member for Gympie.~~

~~This reform was meant to be about implementing national consistency to ensure that survivors of systemic sexual and physical abuse can rely on a nationally consistent process to get their justice. They do not deserve to jump through hoops because the Labor government does not want to implement the commission's recommendations in the same manner they have been implemented in other states. The recommendations made by the commission aim to improve the capacity of the justice system to provide fair access and outcomes to survivors of child sexual abuse wishing to pursue a claim for civil damages for personal injury arising from the abuse. Pursuing damages that arise from abuse is a brave step for those who experienced such treatment as children and it is vital that we implement laws that make this process clear and consistent for those taking these steps.~~

~~The bill aims to amend the Civil Liability Act 2003 in response to recommendations 91 to 94 of the *Redress and civil litigation report* of the Royal Commission into Institutional Responses to Child Sexual Abuse. The manner in which the objectives of the bill will be achieved are twofold: firstly, introduce a reverse onus, applied prospectively, under which an institution must prove it took reasonable steps to prevent the sexual abuse of a child in its care by a person associated with the institution to avoid legal liability for the abuse—the statutory duty of institutions; and, secondly, establish a statutory framework for the nomination of a proper defendant by an unincorporated institution to meet any liability incurred by the institution—the proper defendant amendments.~~

~~However, it promising that Labor will adopt our amendment to extend the definition of abuse to include physical abuse and not just sexual abuse. It is of concern that the bill, in its initial form, did not identify this expanded definition of abuse. Nonetheless, this positive result is owed to the lobbying of victims, and I would like to acknowledge their efforts. I will be interested to hear how another LNP amendment relating to non-delegable duty will be addressed.~~

~~It is of concern that Labor has ignored major recommendations 89 and 90 which would see certain institutions strictly liable for the criminal acts committed by those associated with the institution. The commission recommended that the non-delegable duty should apply to institutions that operate the following facilities or provide the following services and be owed to children who are in the care, supervision, control or authority of the institution in relation to the relevant facility or service. These facilities include: a day school or boarding school; a detention centre under the Youth Justice Act 1992; a residential facility; a facility operated by an entity for profit that provides services for children and~~