

~~While the introduction of open adoption will assist in facilitating adoption when it is the best option for a particular child in care, it is likely to be the case for only a small number of children in care. To place this in context, in England adoption has long been the preferred permanent option for children in long-term care, yet just 4 per cent of almost 60,000 children in government care were adopted as at 31 March 2008.~~

~~Orders made by the court~~

~~Another significant area of reform is the requirement for adoption orders to be made by a court.~~

~~Adoption orders in Queensland are currently made by the Associate Director General in charge of Child Safety in the new Department of Communities. Queensland is the only Australian jurisdiction in which adoption orders are made administratively.~~

~~Adoption has important legal consequences because it permanently changes a child's legal identity and legal relationship with his or her birth family. In recognition of this significant and serious change to a child's life, it is therefore appropriate and necessary for the adoption of a child to be decided by a court and the Bill provides for this and brings Queensland into line with every other Australian jurisdiction.~~

~~The Department of Communities, through Adoption Services Queensland, manages an Expression of Interest Register, which contains the names of couples interested in becoming adoptive parents either through a local adoption or an intercountry adoption.~~

~~Currently, the Expression of Interest Register is periodically opened for limited periods when it is necessary to increase the number of prospective parents required to meet the anticipated need to find adoptive placements for children.~~

~~The current objective is to identify the best possible prospective adoptive families to meet the needs of the small number of children who require adoptive parents.~~

~~The Government has listened to many people, particularly in the intercountry adoption community, who have struggled with the uncertainty of when applications can be made and the rush and anxiety that accompanies the opening of the register.~~

~~This rush to lodge expressions of interest when the register is open can lead couples to do so even though they may not be fully ready to commit to adoption at that time.~~

~~To overcome this, the Bill provides that the Register will generally remain open so people interested in adoption are able to lodge an expression of interest at any time. This will create greater certainty for couples interested in adoption, because they will be able to lodge an expression of interest at the time they are ready, willing and able to actively proceed through the adoption process.~~

~~Other mechanisms are being introduced to increase the efficiency of the register, including:~~

- ~~• no longer allowing people to postpone an expression of interest if they are not ready to proceed; and~~
- ~~• ensuring they regularly review their decision to continue pursuing adoption by requiring renewal of expressions of interest every two years if they have not moved through to assessment.~~

~~Eligibility expanded~~

~~Another important and contemporary reform introduced by the Bligh Government is that eligibility to lodge expressions of interest will no longer be limited to married couples. Instead, eligibility will be opened up to de facto couples who have been in a committed relationship for at least two years.~~

~~There are also important changes relating to consent before an adoption can be made.~~

~~Currently, a father is only required to consent to his child's adoption if he is married to the child's mother, either at the time the child was conceived or at the time of adoption.~~

~~The Bill will require a child's mother, father and any legal guardian to give informed and voluntary consent before a child can be placed for adoption, regardless of marital status.~~

~~The Bill will also require the Department to give a man thought to be a child's father information about how he can determine paternity, consent to the child's adoption or seek a Family Court order in relation to him parenting the child, if he wishes to do so.~~

~~Finally Mr Speaker, Queensland is fortunate to have a number of voluntary adoption stakeholder groups offering care and support to people affected by adoption.~~

~~On behalf of the Bligh Government I thank those volunteers, both current and past, who have been committed to helping others and have made personal sacrifices to keep these groups going. I am sure they will welcome the news that a dedicated post adoption support service will be established in Queensland as they have been advocating for this for many years.~~

~~I hope these voluntary groups will continue to play a valuable part in the adoption community. I am confident they will continue to work closely with Adoption Services Queensland and will complement the state-wide post adoption service.~~

~~Finally, in line with the Bligh Government's vision for a fairer Queensland, I am proud this Bill is a very progressive piece of new legislation which will bring Queensland's adoption practice in line with international best practice.~~

~~I commend the Adoption Bill 2009 to the House.~~

~~Debate, on motion of Mr Dempsey, adjourned.~~

~~Sitting suspended from 1.00 pm to 2.30 pm.~~

022

AUDITOR-GENERAL BILL

Message from Governor

Hon. AM BLIGH (South Brisbane—ALP) (Premier and Minister for the Arts) (2.30 pm): I present a message from Her Excellency the Governor.

The Speaker read the following message—

MESSAGE

AUDITOR-GENERAL BILL 2009

Constitution of Queensland 2001, section 68

I, PENELOPE ANNE WENSLEY, Governor, recommend to the Legislative Assembly a Bill intituled—

A Bill for an Act to provide for the Queensland Auditor-General and the Queensland Audit Office and the audit of the State's public finances and all public sector entities

(Sgd)

GOVERNOR

21 APR 2009

Tabled paper: Message from Her Excellency the Governor, dated 21 April 2009, recommending the Auditor-General Bill.

First Reading

Hon. AM BLIGH (South Brisbane—ALP) (Premier and Minister for the Arts) (2.30 pm): I present a bill for an act to provide for the Queensland Auditor-General and the Queensland Audit Office and the audit of the state's public finances and all public sector entities. I present the explanatory notes, and 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.

Tabled paper: Auditor-General Bill.

Tabled paper: Auditor-General Bill, explanatory notes.

Second Reading

Hon. AM BLIGH (South Brisbane—ALP) (Premier and Minister for the Arts) (2.31 pm): I move—

That the bill be now read a second time.

I am pleased to introduce the Auditor-General Bill 2009. This bill replaces parts 5 and 6 of the Financial Administration and Audit Act 1977 and creates new, updated audit legislation for Queensland. As is currently the case for parts 5 and 6 of the act, the bill covers all aspects of the Auditor-General's work. It establishes the role of the Auditor-General and the Queensland Audit Office, defines the powers of the Queensland Audit Office to audit the consolidated fund and public sector entities, and provides for the strategic review and independent audit of the Queensland Audit Office.

The bill aims to emphasise and enhance the independence of the office of the Queensland Auditor-General while also clarifying the administration of audit legislation as distinct from the financial accountability legislation. It also modernises the provisions of the 1977 act to align it with current drafting practice and more appropriately reflect the contemporary environment.

In light of the fact that this is a bill that has been reintroduced following the establishment of the 53rd Parliament, I seek leave to have the remainder of my second reading speech incorporated in *Hansard*.

Leave granted.

The majority of provisions currently contained in Parts 5 and 6 of the Financial Administration and Audit Act 1977 remain relevant and will therefore be transferred unchanged to the Bill.

In particular, provisions relating to the Queensland Audit Office's performance management audit mandate remain unchanged under the Bill, as do the powers of the Audit Office.

The appointment process for the Auditor-General will continue to involve consultation with the Public Accounts Committee on the process and nominee for appointment, together with approval by the Governor in Council.

A number of amendments to the 1977 Act have been proposed to address operational issues.

For example, the Bill imposes a requirement on the recipient of draft audit reports not to disclose the contents of the report, except in connection with making submissions or comments to the Auditor-General or obtaining legal advice in relation to those matters.

This provision is designed to preserve the integrity of the audit process.

The Bill also provides for the Auditor-General to forward draft reports to a third party who, in the Auditor-General's opinion, has a special interest in the audit report to provide comment.

The process of considering submissions or comments from relevant third parties will enhance the quality of final audit reports to Parliament

In addition, the Auditor-General currently charges direct costs associated with undertaking audits.

A new provision has therefore been included which formally recognises that the Auditor-General may charge reasonable costs and expenses incurred in conducting the audit.

Changes are also proposed to the terms and conditions of appointment for the Auditor-General which aim to strengthen the independence of the office.

For example, the Bill includes a new provision that the rate of remuneration of the Auditor-General must not be reduced during the term of appointment without the Auditor-General's written consent.

In addition, a new section is included in the Bill which states that the Auditor-General must not engage in any paid employment outside of the duties of the office. Contravention of this provision is considered to be misconduct and could result in the suspension and/or removal of the Auditor-General from office.

The Bill will retain the requirement for the Auditor-General to be appointed for a maximum of seven years, but will provide for the reappointment of the Auditor-General for a consecutive term so long as the sum of the terms does not exceed seven years.

This new provision will bring the Auditor-General into line with other independent statutory office holders in Queensland, such as the Ombudsman, the Information Commissioner and Commissioners of the Crime and Misconduct Commission.

Audit reporting provisions which were not previously contained in Parts 5 or 6 of the Financial Administration and Audit Act 1977 have also been included in the Bill, such as the audit of public sector entities, expenses of ministerial offices and whole of government financial statements.

The Bill will include the audit functions currently contained in the Government Owned Corporations Act 1993 as they relate to Government Owned Corporations and their subsidiaries.

Provisions relating to the timing of a strategic review of the Queensland Audit Office have also been reviewed during drafting of the Bill.

This was in response to concerns raised by both the former Public Accounts Committee and the Auditor-General that the current legislation is unclear in instances where the Committee does not make any formal recommendations in relation to a strategic review report, but the Premier tables a response to the Committee's report.

To clarify this point, the Bill provides for a strategic review to commence from one date, being five years from when the Premier tables a response to the Public Accounts Committee report on the last strategic review.

This approach will ensure that the Auditor-General is able to implement the strategic review recommendations in full knowledge of the views of both the Public Accounts Committee and the Premier.

Mr Speaker, I commend the Bill to the House.

Debate, on motion of Mr Langbroek, adjourned.

~~TELECOMMUNICATIONS INTERCEPTION BILL~~

~~First Reading~~

~~Hon. AM BLIGH (South Brisbane—ALP) (Premier and Minister for the Arts) (2.32 pm): I present a bill for an act to enhance law enforcement in Queensland by enabling the Queensland Police Service and the Crime and Misconduct Commission to be declared agencies under the Telecommunications (Interception and Access) Act 1979 (Cwlth). I present the explanatory notes, and 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.~~

~~Tabled paper: Telecommunications Interception Bill.~~

~~Tabled paper: Telecommunications Interception Bill, explanatory notes.~~

~~Second Reading~~

~~Hon. AM BLIGH (South Brisbane—ALP) (Premier and Minister for the Arts) (2.32 pm): I move—~~
~~That the bill be now read a second time.~~

~~I am pleased to introduce the Telecommunications Interception Bill 2009. This bill delivers on my government's commitment to ensure that our law enforcement agencies have the powers they need to fight crime. At the same time, the bill provides the high standard of checks and balances to the powers that the public expects and deserves.~~

~~This bill will enable the Queensland Police Service and the Crime and Misconduct Commission to apply for telecommunications interception warrants for the investigation of serious offences. Telecommunications interception is a highly effective tool for detecting and prosecuting serious criminal activity, particularly drug trafficking, organised crime, predatory paedophilia networks, corruption and premeditated violent crimes. With the recent bikie gang related violence we have seen in other states, these powers will be another weapon in our arsenal to ensure that we do not see the same kinds of problems here in Queensland.~~

~~These powers will complement the new laws targeting organised crime gangs which I have already announced. Telecommunications interception can be a key source of information for directing the focus of complex operations. It can also free up the time that law enforcement officers might otherwise spend on physical and technical surveillance or undercover work. It can reduce threats to the safety of those officers.~~

~~The evidence that it produces can be very compelling, but it is also an investigative tool that is highly intrusive on the privacy rights of individual citizens. Applications for telephone interception warrants are made without the knowledge of the targeted person or the people with whom they are likely to communicate. Given this intrusiveness, the bill provides the further safeguard—unique to any state~~