

~~The introduction of this clarifying bill brings to a successful conclusion the long-standing campaign by de facto couples to be given access to the FLA for the determination of their financial and property rights arising from a relationship breakdown.~~

~~The key effect of the Commonwealth taking up the referral from Queensland is that any Queensland legislation relating to financial matters arising out of a de facto relationship breakdown will be excluded from operation.~~

~~This will include most of Part 19 of the PLA.~~

~~Any de facto couples whose relationship has broken down since 1 March 2009 must apply for a property division under the FLA and can no longer apply under the PLA.~~

~~The FLA also allows de facto couples who separated prior to 1 March 2009 to opt into the FLA provisions where both parties consent.~~

~~Prior to 1 March 2009, de facto couples who separated in Queensland had to access two different jurisdictions to have disputes resolved.~~

~~Disputes about the division of property were dealt with in Queensland courts under Part 19 of the PLA and disputes about children were dealt with in the Federal Family Law Courts under the FLA.~~

~~In 1993, the Queensland Law Reform Commission reported that the Federal Family Law Courts were the most suitable forum to hear and determine financial disputes which arose on the breakdown of de facto relationships.~~

~~Since then, this issue has been debated in many other forums, including the Standing Committee of Attorneys-General, where the failure of the previous Commonwealth government to agree on a suitable referral from the states in relation to de facto couples' disputes halted the progress of this necessary reform.~~

~~On 10 November 2008, the Family Law Amendment (De Facto Financial Matters and Other Measures) Bill 2008 (the De Facto Amendment Bill) was passed by both Houses of the Commonwealth parliament.~~

~~The De Facto Amendment Bill amended the FLA allowing for the Commonwealth's acceptance of referrals from states in relation to financial matters arising from de facto relationship breakdowns.~~

~~The Labor Party has long been committed to assisting de facto couples.~~

~~In 1999, following the failure of the Commonwealth's acceptance of a suitable referral from the states about de facto property, the Queensland Labor government enacted amendments to the PLA that provided for de facto couple property rights, including rights following a relationship breakdown.~~

~~In 2002, the Queensland Labor government passed the Discrimination Law Amendment Act 2002 that reformed Queensland legislation to give people in de facto relationships the same rights as married people in many areas.~~

~~In 2003, the Queensland Labor government passed the Commonwealth Powers (De Facto Relationships) Act 2003 (the Referral Act) that referred to the Commonwealth the power for financial matters arising from de facto relationship breakdowns.~~

~~The commencement of this referral act was delayed until such time as the Commonwealth government agreed to accept a suitable referral of powers from the states.~~

~~This government arranged for the commencement of the referral act on 24 October 2008 following the current Commonwealth government's agreement to accept the referral in relation to same-sex as well as opposite-sex de facto relationships.~~

~~There are significant advantages to Queensland de facto couples by the Commonwealth taking up the referral from Queensland.~~

~~Advantages include the provision of a predominantly nationally consistent financial settlement regime that will minimise jurisdictional disputes.~~

~~Also, the Federal Family Law Courts have experience in relationship matters and have procedures and dispute resolution mechanisms more suited to handling family litigation than the state courts.~~

~~Counselling and mediation are provided to separated couples as part of the Family Court jurisdiction.~~

~~Queensland de facto couples will benefit from savings in both costs and time as they will be able to have both their child-related and property matters heard together.~~

~~De facto couples will also have access to courts that may make orders relating to superannuation splitting and orders relating to the maintenance of a party.~~

~~Part 19 of the PLA will continue to apply to de facto relationships that broke down prior to the de facto amendment bill commencing (except where the couple has chosen to opt into the FLA).~~

~~I commend the bill to the House.~~

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

CRIME AND MISCONDUCT AND SUMMARY OFFENCES AMENDMENT BILL

First Reading

Hon. CR DICK (Greenslopes—ALP) (Attorney-General and Minister for Industrial Relations) (11.59 am): I present a bill for an act to amend the Crime and Misconduct Act 2001 and the Summary Offences Act 2005 for particular purposes. 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: Crime and Misconduct and Summary Offences Amendment Bill.

Tabled paper: Crime and Misconduct and Summary Offences Amendment Bill, explanatory notes.

Second Reading

Hon. CR DICK (Greenslopes—ALP) (Attorney-General and Minister for Industrial Relations) (12.00 pm): I move—

That the bill be now read a second time.

The bill amends the following acts: the Crime and Misconduct Commission Act 2001 and the Summary Offences Act 2005. I turn firstly to the amendments to the Crime and Misconduct Act 2001 to remedy the effect of the recent Supreme Court decision in *Scott v Witness C* (2009) QSC 35. The amendments respond to the first recommendation of the Parliamentary Crime and Misconduct Committee report No. 79, tabled on 21 April 2009.

The Scott decision is considered to limit the CMC's major crime function to investigating specific matters referred to it by the Crime Reference Committee. This is not how parliament intended the crime referral arrangement to operate under either the repealed Crime Commission Act 1997 or the current Crime and Misconduct Act 2001.

Nearly 80 per cent of the major crime investigations undertaken by the CMC and its predecessor, the Queensland Crime Commission, have been conducted under general 'umbrella' referrals. These referrals relate to serious types of major crime including networked criminal paedophilia, terrorism and criminal activity by established criminal networks or outlaw bikie gangs and their associates. Consequently, the Scott decision has seriously compromised the CMC's major crime investigation and intelligence activities and their outcomes. These include many successful criminal convictions and the forfeiture of proceeds of crime totalling nearly \$1.5 million.

The bill responds to the Scott decision by validating past, present and future use of general 'umbrella' referrals for major crime investigations. In doing so, the bill gives effect to parliament's original intent that the crime function of the former QCC and the CMC should be subject to scrutiny by an independent reference committee which could use both specific and general referral mechanisms.

The bill achieves this by amending the Crime and Misconduct Act 2001 to, firstly, reframe the crime referral provisions to deal expressly with 'specific' referrals and 'general' referrals. A specific referral is intended to identify a particular incident of major crime—for example, the disappearance and suspected murder of a named person at a specified place and time. A general referral is intended to facilitate the investigation of a broadly described category or subcategory of major crime, without needing to identify individuals or groups or particular incidents—for example, terrorism or criminal activity involving drug trafficking and violence by members of outlaw bikie gangs and their associates.

Secondly, the bill clarifies that public interest considerations apply to all referrals, whether requested by the Police Commissioner or the Assistant Commissioner, Crime or initiated by the Crime Reference Committee.

Thirdly, the amendments better position the Crime Reference Committee to monitor the use of general referrals for ongoing and emergent crime investigations. This is done by requiring the Assistant Commissioner, Crime to notify the committee when the CMC commences an investigation under an existing general referral. The Crime Reference Committee is then obliged to consider whether directions are required in respect of that particular investigation.

Fourthly, the bill retrospectively validates 'umbrella' referrals made to the former QCC and the CMC. It validates crime investigations conducted under these umbrella referrals. It also validates the use of information and evidence obtained in those crime investigations for the performance of any QCC or CMC function or for the performance of a function of a law enforcement agency or prosecuting authority in receipt of the information or evidence from the QCC or CMC.

In recognition that the 'freshnet' referral invalidated by the Scott decision was over 10 years old at the time of the decision, the bill also subjects general referrals to five-yearly reviews by the Crime Reference Committee to ensure they remain appropriate over time. A referral will lapse if the review committee does not make a review decision within this period. Transitional arrangements are made to ensure that existing general referrals are reviewed within two years of commencement.

This review function is a logical adjunct to the Crime Reference Committee's crime referral function. It is consistent with its independent oversight role. It is also an efficient use of resources for the committee to review the appropriateness of a referral against the threshold considerations it assessed when the referral was initially made or last reviewed.

The bill also amends the Summary Offences Act 2005 to introduce the offence of endangering the safe use of a vehicle by throwing an object or by a similar activity. Recent media coverage has highlighted the community's concern about the potential danger of rocks and other objects being thrown at travelling vehicles or onto a road. Queensland has a suite of criminal offences which could apply to rock-throwing conduct, depending on the circumstances of the case. For example, if property damage, such as a shattered windscreen, results from rock-throwing conduct, then police could charge wilful damage, which is punishable by a maximum penalty of five years imprisonment. Other offences available include endangering the safe use of a vehicle or related transport infrastructure (section 467);

endangering the safety of a person in a vehicle with intent (section 319); and acts intended to cause grievous bodily harm or other malicious acts (section 317). These offences are punishable by a maximum penalty of life imprisonment.

In even more serious cases where death results from the conduct, murder and manslaughter could be charged. Murder is punishable by mandatory life imprisonment, and a person who commits manslaughter is liable to life imprisonment. The offences I just described only apply where personal injury or damage to property occurs as a result of the conduct or where there is proof of malicious intent. However, given growing community concern, the government considers it necessary to develop a specific offence directed at rock throwing and other dangerous conduct, such as directing a laser pointer at a vehicle, which will complement the existing suite of offences described above.

The proposed offence is not reliant on proof of malicious intent and will apply where the conduct is likely to endanger the safe use of a vehicle without having to establish any actual endangerment. The offence will apply where there is no personal injury or property damage caused by the act. The new offence will provide police with a further charging option in cases where rock throwing and other dangerous conduct occurs. I commend the bill to the House.

Debate, on motion of Mr Springborg, adjourned.

~~VEGETATION MANAGEMENT (REGROWTH CLEARING MORATORIUM) BILL~~

~~Second Reading~~

~~Resumed from 22 April (see p. 64), on motion of Mr Robertson —~~

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

~~**Mr SEENEY** (Callide — LNP) (12.06 pm): When the Governor officially opened this parliament two days ago, one of the things that stuck in my mind from the speech she delivered was the following — Honourable members, in these uncertain times nothing has greater priority than creating and protecting jobs.~~

~~For the Bligh government today there is a greater priority than creating and protecting jobs. The priority for the Bligh government today, and this legislation makes it undeniably clear, is to pay off their preference deal to the Greens. The priority for the Bligh government is to pay their political debts. That is what this legislation is about. It is about finalising a political deal. It is nothing more and nothing less. The people of Queensland, wherever they live, whether they are affected by this legislation or not, should be very aware that that is what this legislation is about.~~

~~It speaks volumes about the Bligh Labor government that the first legislation introduced into this parliament, legislation which gives the clearest indication of the priorities of the government, is not about creating jobs; it will instead cost many Queenslanders their jobs in the future. This legislation will cost jobs. It will cost many jobs. In the address that I will make to the parliament this afternoon I will go through in some detail how this legislation will cost many Queenslanders their jobs. Those Queenslanders will pay the price for the political deal that the Bligh Labor government made with the Greens before the election.~~

~~Despite the fact that this legislation will cost Queenslanders their jobs, it is the completion of a pre-election preference deal, and the government priority is to deliver the payoff to a fringe party that won no seats at the election but whose preferences returned a number of Labor members to this House. Many members will remember the deal done during the election campaign, when the Greens agreed to allocate preferences in 12 seats and some reports said 14 seats. How many members sit in this parliament today because of that deal that was done? Now the business of this House has to be postponed so the government can pay its political debts.~~

017

~~The business of this House has been postponed so the government can pay back a squalid political preference deal to a fringe party — a deal that was made in the overheated atmosphere of an election campaign when panic gripped the ranks of the government and it faced a looming loss at the polls. Rather than this parliament completing the traditional address in reply debate to the Governor's speech we have this piece of legislation rushed in here to be jammed through without proper consideration just so the government can pay off the preference deal it did in the election campaign. Rather than listening to the first speeches of the new members who were elected to this parliament we are going to be subject to the diatribe that the Bligh government will trot out to try to explain and justify its preference deal. Rather than address the issue that the Governor identified as the greatest priority and the Premier has given lip service to — rather than address the issue of jobs or any of the other major issues confronting the government — this parliament is going to be involved for the rest of today in completing a grubby, opportunistic political deal.~~

~~There are two important things to realise at the very beginning of the consideration of this bill. Firstly, today the Bligh government is clearly saying that the Governor was wrong when she said that in these uncertain times nothing has greater priority than creating and protecting jobs. If the Bligh~~