

Perpetrator accountability

The consultation sought feedback about perpetrator accountability and posed specific questions in relation to ouster conditions, behaviour change programs and breaches of domestic violence orders. As was expected, a majority of the submissions received were from people who strongly support the introduction of measures to increase the accountability of perpetrators of domestic and family violence.

I am pleased to announce reform across the three areas considered during the consultation process. These reforms will work in conjunction with those I have already outlined, including the focus of the legislation being clearly directed toward the person in need of protection and the new police powers which also support increased accountability for perpetrators of violence.

Ouster condition

The Bill includes greater guidance for the court when considering whether to make ouster conditions. The court will also be required to provide reasons if it does not impose an ouster condition when it is sought.

Ouster conditions prevent a respondent from remaining at, entering or attempting to enter certain premises. This may include premises where the respondent and the aggrieved live or lived together, or where the aggrieved or a named person lives, works or frequently goes. The ouster condition can also apply to premises in which the respondent has a legal interest, such as as a property owner or tenant.

Exposure to, or fear of, domestic violence is a leading cause of homelessness. It is easier to find accommodation for a single person than for a mother and children. The Bill increases the clarity about the considerations for the court in order to ensure that ouster conditions are made safely, to protect victims of violence.

The other important feature of ouster provisions is that disruption is minimised for the victim of violence. This extends further than living arrangements and includes people's social and community connections. Maintaining connections and supports can be critical to the ability of victims of violence, including children, to recover after the experience of living with, or being exposed to, domestic violence.

Intervention order

The Bill also provides for an order to be made requiring a respondent to attend an approved intervention program or counselling. The current Act provides a broad power for courts to impose conditions that the court considers necessary and desirable in the interests of the aggrieved, any named person and the respondent. It is not clear whether this power extends to ordering a respondent to attend a program or counselling.

The Bill provides a clear power for the court to make an order requiring a respondent to attend an approved intervention program or counselling.

Penalty for breach of a domestic violence order

A further measure included in the Bill to increase the accountability of perpetrators of domestic and family violence is an increase in the maximum penalty available where a domestic violence order is breached. The maximum penalty will increase to three years imprisonment. This is the longest prison term that a Magistrates Court can impose.

I would like to take this opportunity to acknowledge the work of the domestic and family violence sector and thank them for their commitment and passion in their tireless efforts to assist people affected by domestic and family violence. Queensland is very fortunate to have such a dedicated sector. I am sure they will welcome the reform being introduced as they have advocated for many of the provisions that have been incorporated in the new legislation.

I am heartened by the knowledge that the sector will continue their valuable work in supporting and assisting people affected by domestic and family violence.

This Bill aligns with the Bligh Government's vision for a fair and safe Queensland.

I thank Departmental staff, staff of the other agencies, Police and community service providers. This Bill is the culmination of their dedicated work.

It is the Bligh Government's goal to reduce the incidence and impact of domestic and family violence in Queensland communities. I am confident that this new legislation, with the extensive support systems funded in Queensland, will achieve this goal.

I commend the Domestic and Family Violence Protection Bill 2011 to the House.

First Reading

Hon. KL STRUTHERS (Algeria—ALP) (Minister for Community Services and Housing and Minister for Women) (12.35 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 Community Affairs Committee.

ONE FUNDING SYSTEM FOR BETTER SERVICES BILL**Introduction and Referral to the Community Affairs Committee**

Hon. KL STRUTHERS (Algeria—ALP) (Minister for Community Services and Housing and Minister for Women) (12.35 pm): I present a bill for an act to provide for funding by departments to non-government entities and local governments and to repeal the Community Services Act 2007 and the Family Services Act 1987 and to make minor and consequential amendments to the Aboriginal and Torres Strait Islander Communities (Justice, Land and Other Matters) Act 1984, the Aboriginal Cultural

Heritage Act 2003, the Casino Control Act 1982, the Corrective Services Act 2006, the Disability Services Act 2006, the Duties Act 2001, the Education (General Provisions) Act 2006, the Fisheries Act 1994, the Forestry Act 1959, the Gaming Machine Act 1991, the Housing Act 2003, the Liquor Act 1992, the Marine Parks Act 2004, the Maritime Safety Queensland Act 2002, the Police Service Administration Act 1990, the Public Service Act 2008, the Torres Strait Islander Cultural Heritage Act 2003, the Transport Infrastructure Act 1994, the Transport Operations (Passenger Transport) Act 1994 and the Waste Reduction and Recycling Act 2011. I table the bill and the explanatory notes. I nominate the Community Affairs Committee to consider the bill.

Tabled paper: One Funding System for Better Services Bill.

Tabled paper: One Funding System for Better Services Bill, explanatory notes.

I am pleased to introduce a bill for an act to establish a single, streamlined set of laws for Queensland government funding provided to non-government and local government entities. The bill delivers on three key objectives: it will provide, for the first time, consistent legal powers for safeguarding the delivery of crucial products and services that are delivered with funding provided by the Queensland government and for ensuring the proper use of these public funds; it will simplify existing funding laws and reduce red tape for entities that are currently funded under multiple acts; and it will help to improve the transparency of government's funding decisions.

Queensland government funding programs are significant for two major reasons. Firstly, they involve a large investment of public funds. In 2010-11 government funding to non-profit entities alone totalled \$1.8 billion. This does not include investments in other types of entities such as for-profit organisations and local governments or the funding provided in other forms. Secondly, many Queenslanders rely on the products and services that government funded entities deliver, including education programs, employment and industry initiatives, family support and critical services for vulnerable people.

In presenting this legislation, the Queensland government is recognising the importance of working together with the not-for-profit, businesses and local government sectors. The bill recognises that government's funding practices should be open and transparent. It recognises the diversity and autonomy of funded organisations and the importance of cooperative funding relationships. I also want to note that the bill's principles are consistent with the goals and principles of the 2008 Queensland Compact. The compact was developed in 2008 to guide the relationship between the community services sector and the Queensland government.

020 Quite rightly, Queenslanders expect public funds to be used in a proper and accountable way. In the vast majority of cases, funded entities use government funding in good faith to provide the best possible products and services for Queenslanders. However, from time to time serious concerns arise. For example, an entity may fail to provide key products or services, there may be a risk of harm to vulnerable clients or misuse of funds. Although rare, these situations have serious consequences. In such situations funding legislation provides additional options for safeguarding the use of funds where an agreement or contract is not effective in doing so or where an entity can no longer comply with its agreement.

Existing funding legislation for housing, disability and community services has provided effective legal powers for my department and the departments of other ministers to take action where necessary to safeguard products and services and ensure the proper use of funding. The protections offered by current funding legislation are not always available. Some departments and funding programs have access to legislative safeguards and some do not. Not all funding is afforded the same level of protection. To ensure consistency, the bill will apply to all Queensland government funding unless it is specifically exempted. This ensures that any government department can take strong and decisive action if funding is improperly used and, at the same time, move to protect the interests of Queenslanders who benefit from the delivery of funded products and services.

However, government needs to use legal powers responsibly and only where they are necessary and justified. The bill's powers are only available in the most serious of circumstances where there is actual or serious risk of failure to deliver funded products and services, harm to a person resulting from a funded entity's act or omission in delivering a funded product or service, or improper use of funding. In these cases, the bill will enable departments to take a variety of remedial and investigative actions such as issue a compliance notice that requires the entity to fix the problem, appoint an interim manager to ensure that the products or services continue to be delivered in a safe and accountable way, recover misspent or unspent funds as a debt, and enable suitably qualified authorised officers to investigate a suspected serious concern.

The bill further protects the rights of funded entities by providing for reviews and appeals for key decisions. Entities can apply for a review to the relevant government department and, if the matter is not resolved, an external review by the Queensland Civil and Administrative Tribunal. It also ensures that personal information gained through exercising a power under the legislation is confidential. Importantly, the bill recognises that in the majority of cases serious concerns can be managed and resolved cooperatively or through the terms of an agreement. This is government's preferred approach and is

supported under this legislation. The bill expressly states that a cooperative approach must be considered before a power is exercised. In addition, it recognises that the powers provided by funding legislation are not necessary or appropriate for all types of funding and appropriate exemptions are provided. For example, the bill will not apply to rebates or sponsorships, nor will it apply to funding provided directly to a person to enable them to obtain, rather than provide, a particular product or service—for instance, disaster relief payments. The bill will not apply to the Queensland Government Agent Program—QGAP—which pays and supports entities to act as agents for the Queensland government in small and remote communities, for example, by processing transactions and providing access to information. The bill will also not apply to funding provided to businesses for specific incentive or economic development purposes, for example, to encourage industries to develop or implement climate-friendly manufacturing practices.

At a time when the community sector is facing rising staff costs, I am pleased to be bringing to parliament a bill that will reduce red tape for this sector and free up resources for direct service delivery. In my portfolio and that of my colleague Minister Pitt it is estimated that streamlining and simplifying existing laws will contribute approximately \$3.5 million towards the savings target of \$150 million set under the Queensland Regulatory Simplification Plan 2009-13. Given the cost pressures that not-for-profit entities are currently facing, this will be a very welcome outcome. Currently, funding laws are contained in multiple acts. This creates complex regulation that generates red tape for entities funded under more than one act. I seek leave to have the remainder of my speech incorporated in *Hansard*.

Leave granted.

Many entities receive funding or other assistance under more than one Acts. The different requirements of the Acts impose extra compliance and administrative costs on funded entities and divert valuable resources from the delivery of products and services. The Bill will remove some requirements from these Acts that are no longer necessary. These amendments will work hand in hand with amendments to the Disability Services Regulation 2006 and the Housing Regulation 2003 to remove existing requirements and deliver significant red tape reductions for organisations funded under these Acts.

The Bill has been designed to apply to government funding arrangements currently delivered under 17 separate Acts—including, for example, the Casino Control Act 1982, the Corrective Services Act 2006 and the Marine Parks Act 2004. Other provisions in these Acts will not be affected. Two Acts—the Family Services Act 1987 and Community Services Act 2007 will be repealed entirely.

I would also like to assure the House that the Bill will not add an administrative burden for entities not currently funded under legislation. It defines the circumstances when legislative powers may be used rather than prescribing requirements that funded entities must meet, and aligns funding processes to current funding practices.

Transparency

Targeted communication and consultation on a draft Bill was conducted with funded entities across government earlier this year. Some departments held face-to-face meetings with key stakeholders, while others provided information via letters, emails or their regular networks. Three face-to-face meetings were held—with representatives of the human services sector, health services sector, and local governments. I am pleased to advise the House that sector participants supported the Bill. My thanks go to all those who contributed—for sharing their insights and experience, and for their invaluable assistance in shaping the Bill.

During consultation, stakeholders highlighted the need for government to be transparent in its funding practices; funding arrangement needed to be flexible and tailored to the requirements of the product or service.

To increase transparency across government, the Bill sets two minimum requirements for the funding process—that there must be a written application and a written agreement for the funding. These measures ensure that funding processes are open and documented and that the terms and conditions for funding are clear. These requirements are consistent with funding practices already used by many departments—and flexibility is preserved by not specifying a particular format for these documents.


Conclusion

I believe the Bill strikes a good balance between providing strong and consistent safeguards, delivering red tape reductions and ensuring the necessary flexibility and transparency of practice.

I am confident that the One Funding for Better Services Bill provides a strong, up-to-date legal foundation for our government's current and future funding practices and arrangements. It will add consistency and rigour to the provision of government funding, and strengthen public confidence in government-funded products and services.

I commend the Bill to the House.

First Reading

 **Hon. KL STRUTHERS** (Algeria—ALP) (Minister for Community Services and Housing and Minister for Women) (12.44 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): In accordance with standing order 131, the bill is now referred to the Community Affairs Committee.