

~~provided through the rural operations division. All of the personal protective equipment, all of the vehicles and appliances are heavily subsidised to the tune of about 80 per cent. As members have indicated, financial support is important for these brigades. As minister, I recognise that we need to continue to increase that support. As I have demonstrated here today, we have taken that issue seriously and have significantly improved the support that has been given.~~

~~The recent Public Accounts Committee report raised a number of recommendations which went to a broad range of issues about the operations of rural fire including funding and the structure of the service. The government recently announced that we would be conducting further work on the structure of the service, on the financing of the service, and that work hopefully will be undertaken over the next few months and some further steps can be taken.~~


~~I thank the Public Accounts Committee, the former chair of which is sitting at the front at the moment. That committee did an excellent job in highlighting some significant issues. Again, the government does take our responsibility to our rural fire brigade volunteers seriously. They are doing a fantastic job supporting communities right across Queensland at the moment and will continue to do so with the strong support of this government.~~

010

~~Mr SPEAKER: Order! The time for question time is over.~~

CRIMINAL AND OTHER LEGISLATION AMENDMENT BILL

Introduction and Referral to the Legal Affairs, Police, Corrective Services and Emergency Services Committee

 **Hon. PT LUCAS** (Lytton—ALP) (Attorney-General, Minister for Local Government and Special Minister of State) (11.02 am): I present a bill for an act to amend the Animal Care and Protection Act 2001, the Collections Act 1966, the Credit (Commonwealth Powers) Act 2010, the Criminal Code, the Drugs Misuse Act 1986, the Drugs Misuse Regulation 1987, the Justices Act 1886, the Land Sales Act 1984, the Land Sales Regulation 2000, the Liquor Act 1992, the Residential Services (Accreditation) Act 2002, the Retirement Villages Act 1999, the Roman Catholic Church Lands Act 1985 and the Security Providers Act 1993, and to make minor and consequential amendments of other acts as stated in the schedule, for particular purposes. I table the bill and the explanatory notes. I nominate the Legal Affairs, Police, Corrective Services and Emergency Services Committee to consider the bill.

Tabled paper: Criminal and Other Legislation Amendment Bill 2011.

Tabled paper: Criminal and Other Legislation Amendment Bill 2011, explanatory notes.

The criminal justice system plays an important role in creating a safe community for Queenslanders. It is vital that our criminal laws are regularly reviewed to ensure they reflect community expectations, provide appropriate sanction and deterrence, and keep pace with emerging criminal conduct.

The bill follows a review of the child sex related offences in the Criminal Code to ensure Queensland's laws reflect community expectations and provide appropriate sanction for criminal activity, particularly activity that threatens vulnerable individuals in Queensland.

The bill also implements the government's commitment to target those persons who would inflict severe pain and suffering on an animal by introducing a new serious animal cruelty offence. The bill also makes a number of amendments to the Animal Care and Protection Act to complement the new offence of serious animal cruelty and to strengthen the prohibition order scheme to ensure the adequate protection of animals at risk of abuse.

The bill also amends the drugs legislation to ensure our laws keep pace with emerging criminal conduct, including the manufacture and distribution of synthetic drugs intended to have the same effect as current illegal drugs.

In relation to sentencing, the bill follows recommendation of the Council of Australian Governments Double Jeopardy Law Reform Working Group by removing the principle of sentencing double jeopardy when the Court of Appeal considers Attorney-General appeals against sentence.

Finally, the bill contains unrelated amendments to improve the clarity and operation of fair trading and liquor legislation. I will briefly address the specific amendments.

Queensland's Criminal Code contains a number of offences aimed at prohibiting the making, distribution and possession of child exploitation material. The appalling nature of these offences cannot be questioned. There have been some who have said that the possession of child exploitation material is a victimless crime. As we know, this is completely untrue. The collection of such material inevitably results in creating a market for those who are actively involved in abusing the children involved in the sexual activities depicted.

The bill amends the child exploitation offences to increase the maximum penalties that apply and omits the current distinction in penalties between possessing child exploitation material and the other

offences. The maximum penalties for the offences of involving a child in the making of child exploitation material, making child exploitation material and distributing child exploitation material are increased from 10 years to 14 years imprisonment, and the penalty for the offence of possessing child exploitation material is increased from five years to 14 years imprisonment. The provisions are also amended to clarify that the offences apply to animated, virtual or fictitious images and to allow for the joining of multiple offences.

The bill increases the maximum penalty for the offence of using the internet to procure children under 16 to engage in a sexual act from five years to 10 years imprisonment, increases the maximum penalty for the aggravated form of the offence from 10 years to 14 years imprisonment, and creates a new circumstance of aggravation where the procuring conduct involves the offender meeting the child or going to a place with the intention of meeting the child.

Complementing the amendments to the offence of procuring is the creation of the new offence of 'grooming'. The new offence carries a maximum penalty of five years imprisonment, or 10 years if the child is under 12, and targets persons who engage in the 'grooming' of a child to facilitate the procurement of the child for sexual activity. The offences of unlawful sodomy, indecent treatment of children under 16 and carnal knowledge with or of children under 16 are amended to create new aggravated offences where the offences are committed against a child with an impairment of the mind. All of these amendments reflect the Queensland government's ongoing commitment to the protection of children and recognise the increased vulnerability of children with a mental impairment to the predations of sex offenders.

The bill creates a new offence of serious animal cruelty to target those people who intentionally inflict severe pain and suffering on an animal. The offence is an indictable offence under the Criminal Code carrying a maximum penalty of seven years imprisonment and will apply to a person who kills, seriously injures or causes an animal prolonged suffering and does so intending to inflict severe pain or suffering on the animal regardless of its ownership or otherwise.

The bill recognises that the majority of acts of animal cruelty are prosecuted under section 18 of the Animal Care and Protection Act. The maximum penalty for this offence is increased to complement the new indictable offence. The penalty is increased from 1,000 penalty units or two years imprisonment to 2,000 penalty units or three years imprisonment.

Other amendments to the Animal Care and Protection Act, complementary to the creation of the new indictable offence of serious animal cruelty, relate to the powers of inspectors. The Animal Care and Protection Act allows for the appointment of inspectors whose functions are to investigate and enforce compliance with the act and provides inspectors with the powers necessary to carry out their functions.

The Animal Care and Protection Act is amended to apply the relevant powers of inspectors to the new indictable offence of serious animal cruelty and to ensure that inspectors can investigate the new offence and thereby ensure evidence obtained during the investigation can be used, subject to the rules of admissibility, in proceedings upon indictment.

Further, the Justices Act will be amended to ensure that RSPCA inspectors who investigate the new offence of serious animal cruelty will be able to bring that charge before the Magistrates Court. RSPCA Queensland has in recent years established itself as a credible prosecutorial body and has over 200 barristers and solicitors throughout Queensland on its pro bono panel including a number of prominent silk. While RSPCA inspectors will be able to commence proceedings and have carriage of the committal hearing, it is appropriate that the independent Director of Public Prosecutions continue to have the sole responsibility of preparing, instituting and conducting criminal proceedings on indictment on behalf of the state. This is consistent with all other types of offences charged by the Queensland Police Service under the Criminal Code once they reach the higher courts.

The bill amends the Animal Care and Protection Act to strengthen the prohibition order scheme. Currently, the act allows a court to order that a person convicted of an animal welfare offence must not possess an animal either permanently or for a stated period. A court may make a prohibition order against a person only if the court is satisfied on the balance of probabilities it is just to make the order in the circumstances.

This bill amends the act to reverse the onus of proof with regards the making of a prohibition order in relation to the offence of animal cruelty under the Animal Care and Protection Act. Where a person is convicted of a section 18 offence, the court will be required to make a prohibition order unless satisfied it would be unjust to make the order in the circumstances. Further, a person convicted of the offence of injuring an animal under the Criminal Code or the new offence of serious animal cruelty will be subject to a minimum mandatory prohibition order of two years. Such a position of prohibiting such offenders from possessing animals is justified on the basis of the moral significance of animals and the obligations that we, as a society, owe to protect them from suffering.

The Animal Care and Protection Act is further amended to allow a court to make an interim prohibition order against a person charged with committing an animal welfare offence. The amendment

ensures that an interim order can be made when a court is satisfied that a defendant poses an unacceptable risk of committing a further animal welfare offence pending the finalisation of the matter before the court. It also provides that the defendant can only apply for the amendment or revocation of the interim prohibition order if at least six months has passed after the interim order was made or after the person last made an application under the section.

The bill also amends section 669A(1) of the Criminal Code, which provides for an Attorney-General appeal against sentence, by removing the principle of sentencing double jeopardy when the Court of Appeal considers such appeals. The principles of sentencing double jeopardy provide that when an appeal court is deciding whether to allow a Crown appeal against sentence, and in exercising its discretion to re-sentence an offender upon a successful Crown appeal against sentence, the court is required to take into account the offender's exposure to a type of double jeopardy—namely, the stress and anxiety that an offender is presumed to experience when faced with being sentenced for a second time. Most Australian jurisdictions have legislated to remove such principles from the appeal process, and to do so is consistent with the earlier recommendation of the Council of Australian Governments Double Jeopardy Law Reform Working Group.

The bill makes a number of amendments to the Drugs Misuse Act to ensure the laws keep pace with emerging criminal conduct. The bill creates a new offence of trafficking in precursors being substances used to manufacture dangerous drugs. The definition of 'dangerous drug' is amended to overcome the current requirement to prove that an analogue has a substantially similar pharmacological effect to a scheduled dangerous drug, thus ensuring we can stay one step ahead of illegal drug chemists.

The bill also introduces a number of amendments to fair trading legislation. These amendments are being introduced to improve the clarity and operation of the legislation. In particular, the bill amends the Collections Act 1966 to streamline the appointment of fair trading inspectors to investigate complaints and to implement a recommendation of the Independent Review of Queensland Government Boards, Committees and Statutory Authorities. The amendments will allow the chief executive, rather than the Governor in Council, to appoint members to the Disaster Appeals Trust Fund Committee. It also amends the Credit (Commonwealth Powers) Act 2010 to allow online publication of conduct deeds in order to enhance accessibility of conduct deeds by members of the public.

In addition, there is an amendment to the Land Sales Act 1984 and Land Sales Regulation 2000 to streamline regulation of off-the-plan sales of residential units. In particular, this amendment removes the process in the existing legislation which requires developers selling off-the-plan lots of residential units to apply for an extension of time for giving a registrable transfer and for this extension to be prescribed in the regulation. Instead, sellers will be able to specify the time for giving the registrable transfer in the written contract, up to a period of no longer than 5½ years, as is the current law. Where no period of time is specified, a default period of 3½ years will apply. Consequently, this amendment will remove the associated administrative burden involved for both developers and government without reducing protections for consumers.

The bill also amends the Liquor Act 1992 to exempt hospitals and nursing homes serving limited amounts of liquor from the act. This will minimise the regulatory burden. These venues have been identified as low-risk venues and the exemptions are consistent with those which already exist in the act for places such as retirement villages.

Furthermore, the bill will amend the Residential Services (Accreditation) Act 2002 to give the chief executive power to impose conditions on the renewal of accreditations under the act. Amendments will also enhance the public's access to the register of undertakings by allowing the department to publish these registers on its website. These undertakings are likely to be registered where a breach of the act has been identified that may not be in the public interest to prosecute, and the service provider will cooperate with the department to ensure there is no repeat of the behaviour.

The bill also amends the Retirement Villages Act 1999 to clarify a number of other operational issues for retirement villages. A number of these amendments were identified by a retirement villages ministerial working party. In addition, it amends the Roman Catholic Church Lands Act 1985 to correct an omission in the schedule of land interests vested in trustees for the Roman Catholic Church. It also amends the Security Providers Act 1993 to allow the chief executive to impose a condition on the approval of security industry associations and to provide associations with review rights. This bill continues the Bligh government's commitment to the ongoing modernisation and reform of Queensland's legal system. I commend the bill to the House.

First Reading



Hon. PT LUCAS (Lytton—ALP) (Attorney-General, Minister for Local Government and Special Minister of State) (11.13 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.

Mr DEPUTY SPEAKER (Mr Wendt): In accordance with standing order 131, the bill is now referred to the Legal Affairs, Police, Corrective Services and Emergency Services Committee.

~~HEALTH AND HOSPITALS NETWORK BILL~~

~~Second Reading~~

~~Resumed from 12 October (see p. 3141), on motion of Mr Wilson~~

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

~~**Dr DOUGLAS** (Gaven LNP) (11.13 am): Anything that brings control of hospitals and everything that is closely linked to them closer to the public which they serve must be a good thing. The Health and Hospitals Network Bill is essentially the tool that implements the current federal government's aspirational goal of building smaller regional networks. The federal government believes this will deliver more appropriate services throughout the nation.~~

~~That is essentially a good idea. It is unfortunately tainted by politics, expediency and probably poor reference to known demographic information throughout Australia not necessarily in Queensland which weakens the capacities of these networks. It may also cause them to have the same fate that the Rudd-Goss experiment with Queensland's regional health networks had in the early 1990s. This is a second go at it; some would describe it as the third go if the Rudd proposal of the previous year was included in that. It dodges some of the previously predictable pitfalls.~~

~~The original COAG agreement that established the principles that have led to this bill was signed initially 18 months ago. It leads to a repeal of the Health Services Act 1991. The existing 16 Queensland health service districts will mercifully move across into the new network, almost exactly as they are presently found to be.~~

~~After the various changes over the last 25 years, it may be that they have been saved yet another major regional reorganisation for the sake of being seen to be doing something. Sometimes expediency can lead to unexpected beneficial consequences that might even save us all quite a lot of money. The best way to assess this might be to look at what has occurred before. Hundreds of millions of dollars was wasted on everything from very flash, impractical buildings to very expensive fit-outs, major signage changes, lots of new cars, everyone getting a new title and a new contract and lots of redundancy payouts. All this hype and nonsense was replaced by sadly discovering that reality particularly in health care is such a great leveller. Gravity actually hurts.~~

~~It goes without saying that across Australia this is more than likely going to be ugly in parts. Ugly means hospitals will not function properly, money will probably go down the drain faster than before, less money may be spent on patient care and there are likely to be excessive redundancies. These are bad outcomes at any time. The reason for these outcomes is that the change moves central control from the federal government to the states.~~

~~Primarily, this bill will place the state government as the system manager for Queensland's public hospital system. The existing health service districts—HSDs—will morph into the local hospital networks to undertake the day-to-day management of the public hospitals in their respective areas. This is good. It makes sense. To then further link beyond this to Medicare Locals is, when one is looking from a central location in Canberra, essentially a really good idea but only if the ridiculously named Medicare Locals really do anything that adds that true synergy. Again, it is another good idea, but if the execution is anything less than perfect, the end result will not just be ugly; it could be fatal. The reason is that if we fail to see any real ground gained in primary care, we may see the medical equivalent of the patchwork economy that we see in the general economy.~~

~~I am a GP. I am watching these things happen: declining capacity of the Commonwealth to pay adequately; patient needs increasing, not declining; A&E receptions growing at least three per cent annually, and higher in Queensland; ambulance demand growth at 5.5 per cent, increasing annually; and medical costs rising at six to seven per cent annually. Something has to give, and no amount of increased local responsiveness without any real federal and state reorganisation of funding—and read that as being beyond infrastructure capital spending—will be enough money to stop the overall decline.~~

~~I want people to understand the issue of Medicare Locals. Only 19 of these Medicare Locals were in place by 1 July 2011—five in Queensland, two in Western Australia, two in South Australia, four in New South Wales, four in Victoria, and one each in Tasmania and the ACT. The Medicare Locals are intended to work with GPs, nurses, allied health practitioners, Indigenous health organisations and the new local health networks to identify and respond to the gaps in local services and thereby generate better targeted services.~~