

and South Pine Road at Everton Park. As anyone who has driven through the north-west knows, that intersection is a source of enduring frustration to locals.

**Mr Hinchliffe:** Hear, hear! It's terrible.

**Mr WATT:** I take the interjection from the member for Stafford. On numerous occasions I have met with the minister and departmental officials to discuss fixing it. Last year at the community cabinet held in Everton, I convinced the Premier and the Minister for Main Roads to fund investigations and design work for an upgrade to the bottleneck. A few weeks ago I commenced a campaign to convince the government to fix the intersection. I am pleased that, to date, over 1,000 local residents have signed petitions to the main roads minister, calling for action.

Today I am also pleased to inform the House that this campaign has taken a big step forward. The government has now released, for public feedback, designs for improvements to the intersection. The plan proposed by the Department of Transport and Main Roads involves two stages. Stage 1 involves the construction of a new four-lane road using part of the existing north-west travel corridor, known to most locals as the Trouts Road corridor. This new Everton Park link road will connect Stafford Road and South Pine Road by going around the disused Woolworths distribution site and the Everton Park Homemaker Centre. It will allow residents who wish to turn right at Stafford Road or left at South Pine Road to make that turn earlier, bypassing the intersection. This will take a significant amount of traffic out of the intersection, leaving remaining traffic with a shorter wait to move through. I am pleased that this stage will involve minimal property impacts and disruptions to local residents.

Stage 2 of the upgrade will involve widening entry points to the intersection and straightening the dog leg between Griffith Street and Stafford Road which will reduce delays passing east-west through the intersection. All up, the proposed plan will result in time savings of up to 10 minutes each way for north-west residents. Coming on top of the time savings resulting from the upgrade of the Samford Road Wardell Street intersection, every day locals will have more time to spend with their families.

016 This past weekend, residents throughout Everton would have received the plan. I encourage everyone to give their feedback to the design team. It is important that we tell the government how important fixing this intersection is to our area. Once feedback is in, the next stage of my campaign will be to convince the government to find the money to undertake these improvements. My community has runs on the board when it comes to convincing the government to find funds for our area. The start of works at Samford Road Wardell Street is evidence of that.

In contrast to the government's progress in reducing congestion in our area, there has been a deafening silence from the LNP. After initially announcing a plan for a massive overpass at the Samford Road Wardell Street intersection that was not funded and was not wanted by the community, Campbell Newman has finally announced his so-called plans for this intersection. He has delivered an absolute dud that has no additional lanes, no funding and provides no solution. My LNP opponent has also failed to show any leadership on the issue of congestion in Everton. He has yet to announce whether he supports the do-nothing plan of his leader. Will he stand up for locals on this important issue and announce his support for a real upgrade or is he too weak to stand up to his leader? Or is it that he just does not get how important relieving congestion is to residents of the north-west?

**Mr Kilburn** interjected.

**Mr WATT:** I take the interjection from the member for Chatsworth. Perhaps it is all of the above.

The LNP's much-hyped infrastructure plan contains not one infrastructure project for the entire north-west of Brisbane—no roads, no public transport, no school projects, no health projects, no sports infrastructure—nothing. When will my opponent stand up for Everton residents and announce his plans to tackle the issues that matter most to people in our area? I, for one, will continue to work hard on behalf of Everton families and deliver results that make a difference for locals. I encourage all local residents to give their feedback on this major initiative to relieve congestion in our area.

**Mr DEPUTY SPEAKER** (Mr O'Brien): Order! The time for matters of public importance has expired.

## COMMERCIAL ARBITRATION 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) (12.01 pm): I present a bill for an act to provide for the conduct of commercial arbitration, to repeal the Commercial Arbitration Act 1990 and to make consequential amendments to the acts mentioned in the schedule. 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:* Commercial Arbitration Bill.

*Tabled paper:* Commercial Arbitration Bill, explanatory notes.

With a burgeoning economy and significant growth in commercial activity, there is a growing need for a fair, flexible and cost-effective commercial dispute resolution system. The Commercial Arbitration Bill 2011 will update and modernise commercial arbitration law in Queensland in a way which is consistent with not only new national uniform legislation but also international best practice. The bill will ensure that Queensland is a jurisdiction which accords with world standards for facilitating the resolution of commercial disputes. The bill will encourage the greater use of the domestic commercial arbitration services. It will do this by providing businesses with access to a commercial dispute resolution process which is fair, timely, cost effective and final.

Arbitration is a formal dispute resolution process in which two or more parties refer their dispute to an independent and impartial third person—the arbitrator—for determination. The result of the arbitration, known as the award, is enforceable in the same manner as a court judgment. Commercial arbitration is used in resolving commercial disputes and is commonly used by the insurance, construction and engineering, oil, gas and shipping industries as well as by banking and financial services.

The bill will replace the current Commercial Arbitration Act 1990 which governs domestic commercial arbitrations in Queensland. This act was developed under the auspices of the Standing Committee of Attorneys-General as one of a series of substantially uniform laws across Australia, commonly referred to as the Uniform Commercial Arbitration Acts. In April 2009, SCAG agreed to develop new uniform commercial arbitration legislation. The objective was to update and modernise existing commercial arbitration law to ensure that arbitration provides an efficient and cost-effective alternative to litigation, consistent with international best practice. SCAG undertook targeted consultation on the model bill and in May 2010 agreed to its implementation.

The model bill is based on the United Nations Commission on International Trade Law Model Law on International Commercial Arbitration. The bill before the House will make Queensland's commercial arbitration law consistent with the model bill which has been either introduced or enacted in most other Australian jurisdictions. The bill will also help align the domestic commercial arbitration regime with the Commonwealth's International Arbitration Act 1974. It is clear from consultation with key Queensland stakeholders that there is strong support for the bill and for there to be uniformity among jurisdictions.

I seek leave to have the remainder of my speech incorporated in *Hansard*. I have sought leave from the Speaker.

Leave granted.

I turn now briefly, to the structure of the Bill itself.

The primary object of the Bill, set out in clause 1AC, is to facilitate the fair resolution of commercial disputes by impartial arbitration tribunals without unnecessary delay or expense.

Part 1 of the Bill makes it clear that the Bill applies to domestic commercial arbitration not international commercial arbitration, which is provided for under the Commonwealth Act.

Part 2 of the Bill provides for parties to make arbitration agreements to submit to arbitration all or certain disputes which have or may arise between them in respect of a defined legal relationship, whether contractual or not.

Part 3 deals with the appointment by the parties, of an arbitrator or arbitrators, that is, an arbitral tribunal. This part provides flexibility and autonomy to parties in selecting the arbitrator or panel of arbitrators to decide their dispute. Parties can agree on the number of arbitrators, the process by which they will be selected, and how they may be challenged. It also provides that in default of an agreement by the parties, the courts will have the power to appoint an arbitrator.

Clause 12 sets out the grounds on which the appointment of an arbitrator may be challenged. It obliges proposed arbitrators to disclose any circumstances likely to give rise to justifiable doubts as to their impartiality or independence.

The jurisdiction of an arbitral tribunal is dealt with in Part 4. An arbitral tribunal is competent to determine whether it has jurisdiction in a dispute. However, a party may seek a ruling on the matter of jurisdiction from a court if a tribunal determines that it has jurisdiction.

Interim measures, akin to injunctions given by courts, are dealt with in Part 4A of the Bill. Arbitral tribunals may grant these temporary measures for purposes such as maintaining the status quo and the preservation of assets and evidence.

Arbitral tribunals have the flexibility, unless the parties otherwise agree, to conduct an arbitration on a "stop-clock" basis, that is, the time allocated to each party is recorded progressively and strictly enforced. This allows arbitral tribunals to conduct arbitrations in a manner that is proportionate to the sum in dispute and the complexity of the issues set down for determination.

Similarly, clause 33B, in Part 6 of the Bill, allows an arbitral tribunal to limit the costs of arbitration, or any part of the arbitral proceedings, to a specified amount, unless otherwise agreed by the parties. This gives arbitral tribunals the flexibility to cap costs on the basis of proportionality.

Clause 24B imposes a duty on parties to do all things necessary for the proper and expeditious conduct of arbitral proceedings.

Clause 27D, provides that if the parties agree, an arbitrator may act as a mediator, conciliator or other non-arbitral intermediary. This is intended to provide flexibility for parties to agree on how their disputes are to be determined. However, if a mediation or conciliation is unsuccessful, an arbitrator may only continue to arbitrate the dispute with the written consent of all parties.

The clause also provides for how confidential information obtained from a party during mediation proceedings, which the arbitrator considers is material to the arbitration proceedings, is to be treated.

The Queensland Law Society has expressed some residual concerns about the operation and usability of this clause. To address these concerns, I have invited further submissions from the Society on how the provision might be improved. However, given the Bill is drafted in accordance with the national model, suggestions for refinement would need to be raised with my colleagues on

the Standing Council for Law and Justice. In view of this, the Society did not wish these concerns to hold up the introduction of the Bill, particularly given the strong stakeholder support for the Bill.

Part 5 provides an optional confidentiality regime which is drafted consistently with the corresponding provisions of the Commonwealth Act. Confidentiality is viewed as one of the key benefits of arbitration for parties dealing with sensitive commercial topics. The Bill provides for the confidentiality of information relating to the arbitration or award, unless otherwise agreed to by the parties.

Part 6 of the Bill covers the making of awards and the termination of proceedings.


Part 7 outlines the circumstances in which an application can be made for the setting aside an award. It also provides for the grounds upon which parties can appeal an award, if they have agreed to allow appeals, which is optional.

Recognition and enforcement of arbitral awards is dealt with in Part 8 of the Bill. The Part provides for the recognition of an award irrespective of the State or Territory in which it was made. It also states the grounds on which enforcement can be refused.

The updated commercial arbitration framework contained in this Bill will ensure Queensland is in keeping with national and international standards for facilitating the fair and final resolution of commercial disputes in a timely and cost-effective manner. It will promote Queensland as a jurisdiction in which parties conducting business both in Australia and in the Asia Pacific region can access commercial arbitration services which accord with international norms. Importantly, it will help alleviate the burden placed on our courts by litigation.

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) (12.04 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 Legal Affairs, Police, Corrective Services and Emergency Services Committee.

## ~~CHICKEN MEAT INDUSTRY AMENDMENT BILL~~

### ~~Introduction and Referral to the Environment, Agriculture, Resources and Energy Committee~~

 **Hon. TS MULHERIN** (Mackay—ALP) (Minister for Agriculture, Food and Regional Economics) (12.04 pm): I present a bill for an act to amend the Chicken Meat Industry Committee Act 1976. I table the bill and the explanatory notes. I nominate the Environment, Agriculture, Resources and Energy Committee to consider the bill.

*Tabled paper:* Chicken Meat Industry Amendment Bill.

*Tabled paper:* Chicken Meat Industry Amendment Bill, explanatory notes.

~~This bill will amend the Chicken Meat Industry Committee Act 1976 to give effect to the relevant recommendation of the 2009 independent review of government bodies for the abolition of the Chicken Meat Industry Committee and the transition of relevant functions from the statutory committee to an industry run body. At the outset, I thank the Chicken Meat Industry Committee for their support and leadership during this process.~~

~~Importantly, this bill will ensure the continued stable development of the Queensland chicken meat industry. These amendments will continue to promote stabilisation of the chicken meat industry by requiring industry to establish an industry owned and industry controlled non-statutory replacement body, the purpose of which will be to facilitate the formation and workings of collective negotiating teams. The amendments will also provide for the appointment of an independent chairperson for the replacement body.~~

~~A review of the Chicken Meat Industry Committee Act in 2010-11 considered the functions of the Chicken Meat Industry Committee and how these functions promote stability in the chicken meat industry. This review determined that some functions of the committee should be continued, such as facilitating collective negotiating between growers and processors. However, the review found that the committee no longer needed to exist as a statutory body. To ensure the collective negotiating remains in place, the current statutory authorisation provision will be retained to meet Commonwealth trade practices legislation requirements.~~

~~In abolishing the statutory committee, the bill will provide for an industry run non-statutory body to take on the function of facilitating negotiating teams. In order to assist the industry run non-statutory body to facilitate collective negotiations, the bill will provide for other related functions. These functions ensure that the receipt and supply of broiler chickens occur under a written agreement and that a~~