I am pleased to introduce the Criminal Law (False Evidence Before Parliament) Amendment Bill 2012. The bill fulfils the Queensland government's pre election pledge that within our first 100 days of forming government we would make it, once again, illegal to lie to parliament—that is, that we would re-enact repealed section 57 of the Criminal Code which contained the offence of false evidence before parliament. As per the government's pre election commitment, the drafting of these amendments commenced within the first 30 days of forming government.

This government has been clear in giving to the people of Queensland an undertaking to restore accountability in government. This is a central part of our action plan in government. This bill contributes to restoring accountability in government.

The Queensland community expects its parliamentarians to act responsibly and with the highest of integrity. This bill reintroduces the criminal offence of giving false evidence to parliament or its committees. Knowingly giving false evidence before the parliament or one of its committees is conduct cutting to the heart of parliamentary privilege and is conduct deserving of criminal sanction.

This government has pressed to restore this offence which was repealed under the previous administration. Our commitment to reintroduce this offence means that, by allowing the courts to deal with this conduct, issues of cronyism and political interference are addressed. Further, the criminal justice system is better equipped to judge the veracity of an accused's evidence while ensuring the accused is afforded full procedural fairness. The reintroduction of section 57 into the Criminal Code can only serve to enhance the reputation of our parliament. I will briefly address the specific amendments.

The bill amends the Criminal Code to reintroduce the repealed section 57 (False evidence before Parliament), with amendment, to make it an offence to knowingly give false evidence to parliament or its committees. A maximum penalty of seven years imprisonment applies.

It is acknowledged that there is a tension between an offence like section 57 and the parliamentary privilege of freedom of speech. The offence contemplated by section 57 cannot be prosecuted effectively if evidence cannot be brought before a court of the parliamentary proceeding in which the allegedly false evidence was given. As the elements of the offence occur during the debates or proceedings of the Assembly, use of the evidence would on its face breach the law with respect to parliamentary privilege.

The amendment expressly deals with this tension. New section 57 makes it clear that parliamentary privilege of freedom of speech and debate is abrogated to the extent necessary to prosecute the person for the offence. The new provision clarifies that the offence applies to members of parliament as well as non-members.

Further, a complementary amendment to the Parliament of Queensland Act 2001 is included. This amendment is made to ensure consistency of operation within the Parliament of Queensland Act by making it plain that answers given before the Legislative Assembly are treated in the same way as answers given before a committee in terms of their admissibility in a criminal proceeding or a proceeding before the Assembly or its committees.

The Legislative Assembly will retain the right to decide whether particular conduct should be dealt with as a contempt of parliament or whether it should be prosecuted under the new offence.

The bill signifies the government's intention to bring back accountability in government. This bill reinstates the criminal offence of giving false evidence to parliament or its committees. These amendments will ensure accountability is restored to this place. I commend the bill to the House.

First Reading

Hon. JP BLEIJIE (Kawana—LNP) (Attorney-General and Minister for Justice) (2.34 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.

Referral to the Legal Affairs and Community Safety Committee

Madam DEPUTY SPEAKER (Mrs Cunningham): Order! In accordance with standing order 131, the bill is now referred to the Legal Affairs and Community Safety Committee.

ANIMAL CARE AND PROTECTION AND OTHER LEGISLATION AMENDMENT

BILL

Introduction

Hon. JJ McVEIGH (Toowoomba South—LNP) (Minister for Agriculture, Fisheries and Forestry) (2.35 pm): I present a bill for an act to amend the Animal Care and Protection Act 2001 to ensure animal welfare obligations apply to acts done under Aboriginal tradition or Torres Strait Islander custom, and to make consequential amendments to the Aboriginal and Torres Strait Islander Communities (Justice, Land and Other Matters) Act 1984, the Aurukun and Mornington Shire Leases Act 1978 and the Nature Conservation Act 1992. I table the bill and the explanatory notes. I nominate the Agriculture, Resources and Environment Committee to consider the bill.

Tabled paper: Animal Care and Protection and Other Legislation Amendment Bill.
Tabled paper: Animal Care and Protection and Other Legislation Amendment Bill, explanatory notes.

The main purpose of this bill is to ensure that animal welfare obligations under the Animal Care and Protection Act 2001 apply to dealings with animals under Aboriginal tradition or Torres Strait Islander custom. Queensland is the only Australian jurisdiction with animal welfare legislation that expressly exempts from its application dealings with animals according to Aboriginal tradition or Islander custom.

In its first 100-day action plan, the government promised to amend the Animal Care and Protection Act 2001 to bring Queensland in line with other states. The Animal Care and Protection and Other Legislation Amendment Bill 2012 delivers on that commitment.

Over 10 years ago parliament passed the bill that became the Animal Care and Protection Act 2001. The act included an exemption for dealings with animals according to tradition or custom. The act allowed regulations to be made that would impose conditions on the way those dealings were conducted and so strike a balance between the rights of Aboriginal and Torres Strait Islander people and community expectations on animal welfare. However, no regulations were ever made under the Animal Care and Protection Act 2001 to impose conditions on how animals could be dealt with under tradition or custom.

For at least 10 years, animal welfare interest groups and others, including some Aboriginal and Torres Strait Islander people, have voiced concerns about the cruelty of some hunting of sea turtles and dugongs and the immunity from prosecution for animal cruelty that Aboriginal and Torres Strait Islander people are afforded by the Animal Care and Protection Act 2001 if they are hunting in accordance with tradition or custom.

Recent media reports of methods used by some Aboriginal and Torres Strait Islander people to hunt dugongs and turtles have again raised concern that the current exemption is too easily exploited by some rogue hunters who have no regard for animal welfare.

This bill will do what the existing exemption failed to achieve. It will establish a balance between the interests of Aboriginal and Torres Strait Islander people in maintaining their traditional and customary practices and the expectations of the broader community, including many Aboriginal and Torres Strait Islander people, for whom animal cruelty is unacceptable.

023 The bill will amend the Animal Care and Protection Act 2001 to remove the exemption that prevents animal welfare obligations under that act from applying to acts done or omissions made under Aboriginal tradition and Torres Strait Islander custom. While community concern has been focused on allegations of cruel methods of hunting sea turtles and dugongs, the repeal of the existing exemption will apply to dealings with all animals under Aboriginal tradition or Islander custom, bringing Queensland in line with the animal welfare legislation in other states.

The bill will also amend the Animal Care and Protection Act 2001 to ensure that an authorisation under the Nature Conservation Act 1992 to deal with animals according to tradition or custom is not a defence to prosecution under the Animal Care and Protection Act 2001.

The bill will also amend the Nature Conservation Act 1992, the Aboriginal and Torres Strait Islander Communities (Justice, Land and Other Matters) Act 1984 and the Aurukun and Mornington Shire Leases Act 1978. Each of these acts currently allows Aboriginal or Torres Strait Islander persons to undertake traditional or customary hunting of turtles and dugongs without being subject to animal welfare obligations under the Animal Care and Protection Act 2001. The bill will make hunting under these acts subject to the Animal Care and Protection Act 2001.

The government recognises the entitlement of traditional owners to hunt dugongs and turtles for non-commercial use under the Native Title Act 1993. The bill will not extinguish native title rights to hunt nor will it rescind any other hunting rights. The bill will, however, regulate how hunting rights are exercised. Animals will need to be killed in a way that causes as little pain as is reasonable. This is comparable to the existing requirement under the Animal Care and Protection Act 2001 that pest or feral animals must be controlled in a way that causes as little pain as is reasonable.

The government recognises that Aboriginal and Torres Strait Islander people have been working to ensure that turtle and dugong hunting in their area is sustainable and does not jeopardise efforts to protect and recover populations. It is important that this work continues and that implementation of any changes required to hunting methods is similarly community driven. The government will encourage Aboriginal and Torres Strait Islander communities to work with scientists, animal welfare groups and others to agree on hunting practices that respect tradition and custom and that do not cause unreasonable pain. I commend the bill to the House.

First Reading

Hon. JJ McVEIGH (Toowoomba South—LNP) (Minister for Agriculture, Fisheries and Forestry) (2.41 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.

Referral to the Agriculture, Resources and Environment Committee

Madam DEPUTY SPEAKER (Mrs Cunningham): Order! In accordance with standing order 131, the bill is now referred to the Agriculture, Resources and Environment Committee.

~~SOUTH-EAST QUEENSLAND WATER (DISTRIBUTION AND RETAIL RESTRUCTURING) AMENDMENT BILL~~

~~Introduction~~

~~**Hon. MF McARDLE** (Caloundra—LNP) (Minister for Energy and Water Supply) (2.42 pm): I present a bill for an act to amend the South East Queensland Water (Distribution and Retail Restructuring) Act 2009 for particular purposes. I table the bill and the explanatory notes. I nominate the State Development, Infrastructure and Industry Committee to consider the bill.~~

~~*Tabled paper:* South-East Queensland Water (Distribution and Retail Restructuring) Amendment Bill.~~
~~*Tabled paper:* South-East Queensland Water (Distribution and Retail Restructuring) Amendment Bill, explanatory notes.~~

~~The South East Queensland Water (Distribution Retail and Restructuring) Amendment Bill 2012 removes the special industrial relations measures—in particular, the workforce frameworks—that were mandated by the former government. These mandatory frameworks apply to council employees who transferred to the South East Queensland distributor retailers and for those Allconnex Water employees transferring back to the Gold Coast, Logan and Redland City councils. The removal of the two workforce frameworks will enable the water businesses to manage their workforces in the same way as any other organisation.~~

~~On 1 July 2010, the then Queensland government created new council owned businesses—distributor retailers—in SEQ to own and operate the distribution networks and sewerage treatment plants and deliver water and wastewater services to households and businesses within South-East Queensland. The distributor retailers are Unitywater, owned by Sunshine Coast Regional Council and Moreton Bay Regional Council; Queensland Urban Utilities, owned by Brisbane City Council, Ipswich City Council, Scenic Rim Regional Council, Lockyer Valley Regional Council and Somerset Regional Council; and Allconnex, owned by Gold Coast City Council, Logan City Council and Redland City Council.~~

~~In addition to establishing the three distributor retailers, the SEQ Water (Distribution and Retail Restructuring) Act 2009 transferred assets, liabilities and employees to the distributor retailers. The act also provided for certain industrial protections for the transferring staff by putting in place the ability to make a Staff Support Framework—that is, the 2009 Workforce Framework. The 2009 Workforce Framework applies to staff transferred from councils to the three distributor retailers—Queensland Urban Utilities, Unitywater and Allconnex.~~

~~In August 2011, the three participating councils of Allconnex—Gold Coast, Logan and Redland—decided to withdraw from Allconnex and re-establish council owned and operated water businesses. Earlier this year, amendments to the act provided for the dissolution of Allconnex and the re-establishment of the council water businesses to be operational from 1 July 2012. These amendments provided for the transfer of assets, liabilities and employees from Allconnex to the three council water businesses.~~