

~~sexual abuse. No penalty was prescribed for failing to report a likelihood of future sexual abuse. This was intentional. A failure to comply with this specific obligation was to be dealt with by the education sectors through disciplinary action in appropriate instances. This aimed to mitigate concerns that the risk of criminal sanction would increase reporting of inappropriate low level matters.~~

~~It has subsequently been identified that, despite the original intention, a person who fails to report the likelihood of future sexual abuse may be guilty of a misdemeanour under section 204 of the Criminal Code. This carries a maximum penalty of one year imprisonment. Section 204 provides that a person who fails to comply with a statutory obligation is guilty of a misdemeanour unless a mode of proceeding against the person is expressly provided. As a result, this bill amends the Education and Training Legislation Amendment Act 2011 by inserting provisions providing that a person does not commit an offence under the Education (General Provisions) Act 2006 or any other act by failing to report a likelihood of future sexual abuse under sections 365A and 366A. The intention of the section is to ensure that a person cannot be prosecuted under section 204 for committing a misdemeanour under that section if the failure to report is not an offence under any act. The bill will clarify the Legislative Assembly's original intention that there is no criminal sanction for failing to report the likelihood of future sexual abuse. I commend the bill to the House.~~

First Reading



~~Hon. JH LANGBROEK (Surfers Paradise LNP) (Minister for Education, Training and Employment) (12.54 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 Education and Innovation Committee

~~Mr DEPUTY SPEAKER (Dr Robinson): Order! In accordance with standing order 131, the bill is now referred to the Education and Innovation Committee.~~

SPEAKER'S STATEMENT

School Group Tours

~~Mr DEPUTY SPEAKER: Before I call the Attorney General, I acknowledge in the gallery representatives from three schools from the Redlands—Calvary Christian College, Chisholm Catholic College and Faith Lutheran College.~~

HOLIDAYS AND OTHER LEGISLATION AMENDMENT BILL

Introduction



~~Hon. JP BLEIJIE (Kawana—LNP) (Attorney-General and Minister for Justice) (12.55 pm): I present a bill for an act to amend the Holidays Act 1983 for particular purposes and to make consequential amendments to the Industrial Relations Act 1999. I table the bill and the explanatory notes. I nominate the Legal Affairs and Community Safety Committee to consider the bill.~~

~~Tabled paper: Holidays and Other Legislation Amendment Bill 2012.~~

~~Tabled paper: Holidays and Other Legislation Amendment Bill 2012, explanatory notes.~~

~~The objective of the Holidays and Other Legislation Amendment Bill 2012 is to relocate the Labour Day public holiday from May to the first Monday in October (for 2012, this is the date of the Queen's Birthday public holiday) and to return the birthday of the Sovereign public holiday, commonly known as the Queen's Birthday, to its original date on the second Monday in June. These changes will take effect from 2013.~~

~~Public holidays in Queensland are regulated by the Holidays Act 1983. On public holidays, workers are entitled to a paid day off or, if they work, payment of the public holiday penalty rates prescribed by their relevant award or agreement. The Holidays Act 1983 determines which days are public holidays and so activates public holiday entitlements for Queensland employees. The Commonwealth Fair Work Act 2009 recognises as a public holiday any day or part day prescribed as a public holiday under a law of a state or territory. In Queensland, the majority of public holidays fall within the first half of the year, with a particular concentration in the April-May period, which includes Anzac Day, the three Easter public holidays and Labour Day.~~

In 2011, the former government conducted a review of the Holidays Act 1983. Consultation undertaken as part of the 2011 review indicated there was overwhelming support to move a public holiday to the second half of the year. Such a move has a number of advantages including:

- uniformity with the majority of other states and territories, where a public holiday is observed in October or early November;
- diminished disruptions to production and services for business and industry that result from the concentration of public holidays falling in quick succession in the first half of the year; and
- additional respite and rest for workers during the second half of the year as a result of a more even spread of public holidays across the year.

Following the 2011 review, the former government moved the date of observance of the Queen's Birthday public holiday from the second Monday in June to the first Monday in October. However, this relocation of the Queen's Birthday public holiday has done little to break up the concentration of public holidays in the first half of the year or diminish disruptions to production and services for business and industry that comes from public holidays often falling in consecutive weeks.

In contrast, moving the Labour Day public holiday from the first Monday in May will break up the concentration of public holidays that occur in the April-May period and more evenly distribute public holidays throughout the year. Furthermore, the reinstatement of the Queen's Birthday public holiday in the middle of the year, creating a long weekend, will help tourism because this time is traditionally quieter for the Queensland tourism industry.

Moving the Queen's Birthday public holiday back to its original date of observance in June will also better align Queensland public holidays with those of other states. All states, except for Western Australia, observe the Queen's Birthday public holiday on the second Monday of June. In contrast, the Labour Day public holiday is observed across different months although New South Wales, South Australia and the Australian Capital Territory observe the Labour Day public holiday on the first Monday in October.


It is clear that the advantages of moving the Labour Day public holiday as opposed to the Queen's Birthday public holiday are already well known and supported across the community as a number of comments to the review in 2011 show, and submissions from several business organisations have advocated the movement of Labour Day rather than the Queen's Birthday public holiday to the second half of the year.

Movement of the Queen's Birthday and Labour Day public holidays could be implemented by a ministerial declaration of a substitute day, which would mean the prescribed dates in the act cease to be a public holiday and are instead observed on declared dates. However, given that these changes will be permanent, it is appropriate that the changes be made through the proposed amendments to the Holidays Act 1983 specifying the dates of observance of those public holidays in law for the information of the whole community.

To ensure the entitlements and obligations in relation to public holidays will apply only on the proposed new dates of observance for the Queen's Birthday and Labour Day public holidays, the bill includes consequential and clarifying amendments to the Industrial Relations Act 1999 and state awards and agreements. Therefore, the bill amends the Holidays Act 1983 to provide that from 2013 the Queen's Birthday public holiday will be observed on the second Monday in June and the Labour Day public holiday will be observed on the first Monday in October.

We are proposing these changes to the Queen's Birthday and Labour Day public holidays now so that the new arrangements can be implemented and communicated to the public as soon as possible. A public holiday long weekend will still be observed in October although the Queen's Birthday public holiday will be moved back to June. But it is important to ensure businesses, community and sporting groups and other organisations that are already planning events for the Labour Day long weekend in May are given ample time to alter their arrangements for the new October location of that public holiday. I commend the bill to the House.

First Reading

 **Hon. JP BLEIJIE** (Kawana—LNP) (Attorney-General and Minister for Justice) (1.00 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

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

Sitting suspended from 1.01 pm to 2.30 pm.

~~ABORIGINAL AND TORRES STRAIT ISLANDER LAND HOLDING BILL~~

Introduction



Hon. AP CRIPPS (Hinchinbrook—LNP) (Minister for Natural Resources and Mines) (2.30 pm): I present a bill for an act to make ongoing provision for particular matters arising under the Aborigines and Torres Strait Islanders (Land Holding) Act 1985 and to repeal that Act, and to amend this Act, the Aboriginal Land Act 1991, the Environmental Protection Act 1994, the Land Act 1994, the Land Court Act 2000, the Mineral Resources Act 1989, the Survey and Mapping Infrastructure Act 2003, the Sustainable Planning Act 2009, the Sustainable Planning Regulation 2009, the Torres Strait Islander Land Act 1991, the Vegetation Management Act 1999 and the Wild Rivers Regulation 2007 for particular purposes. I table the bill and the explanatory notes. I nominate the Agriculture, Resources and Environment Committee to consider the bill.

Tabled paper: Aboriginal and Torres Strait Islander Land Holding Bill 2012.

Tabled paper: Aboriginal and Torres Strait Islander Land Holding Bill 2012, explanatory notes.

I am very pleased to introduce this important bill into the House today. As the Minister for Natural Resources and Mines, I am committed to working decisively to improve the operation and effectiveness of Queensland's statutes across the breadth of my portfolio responsibilities. This bill primarily addresses a number of longstanding issues arising from the operation of the Aboriginal and Torres Strait Islanders (Land Holding) Act 1985. It is aimed at resolving a range of complicated anomalies under the existing laws and providing the tools to resolve them.

The current act is outdated, inflexible and provides no tools to resolve important issues which have impeded its usefulness as a 'home ownership' delivery mechanism for Indigenous Queenslanders. This bill delivers necessary amendments across several pieces of legislation and tackles difficult tenure issues that have been problematic for far too long. These anomalies have impacted upon the delivery of important social housing and the transfer of land that could facilitate higher levels of home ownership in Indigenous communities. By addressing these issues, the government is delivering on our election commitment to work with all trustees, individual community members and stakeholders to remove barriers to sustainable home ownership on Indigenous land in Queensland.

This bill will repeal the Aborigines and Torres Strait Islanders (Land Holding) Act and replace it with a new, more effective and flexible piece of legislation, including provisions to align the new act wherever practicable with related pieces of legislation, namely the Aboriginal Land Act 1991 and the Torres Strait Islander Land Act 1991. A number of members would be aware that in inheriting responsibility for this legislation, I have inherited, as the responsible minister, a legacy of inconsistency and neglect. The land holding act was intended to allow the state's Aboriginal and Torres Strait Islander people to obtain perpetual leases for residential purposes and leases for other purposes over land in Queensland's Indigenous communities. Many people applied for these leases. Unfortunately, while 223 leases were granted, I am sorry to say that many other applicants who were found to be eligible never received their leases. More than 200 eligible Queenslanders were denied their rights to secure leasehold property in their home community.

The result of this poorly drafted legislation has been a raft of tenure anomalies, housing not being constructed within, or even on, the correct lease area and numerous other examples of infrastructure either encroaching on or being entirely constructed on lease or entitlement areas where it should not have been. The Aboriginal and Torres Strait Islander Land Holding Bill seeks to rectify this problem by establishing a process and framework—a 'plan of attack' if you will—to grant these outstanding leases to the eligible applicants. The amendments will enable as many as 436 perpetual leases in 19 Indigenous communities to be formally recognised and for the lessee to be able to be confirmed as a 'home owner' where housing exists on those lease areas, where the lessee is willing to take on that responsibility.

Fortunately, some outstanding leases will be able to be granted quickly. With others, the process will be more time consuming as some complicated scenarios and technical difficulties will need to be overcome with goodwill and community based agreement. In some cases, given the time that has elapsed since they were made, the physical layout of the application area may have been impacted. For example, if part of the land has been unwittingly used for another purpose or has been built upon by others, the survey of adjoining lease boundaries may impact on the parcel's size and location. As the responsible minister, I will not grant a lease to someone who will be burdened with such problems. Challenges of this nature will first be tackled at the local level with a community reference panel,