

~~noise abatement period from 12 hours to 96 hours and allows police officers to act on an anonymous noise complaint. The bill removes the requirement for senior officer approval to be sought to take a DNA sample from a person being proceeded against for an indictable offence. The bill enables the Commissioner of Police to use non-government laboratories, in addition to Queensland Health, to analyse DNA samples. The bill will also authorise forensic nurse examiners to perform forensic procedures.~~

~~The bill amends section 754, 'Offence for driver of motor vehicle to fail to stop motor vehicle' to clarify that the only alternative minimum penalty that a court can impose, instead of the 50 penalty unit fine, is 50 days imprisonment to be served wholly in a corrective service facility. This amendment removes other sentencing options such as suspended sentence and probation as alternatives to the minimum penalty of 50 penalty units for evading police. The amendment further clarifies that a court cannot fix a date for parole eligibility or parole release which will reduce the 50 days imprisonment period the person must serve if a court sentences the person to a term of imprisonment.~~

~~This bill enhances the efficiency and effectiveness of front-line police services to Queenslanders by removing unnecessary red tape and ensuring police officers have the necessary powers to enhance community safety. Additionally, the bill sends a strong and clear message that people who organise out-of-control events or cause events to become out of control will face significant fines and prison terms. Those people will also be made to pay for all or some of the costs of the police response to the events. This includes parents who allow their children to organise these events or contribute to their occurrence through failing to adequately supervise their children. The significant penalties detailed in the bill will deter people from organising these events for monetary gain by removing their ability to profit from such events.~~

~~This government listens to the Queensland community, who have had enough of these out-of-control events and the resulting alcohol fuelled violence, mob mentality and destruction of property. This government will protect Queenslanders by providing police with the powers to shut down an event which is likely to become an out-of-control event. I commend this bill to the House.~~

First Reading

~~Hon. JM DEMPSEY (Bundaberg—LNP) (Minister for Police and Community Safety) (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.~~

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.~~

Portfolio Committee, Reporting Date

~~Hon. JM DEMPSEY (Bundaberg—LNP) (Minister for Police and Community Safety) (12.35 pm), by leave, without notice: I move—~~


~~That under the provisions of standing order 136 the Legal Affairs and Community Safety Committee reports to the House on the Police Powers and Responsibilities and Other Legislation Amendment Bill by 11 November 2013.~~

~~Question put—That the motion be agreed to.~~

~~Motion agreed to.~~

PARLIAMENT OF QUEENSLAND AMENDMENT BILL

Introduction

 **Hon. JP BLEIJIE** (Kawana—LNP) (Attorney-General and Minister for Justice) (12.35 pm): I present a bill for an act to amend the Parliament of Queensland Act 2001 for a particular purpose. I table the bill and the explanatory notes.

Tabled paper: Parliament of Queensland Amendment Bill 2013.

Tabled paper: Parliament of Queensland Amendment Bill 2013, explanatory notes.

I am pleased to introduce the Parliament of Queensland Amendment Bill 2013. The trust between a member of parliament and their constituents should be considered a very important one, and one of the most important duties of a member is to attend the sittings of their parliament so as to participate in its proceedings and give representation to the views and aspirations of their constituents. In recent times in this House, concern has been raised regarding the absences of the member of Redcliffe. While members of parliament cannot be expected to be immune from illness, or other legitimate factors that may prevent them from attending a sitting day, there need to be adequate rules in place to ensure that members reasonably account for their absences.

The Committee of the Legislative Assembly has undertaken a review of the current provisions for dealing with the absences of members, and on 11 September 2013 Madam Speaker tabled Report No. 9 of the Committee of the Legislative Assembly titled *Absence from the House and vacating of seats by members*. In this report, the CLA has found that a tightening of the current provisions is required, and has recommended that amendments to section 72(1) (m) of the Parliament of Queensland Act 2001 and standing orders 263A and 263B should be progressed. The government supports the CLA's recommendation, and this bill proposes to amend the Parliament of Queensland Act 2001, while the amendments to the standing rules and orders were progressed by the Leader of the House earlier today.

Section 72 of the Parliament of Queensland Act 2001 outlines the circumstances under which a member's seat becomes automatically vacant. These circumstances include if a member fails to take his or her seat within 21 sitting days after being elected, if a member stops being enrolled on the electoral roll, if a member stops being an Australian citizen, or if a member is convicted of certain offences. Section 72(1) (m) of the act currently provides that a member's seat becomes automatically vacant if the member is absent without the assembly's permission for more than 21 consecutive sitting days, whether over one or more sessions. The government supports the reduction of the number of consecutive sitting days to 12 sitting days and the bill provides for an amendment to section 72(1) (m) accordingly.

The bill is not intended to act retrospectively and will only include sitting days for which a member is absent after the bill's assent. The House agreed to an amendment to standing order 263B earlier today that reflects this change, and standing order 263B now provides a mechanism for the House to grant a member leave of absence up to or beyond 12 consecutive sitting days.

As honourable members know, standing order 263A has also been amended to require members to notify the Speaker in writing, and provide a medical certificate or any other evidence that is acceptable to the Speaker, if a member intends to be absent from the Legislative Assembly for more than four consecutive sitting days. These are all sensible reforms, and I commend the bill to the House.

First Reading

Hon. JP BLEIJIE (Kawana—LNP) (Attorney-General and Minister for Justice) (12.39 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.

Declared Urgent; Allocation of Time Limit Order

Hon. JP BLEIJIE (Kawana—LNP) (Attorney-General and Minister for Justice) (12.39 pm), by leave, without notice: I move—

That under the provisions of standing order 137 the Parliament of Queensland Amendment Bill be declared an urgent bill to enable the bill to be passed through all remaining stages at this day's sitting.


Question put—That the motion be agreed to.

Motion agreed to.

Second Reading

Hon. JP BLEIJIE (Kawana—LNP) (Attorney-General and Minister for Justice) (12.40 pm): I move—

That the bill be now read a second time.

 **Ms PALASZCZUK** (Inala—ALP) (Leader of the Opposition) (12.40 pm): As I indicated earlier when the Leader of the House moved the motion this morning, the opposition is in full support. In relation to the Parliament of Queensland Amendment Bill, the opposition will also be supporting the government in relation to this issue.

I think that the Attorney summed it up very well when he said that there are high expectations on members of parliament in this House. I made that point very clearly this morning when we looked at the motion of providing a medical certificate when there are absences from the House of more than four sitting days. What we have seen over recent months has been an abuse of process and an abuse of the rights and obligations of this House. It is something that no member of parliament should ever take for granted. To be elected to serve our constituencies and speak on issues relevant to this House is one of the highest honours in Queensland. Unfortunately, in recent times there has been one person in particular who has failed to turn up to this House to perform his duties.

As it states very clearly in the policy objective and the reasons for this bill, on 10 September 2013 the CLA tabled its report entitled *Absence from the House and vacating of seats by members*. The CLA's report notes the absence of the Member for Redcliffe, Mr Scott Driscoll, from the sittings of the Assembly during 2013. It indicated that the government supports the CLA's recommendation, and to that I add that the opposition supports it, as the opposition supported the recommendations when they went to the CLA on a couple of occasions.

I do want to reiterate that in June of this year I wrote to Madam Speaker requesting that consideration be given to amending the standing orders in relation to the attendance in parliament of elected members of the Legislative Assembly. My letter stated that such amendments would set clearer parameters around the permitted absences of members, in line with the expectations upon all other persons whose salaries are paid by the taxpayers of Queensland. Let me make it very clear that openness and transparency should be the hallmark of representative democracy, and members should be required to explain protracted absences at the earliest opportunity.

Since the earliest stages of this debacle there has been a lack of leadership on the part of the Premier. If the Premier had acted decisively when questions were first raised about the member, we would not be in this position and we possibly would not be here having this debate.

During the member's protracted leave of absence, I believe—and I think other members of this House would concur—that the people of Redcliffe have not had effective representative in this parliament. Recently the opposition conducted a town hall meeting in Redcliffe, and a number of people who turned up to that town hall meeting expressed to me their absolute disgust that (a) they had not seen the member for Redcliffe; and (b) the member for Redcliffe was not turning up to this chamber. He is not turning up to take his seat, which is what he was elected to do, and he is not turning up to do his job. People who take taxpayers' dollars should all be held to the same level of accountability. Imagine the public outcry if public servants went missing in action for months on end, only turned up for duty in the dead of night for half an hour here or there and then disappeared again. It is simply not good enough; the community deserves more.

I also want to raise an issue in relation to how this situation arose. We know that Mr Driscoll was elected as an LNP member. We also know that in this parliament the Premier had full confidence in the member for Redcliffe, Mr Scott Driscoll. When the Deputy Leader of the Opposition asked the Premier, 'Does the Premier have full confidence in the member for Redcliffe?', the Premier responded, 'Yes, I do. I say again today that I have seen absolutely nothing to disqualify him from representing the people of Redcliffe'—

Mr STEVENS (Mermaid Beach—LNP) (Leader of the House) I rise to a point of order. This bill is specifically about amending the legislation in relation to the number of sitting days that a member may be absent. It has nothing to do whatsoever about an individual member. I would ask that the Leader of the Opposition stop taking cheap political shots and return to the bill at hand.


Mr DEPUTY SPEAKER (Dr Robinson): Order! The Leader of the Opposition is by and large addressing the issues in the bill. I note in the reading of the bill itself that it actually mentions the matter of the member for Redcliffe and the explanatory notes mention the specific member. I am going to allow the Leader of the Opposition to continue.

Ms PALASZCZUK: I will just convey this to the Leader of the House so he is well aware. The explanatory notes say—

The CLA's report notes the absences of the Member for Redcliffe, Mr Scott Driscoll MP, from the sittings of the Assembly during 2013.

It is very clear. It is in black and white in the explanatory notes. The Premier expressed his full confidence in the member for Redcliffe. The Premier stood by the member for Redcliffe. The Premier supported the member for Redcliffe. He ran as an LNP member and then when it did not suit you, you cast him adrift. That is what happened. He was hand-picked by the Premier. The Premier said in this House, 'I have full confidence in the member for Redcliffe.' And then you found out! For weeks the opposition had been raising the issue. We had asked ministers questions. The ministers all stood by the member for Redcliffe, and then the going got rough. Then the member for Redcliffe was not turning up, and then you cast him adrift once you knew there might be a CMC investigation. Then you thought: We don't like that! We need to get rid of him! A little bird told me that at a party room meeting it was conveyed that you wanted the member for Redcliffe out of here by October-November. Is that what happened in your LNP party room? You want him out of this House! You want him sacked! You want him booted out! I say to the government: let the CMC do their job in relation to the member for Redcliffe. Do not be judge and jury; let them do their job.

As I have said, the opposition is supporting this. It is the right thing to do. The community deserves MPs who can actually perform their duties as members of parliament in this House. There is a member who has consistently failed to turn up and do that duty, and the people of Queensland deserve better.

 **Dr DOUGLAS** (Gaven—UAP) (12.48 pm): I support the legislation, but I have some reservations which I wish to detail. Clearly the intention of the bill is to address matters which have led to considerable community angst and the unhappiness of parliamentary members and that is members not attending to parliament as their duty requires. I do not intend to further discuss matters relating to any member's behaviour which may or may not have been referred for further inquiry. More specifically, I would urge all members not to raise any matters relating to any member currently referred to the Ethics Committee, since it is not only against standing orders, but prejudicial to their case, sub judice, and it may ultimately lead to a reasonable claim of denial of natural justice.

021 As such, none of those things that anyone feels need to be dealt with would be dealt with, but it may be that any member who did so, irrespective of their position—backbencher, executive member or other—would be in contempt of the parliament.

Moreover, it could be claimed that there is a reasonable claim of restorative justice. The bill is almost reasonable, but allowing a get-out-of-jail-free card—that is, allowing for any other evidence that is acceptable to the Speaker—implies that potentially the government of the day, in appointing the Speaker, has a greater capacity to dictate who may or may not be denied fair excuse. In general the Speaker does behave impartially in such matters, and it only seems fair that the addition of a discretionary component will allow for exceptional circumstances and possibly other matters that may not allow an individual to reasonably obtain a medical certificate that is satisfactory.

As a doctor I know full well the implications of what a doctor states. It is virtually a statutory declaration. As is the norm, most doctors will take the word of the patient—in this case the parliamentarian or their family—and then decide whether what they see, hear and feel fulfils the requirements for making such a declaration. I agree to a 12-day absence before a requirement for certification of illness or otherwise. This is effectively a block of three parliamentary sittings. In simple terms, over eight months of the year a three-month absence could occur without the need for a medical certificate.


I am aware that many years ago a member took six months leave, lived in London and continued to be paid. No tangible benefit appeared to be gained from that and nothing was changed afterwards. Maybe it was a wrong and maybe it is a wrong now, but as the devil's advocate I would say that in the past 25 years there have been only two incidents that give satisfactory reason for change.

The world is changing, the population is ageing and malignancies are more common. I note the most recent case of the member for Caloundra and the serious illness of the father of the current member for Mulgrave. I do congratulate the member for Caloundra, who is sitting here today, for both his courage and determination and for his steely resolve in returning to parliament. That is a great test of any person's determination and their will to represent their constituents. Many members may not realise just how hard a task that is.

These things say to me that there are circumstances that do necessitate long periods of parliamentary absence and they will include reasons other than strict medical reasons. I say this because we are moving into an era where our children are going to predecease their own parents. This will happen to members of this parliament. In 15 years, dementia will be the most common illness causing disability—and that will happen pretty fast—and the divorce rate continues to rise. It is now over 50 per cent. Some 25 per cent of the public will have a mental illness at some point in their lives. There will be those who may not be able to gain a valid medical certificate.

Mr DEPUTY SPEAKER: Member for Gaven, I am struggling in the last minute to understand how this relates to the bill. I have just given you a bit of latitude, but—

Dr DOUGLAS: I am just saying that the reality is that if change is going to occur we should ask a committee to impartially consider the matter and take submissions. We should never act in haste on the basis of extraordinary situations. We should write statute for the majority, not the exceptions.

 **Mr STEVENS** (Mermaid Beach—LNP) (Leader of the House) (12.52 pm): At the outset I would like to make certain that this bill, which will make a major change to legislation in Queensland, is not solely seen as the 'get Scott Driscoll, member for Redcliffe, bill'. This bill represents a change to current legislation that addresses behaviour that has been highlighted by the member for Redcliffe. I acknowledge that these changes represent the bipartisan recommendation of the CLA—it is comprised of equal numbers of opposition and government members—to make a change to the requirements.

In a normal year there are 42 days of parliamentary sitting. It is expected that a parliamentarian doing the job of representing their constituency should be here for those 42 days. That expectation applies to ministers, the Premier—everybody. Members of parliament have a responsibility and a duty to be in this House, debate and pass legislation, discuss matters of importance and ensure our constituencies are represented in the appropriate manner.

The current legislation gives leeway for a member to not turn up to parliament for 21 consecutive days. That allows for sickness and other legitimate reasons for absence. We are very appreciative of members who have had sickness who have returned to parliament. During my time in parliament there have been instances of former government members confronting serious depression. They had to be absent in order to deal with that. We were totally supportive of that absence.

I assure all members of this House that this legislation will never preclude the House giving appropriate consideration to people's disabilities at certain times and giving leave to those members. This House will make such a determination, and I am sure members from both sides of parliament will give appropriate leave where necessary. I am not sure about circumstances such as members taking world trips, mentioned earlier by the member for Nicklin, but certainly the House will, on legitimate grounds, always give the appropriate leave that is required.

The behaviour of the member for Redcliffe in turning up for an hour just before the expiration of 21 days—that is, in effect, a six-month period of sittings—treats this parliament with total contempt. Rightly, the Leader of the Opposition brought the matter forward to the CLA—a very appropriate move that was—and it was considered by the CLA. It was considered that this reduction in the amount of allowed absence, to 12 days, is reasonable. That is, in effect, a three-month period of absence without requiring the leave of the House. I want to make it very clear that the House can determine that a person requires more consecutive leave than that. There will not be an automatic exclusion from their representative duties; however, it will be a matter for the House to consider. That is exactly where this legislation will take us if—and I hope it is—it is passed here today.

The conduct of the member for Redcliffe has been the impetus for the reduction in the allowable absence. I do not believe the new provisions will change the behaviour of the member for Redcliffe. Given the legislation will allow 12 consecutive days of leave without approval, I am sure there will be an hour's attendance by the member for Redcliffe just before midnight on the 12th day such that he will still meet the requirements. However, we are making it tougher for that sort of contempt of parliament, that sort of contempt for the people of Redcliffe, that sort of inappropriate behaviour, to occur. Quite clearly, it sends a loud message from Parliament House that we are not prepared to be treated in that fashion. The people of Redcliffe deserve better.

Hon. JP BLEIJIE (Kawana—LNP) (Attorney-General and Minister for Justice) (12.57 pm), in reply: I thank all honourable members for their contributions to this debate today.

Bill read a second time.

Consideration in Detail

Clauses 1 to 3, as read, agreed to.

Third Reading

Hon. JP BLEIJIE (Kawana—LNP) (Attorney-General and Minister for Justice) (12.58 pm): I move—

That the bill be now read a third time.

Question put—That the bill be now read a third time.

Motion agreed to.

Bill read a third time.

Long Title

Hon. JP BLEIJIE (Kawana—LNP) (Attorney-General and Minister for Justice) (12.58 pm): I move—

That the long title of the bill be agreed to.

Question put—That the long title of the bill be agreed to.

Motion agreed to.

Sitting suspended from 12.59 pm to 2.30 pm.