

Mr SPEAKER: Thank you.

Ms GRACE: I thought that I was directing them through the chair. I will now direct them squarely through the chair. If the member for Pumicestone wants funding for kindergartens, those opposite better decide where they stand. We want one thing: put kids first and put One Nation last.

(Time expired)

Local Government, Voting

Ms LEAHY: My question is to the Minister for Local Government. I refer to the survey undertaken by the LGAQ that found that seven in 10 Queenslanders are happy with the current local government voting system. Will the minister suspend any changes beyond the recommendations of Belcarra such as compulsory preferential voting and proportional representation until a plebiscite is conducted, or is Labor intent on taking 'local' out of 'local government'?

Mr SPEAKER: Before answering the question, Minister, there was too much general conversation while that question was being asked. No one member was the culprit, but I ask that questions be heard in silence.

Mr HINCHLIFFE: I thank the member for Warrego for her question. As we know, local government delivers very important services right across our state and the vast majority of local government officials do so with the utmost integrity. As the House and the member would be clearly aware, the Palaszczuk government is continuing its local government rolling reform agenda, implementing extensive reforms to bring greater transparency, integrity and accountability to our councils as required and set out by the Belcarra recommendations from the CGC. The proposed stage 2 reforms that we are consulting on—and I highlight those words, 'consulting on'; not campaigning on, consulting on—include voting systems consistent with other levels of government, compulsory candidate training, tighter regulations of discretionary funds, campaign spending caps and public funding for elections, and clarification of conflict of interest and material personal interest provisions.

I can assure the House and can assure local government officials—the mayors and councillors and administrators that I have been talking to over the past more than 12 months and in more recent times—that that consultation will continue and it is genuine. However, we need to understand that there is one group of people who have not been particularly genuine in this process, and that is the LNP and the LNP councillors in the Brisbane City Council who have been the main motivators of a campaign against compulsory preferential voting for single councillor positions. It has been extraordinary that they are running this campaign and it has been extraordinary that we have seen the LNP on the other side in this chamber run that campaign as well. I particularly noted when the member for Burnett spoke—

Mr Minnikin interjected.

Mr SPEAKER: Pause the clock. Member for Chatsworth, you are warned under the standing orders.


Mr HINCHLIFFE: It was particularly interesting when the member for Burnett made comments around being against compulsory preferential voting for local government levels when he was one of the main beneficiaries of compulsory preferential voting being implemented at the state level. After we saw a collapse in the LNP vote of 4.1 per cent at the last election, we saw him retain the seat with a 4.1 per cent swing to the party thanks to that support from One Nation. The fact is that compulsory preferential voting puts the power into the hands of voters, so we appreciate that and we respect that. However, it is important for parties to have principles and have a stand. As we saw at the last election, One Nation was last on Labor how to vote cards. We want to see that at the federal election coming up and all future elections.

(Time expired)

Mr SPEAKER: The time for question time has expired.

DISABILITY SERVICES AND OTHER LEGISLATION (NDIS) AMENDMENT BILL

Introduction

 **Hon. CJ O'ROURKE** (Mundingburra—ALP) (Minister for Communities and Minister for Disability Services and Seniors) (11.16 am): I present a bill for an act to amend the Coroners Act 2003, the Disability Services Act 2006, the Guardianship and Administration Act 2000, the Public Guardian Act 2014 and the Working with Children (Risk Management and Screening) Act 2000 for particular

purposes. I table the bill and the explanatory notes. I nominate the Health, Communities, Disability Services and Domestic and Family Violence Prevention Committee to consider the bill.

Tabled paper: Disability Services and Other Legislation (NDIS) Amendment Bill 2019.

Tabled paper: Disability Services and Other Legislation (NDIS) Amendment Bill 2019, explanatory notes.

As the Minister for Communities and Minister for Disability Services and Seniors I have great pleasure and privilege in introducing a bill to support Queensland's next step in transitioning to the National Disability Insurance Scheme. Since 2016 Queensland has been a host jurisdiction under the National Disability Insurance Scheme Act 2013, which supports the gradual transition of Queenslanders into the NDIS. On 26 March 2019 I provided Queensland's formal agreement to become a participating jurisdiction under the Commonwealth National Disability Insurance Scheme Act 2013. This means that from 1 July the NDIS Quality and Safeguards Commission will commence operation in Queensland.

To give effect to Queensland becoming a participating jurisdiction from 1 July 2019, it is important to ensure that Queensland has the necessary legislative framework in place to support the operation of the NDIS Quality and Safeguards Commission. My department has been progressing a whole-of-government review of Queensland's legislation. This bill progresses urgent and critical amendments to reflect the new roles and responsibilities under the NDIS quality and safeguarding framework from 1 July 2019. I am proud to say that Queensland has one of the strongest quality and safeguard systems for people with disability in Australia. This includes a rigorous framework for the use of restrictive practices as well as a robust worker screening system for people working or volunteering with people with disability.

During transition, Queensland's quality and safeguards continue to apply to NDIS registered providers. From 1 July 2019, the jurisdiction of the NDIS Quality and Safeguards Commission will commence. This means that the NDIS Quality and Safeguards Commission will have the responsibility for the oversight of registered NDIS providers. The NDIS commission will register providers in Queensland and apply its monitoring, enforcement and complaints powers to those providers. Queensland will remain responsible for implementing some components of the NDIS quality and safeguards framework, including administering a worker screening system, authorising the use of restrictive practices and operating a community visitor function.

The bill amends the Disability Services Act 2006 to reflect the Queensland government's reduced role in the funding of disability services in light of the rollout of the NDIS in Queensland and removes the current arrangements that extend the application of Queensland's quality and safeguards to NDIS registered providers during transition to ensure there is no duplication of the functions of the NDIS commission. The bill also amends the Disability Services Act 2006 to maintain Queensland's quality and safeguards framework for disability services which continue to be funded or provided by Queensland at full scheme and fall outside the remit of the NDIS Quality and Safeguards Commission.

One of the core functions to be maintained by Queensland from 1 July is the authorisation of restrictive practices. In Queensland, the Disability Services Act 2006, the Guardianship and Administration Act 2000 and the Public Guardian Act 2014 all regulate the authorisation and use of restrictive practices by disability service providers in Queensland with a focus on reducing and eliminating their use. These safeguards were introduced following the 2006 inquiry by the Honourable WJ Carter QC, who was appointed to investigate options for a legislative and service response to adults with an intellectual or cognitive disability who present with challenging behaviour. Justice Carter's report recommended a legislative framework to ensure that the use of any restrictive practice in the case of a person with intellectual disability and challenging behaviour is independently approved and properly regulated and which will provide adequate legislative support as required.

As noted in the explanatory notes to the Disability Services and Other Legislation Amendment Bill 2008, the legislative scheme was designed to safeguard the rights of adults with an intellectual or cognitive disability who have challenging behaviour and where restrictive practices may be required to protect the adult or others from harm. The Disability Services Act 2006 sets out a number of requirements that relevant disability service providers must follow to legally use a restrictive practice. This includes that the use of the restrictive practice complies with the approval or consent of the relevant decision-maker and a positive behaviour support plan is developed for the adult. Who can authorise a restrictive practice depends on the type of restrictive practice and the type of disability service the adult is receiving.

The Guardianship and Administration Act 2000 outlines the circumstances in which a guardian for a restrictive practice matter can authorise the use of a restrictive practice. Similarly, the Public Guardian Act 2014 outlines when the Public Guardian can authorise the use of a restrictive practice. At

full scheme, NDIS Queensland will retain legislative responsibility for authorising the use of restrictive practices. The NDIS Quality and Safeguards Commission will be responsible for other functions, including hosting Commonwealth rules, which will outline requirements for the assessment of adults and the development of behaviour support plans. The bill amends the Disability Services Act 2006 to reflect these new roles and responsibilities while also ensuring that existing safeguards under the Disability Services Act remain in place. This approach means that Queensland will retain its robust and comprehensive framework in relation to the authorisation of restrictive practices in Queensland.

It is a current legislative requirement that, in order for use of the containment and seclusion to be authorised, the chief executive of my department must prepare a positive behaviour support plan. This is a service that will be provided by non-government organisations under the NDIS. To reflect the important safeguard that this legislative provision provides, the bill retains the current legislative requirement, but acknowledges that a review of these provisions will be required within 12 months from commencement to ensure that Queensland is able to effectively transition this service to a capable market based response consistent with the principles of choice and control under the NDIS. This approach will enable my department to work closely with the NDIS Quality and Safeguards Commission to ensure the market's readiness and capacity to provide this service before changes are made to the role of the chief executive.

Another key function that will continue to be undertaken by the Queensland government is the operation of a worker screening system. For the first time under the NDIS there will be a nationally consistent approach to worker screening. Queensland has already, along with the majority of other jurisdictions, agreed to implement the intergovernmental agreement for nationally consistent worker screening for the NDIS. While Queensland will remain responsible for operating a worker screening unit under state based legislation, it will need to align with the new nationally consistent approach under the IGA.

Queensland will commence operation of the NDIS worker screening check following the finalisation of national negotiations of detailed policy documents referred to under the IGA and the passage of legislative amendments to support the implementation of the IGA. In the meantime, Queensland will retain its robust screening process under the yellow card system as prescribed by the Disability Services Act 2006. The bill progresses changes to expand the range of offences that will automatically disqualify a person from being able to hold a yellow card.

Consistent with the recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse, the bill includes the offences of bestiality, kidnapping of a child, kidnapping for ransom of a child, child stealing and abduction of a child under 16. The offences of abduction, child stealing and kidnapping will only be treated as disqualifying if the context in which the offence was committed was not familial. In addition, the bill further expands the disqualifying offences to include the murder and rape of an adult.

Like worker screening and authorising the use of restrictive practices, Queensland will remain responsible for the operation of a community visitor scheme. The community visitor scheme is a critical component of the quality and safeguards framework in Queensland. Community visitors protect the rights and interests of vulnerable adults and children at visitable sites by making inquiries and lodging complaints for or on behalf of the residents of these visitable sites. Similarly, the Coroners Act 2003 provides a framework for reporting and investigating particular deaths of vulnerable people, including people with disability. An inquest must be held when the death is reported and circumstances of the death raise issues about the deceased person's care.

For transition, the Disability Services and Other Legislation Amendment Act 2016 expanded the definitions of both 'visitable site' under the Public Guardian Act 2014 and 'deaths in care' under the Coroners Act 2003 to include all NDIS participants. It is a requirement under the Disability Services Act that we review the effectiveness of the operations of the changes made in 2016. The changes made in 2016 have been considered in consultation with the Public Guardian and the Queensland State Coroner. The bill amends the term 'visitable site' in the Public Guardian Act 2014 and 'deaths in care' in the Coroners Act 2003 to ensure that both the community visitor program and coronial inquests of deaths in care target the most vulnerable NDIS participants in receipt of supports and services from registered NDIS providers providing specified categories of high-intensity supports.

The bill also amends the Disability Services Act 2016, the Public Guardian Act 2014 and the Coroners Act 2003 to ensure that information, including confidential information, may be shared with or requested from the NDIA, or the NDIS commissioner. This will enable the commissioner, the Public Guardian and the State Coroner to perform their relevant functions.

The Queensland government is committed to ensuring a smooth transition to full scheme operation of the NDIS. We are also committed to ensuring that Queenslanders with disability continue to receive disability services that are subject to a robust quality and safeguards framework. This bill is the next stage of reform to support Queensland's full scheme implementation of the NDIS in Queensland.

A second stage of legislative changes will progress further amendments to support full scheme operation of the NDIS in Queensland, including legislative changes to ensure that the Queensland government continue to champion access and inclusion for people with disability and support the implementation of nationally consistent NDIS worker screening in Queensland. I commend the bill to the House.

First Reading

Hon. CJ O'ROURKE (Mundingburra—ALP) (Minister for Communities and Minister for Disability Services and Seniors) (11.30 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.

Referral to Health, Communities, Disability Services and Domestic and Family Violence Prevention Committee

Mr DEPUTY SPEAKER (Mr Whiting): In accordance with standing order 131, the bill is now referred to the Health, Communities, Disability Services and Domestic and Family Violence Prevention Committee.

~~DEPUTY SPEAKER'S STATEMENT~~

~~Photographer in Chamber~~

~~**Mr DEPUTY SPEAKER** (Mr Whiting): Honourable members, as has been communicated via email by the Speaker to all members, Dr Julie Fragar is currently visiting the precinct to observe proceedings and parliamentary life as part of a project to produce an exhibition of paintings about the Queensland parliament. I bring to the attention of members that as a part of this project, Dr Fragar has a photographer just outside the chamber to take photographs of proceedings from now until lunchtime.~~

~~JUSTICE LEGISLATION (LINKS TO TERRORIST ACTIVITY) AMENDMENT BILL~~

~~Resumed from 27 March (see p. 803), on motion of Mrs D'Ath—~~

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

~~**Mr JANETZKI** (Toowoomba South—LNP) (11.30 am), continuing: I rise to conclude my contribution to the Justice Legislation (Links to Terrorist Activity) Amendment Bill 2018. In my concluding remarks in relation to this bill I want to comment on the concerns of the Queensland Law Society and the Bar Association of Queensland in relation to the appropriate balance of these laws between the civil liberties of the individual and the collective right to community security.~~

~~I was recalling my experience in London in 2005 living through the terrorist attacks that occurred. Legislative change arose from those terrorist attacks. Amendments were enacted abroad and across Australia, such as warrantless searches and preventative detention. Rights that had built up over the centuries were taken away in some respects from individuals simply because it was necessary to protect the community at large. I take extremely seriously the right to privacy, freedom from arbitrary detention and freedom of speech. These are important rights and must be balanced appropriately. There is no doubt that the London terrorist attacks, which resulted in the deaths of 352 people and injuries to 700 people, had to be addressed. Lives needed to be protected. Anything that the legislature could do there or at home in Australia to address those attacks needed to be done.~~

~~Terrorists set out to create terror and that is exactly what was achieved in London on that morning. Innocent Londoners, up to 400,000 who commute into and out of London, going about their day were attacked in a callous and indiscriminate way. There was terror on the streets that day. Phones~~