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RECORD OF PROCEEDINGS

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Subject **FIRST SESSION OF THE FIFTY-SECOND PARLIAMENT** Page

Tuesday, 29 April 2008

M F REYNOLDS
SPEAKER

N J LAURIE
CLERK OF THE PARLIAMENT

L J OSMOND
CHIEF HANSARD REPORTER

TUESDAY, 29 APRIL 2008

The Legislative Assembly met at 9.30 am.

Mr Speaker (Hon. MF Reynolds, Townsville) read prayers and took the chair.

Mr Speaker acknowledged the traditional owners of the land upon which this parliament is assembled and the custodians of the sacred lands of our state.

SPEAKER'S STATEMENT

Photographs in Chamber

Mr SPEAKER: Honourable members, I indicate that I have given approval for a photographer from the *Courier-Mail* to take photographs in the chamber this morning in accordance with the rules that have been submitted to the House.

ASSENT TO BILLS

Appropriation (Parliament) (Supplementary 2006-07) Bill

Appropriation (Supplementary 2006-07) Bill

Mr SPEAKER: Honourable members, I have to report that on Monday, 28 April 2008 I presented to Her Excellency the Governor the Appropriation (Parliament) (Supplementary 2006-07) Bill and the Appropriation (Supplementary 2006-07) Bill for royal assent and that Her Excellency was pleased, in my presence, to subscribe her assent thereto in the name and on behalf of Her Majesty.

ASSENT TO BILLS

Mr SPEAKER: Honourable members, I have to report that I have received from Her Excellency the Governor letters in respect of assent to certain bills, the contents of which will be incorporated in the *Record of Proceedings*. I table the letters for the information of members.

The Honourable M.F. Reynolds, AM, MP
Speaker of the Legislative Assembly
Parliament House
George Street
BRISBANE QLD 4000

I hereby acquaint the Legislative Assembly that the following Bills, having been passed by the Legislative Assembly and having been presented for the Royal Assent, were assented to in the name of Her Majesty The Queen on the date shown:

Date of Assent: 23 April 2008

"A Bill for An Act to amend the Commission for Children and Young People and Child Guardian Act 2000, and the Police Powers and Responsibilities Act 2000, and for related purposes"

"A Bill for An Act to provide for the protection of the lives of children and for their sexual safety, and to amend other Acts relating to the protection of children"

"A Bill for An Act to amend the Pay-roll Tax Act 1971 for consistency with pay-roll tax legislation of other States, and for related purposes"

"A Bill for An Act to amend the Professional Engineers Act 2002 and other Acts"

"A Bill for An Act to amend the Building Act 1975, the Fire and Rescue Service Act 1990 and the Local Government Act 1993"

"A Bill for An Act to amend the Major Sports Facilities Act 2001"

"A Bill for An Act to amend the Wine Industry Act 1994"

These Bills are hereby transmitted to the Legislative Assembly, to be numbered and forwarded to the proper Officer for enrolment, in the manner required by law.

Yours sincerely
Governor

23 April 2008

Tabled paper: Letter, dated 23 April 2008, from Her Excellency the Governor to Mr Speaker advising of assent to bills on 23 April 2008.

The Honourable M.F. Reynolds, AM, MP
Speaker of the Legislative Assembly
Parliament House
George Street
BRISBANE QLD 4000

I hereby acquaint the Legislative Assembly that the following Bills, having been passed by the Legislative Assembly and having been presented for the Royal Assent, were assented to in the name of Her Majesty The Queen on the date shown:

Date of Assent: 28 April 2008

> "A Bill for An Act authorising the Treasurer to pay amounts from the consolidated fund for departments for the financial year starting 1 July 2006"
>
> "A Bill for An Act authorising the Treasurer to pay an amount from the consolidated fund for the Legislative Assembly and parliamentary service for the financial year starting 1 July 2006"

These Bills are hereby transmitted to the Legislative Assembly, to be numbered and forwarded to the proper Officer for enrolment, in the manner required by law.

Yours sincerely
Governor
28 April 2008

Tabled paper: Letter, dated 28 April 2008, from Her Excellency the Governor to Mr Speaker advising of assent to bills on 28 April 2008.

SPEAKER'S STATEMENT

Procedural Research Paper, Petitions

Mr SPEAKER: Honourable members, circulated to all members in the chamber is procedural paper 1 of 2008 on the issue of petitions. This procedural paper is the first in an ongoing series of papers that will be produced by the Chamber and Procedural Services Office on topics relating to the proceedings of the House. The topic of petitions was chosen by me as the first such paper after representations by a community group about the petitioning process. The paper indicates a number of important matters, including the continuing popularity of petitioning and the growth in e-petitioning and the responsiveness by government to petitions. I trust that all members find the information in the paper informative and useful.

PETITIONS

The Clerk presented the following paper petitions, lodged by the honourable members indicated—

Gladstone Hospital, Oncologist

Mrs Cunningham, from 4,658 petitioners, requesting the House to allocate an oncologist to the Gladstone Public Hospital.

Local Government Reform

Mr Knuth, from 540 petitioners, requesting the House to give the electors of the former shires of Jericho, Aramac and Barcaldine an opportunity to vote on a name change and to contribute to the naming of the new regional shire.

Bullockhead Street, Sumner Park

Mr Hobbs, from 988 petitioners, requesting the House to maintain the Bullockhead Street access to Sumner Park until a safe alternative entry and exit from Sumner Park is established.

The Clerk presented the following e-petitions, sponsored by the honourable members indicated—

Bullockhead Street, Sumner Park

Mr Hobbs, from 411 petitioners, requesting the House to maintain the Bullockhead Street access to Sumner Park until a safe alternative entry and exit from Sumner Park is established.

Regent Theatre

Dr Flegg, from 498 petitioners, requesting the House to recognise the historical and heritage value of the Regent Theatre on Queen Street and act to protect the building in its present form.

Petitions received.

TABLED PAPERS

PAPERS TABLED DURING THE RECESS

The Clerk informed the House that the following papers, received during the recess, were tabled on the dates indicated—

18 April 2008—

- Response from the Minister for Health (Mr Robertson) to an e-petition (848-07) sponsored by Mr Hobbs from 358 petitioners regarding the Senior Breast Care Nurse position in the Toowoomba and Darling Downs Health Service District

21 April 2008—

- Response from the Deputy Premier and Minister for Infrastructure and Planning (Mr Lucas), to a paper petition (884-07) presented by Mr Gibson from 381 petitioners regarding the proposed Traveston Crossing Dam on the Mary River

22 April 2008—

- Response from the Deputy Premier and Minister for Infrastructure and Planning (Mr Lucas), to a paper petition (941-07) presented by Mr Wellington from 629 petitioners regarding the proposed route for the Northern Pipeline Interconnector Stage 2

23 April 2008—

- National Electricity (South Australia) (National Electricity Law-Miscellaneous Amendments) Amendment Act 2007
- National Electricity (South Australia) Variation Regulations 2007
- National Electricity (Economic Regulation of Distribution Services) Amendment Rules 2007

28 April 2008—

- Response from the Minister for Health (Mr Robertson) to an e-petition (906-07) sponsored by Mrs Pratt from 493 petitioners regarding treatment for people with severe mental illness
- Response from the Minister for Health (Mr Robertson) to a paper petition (996-08) presented by Mrs Pratt from 1,215 petitioners regarding treatment for people with severe mental illness

STATUTORY INSTRUMENTS

The following statutory instruments were tabled by the Clerk—

Electricity Act 1994, Government Owned Corporations Act 1993—

- Government Owned Corporations (QPTC Wind-Up) Regulation 2008, No. 92

Education (General Provisions) Act 2006, Education (Queensland College of Teachers) Act 2005, Education (Queensland Studies Authority) Act 2002, Vocational Education, Training and Employment Act 2000—

- Education (Queensland Studies Authority) and Other Legislation Amendment Regulation (No. 1) 2008, No. 93

State Penalties Enforcement Act 1999, Transport Operations (Road Use Management) Act 1995—

- Transport Operations and Other Legislation Amendment Regulation (No. 1) 2008, No. 94

Transport Legislation Amendment Act 2007—

- Proclamation commencing certain provisions, No. 95

Plant Protection Act 1989—

- Plant Protection Amendment Regulation (No. 2) 2008, No. 96

Aboriginal and Torres Strait Islander Communities (Justice, Land and Other Matters) Act 1984—

- Aboriginal and Torres Strait Islander Communities (Justice, Land and Other Matters) Amendment Regulation (No. 1) 2008, No. 97 and explanatory notes for No. 97

Water Act 2000—

- Water Amendment Regulation (No. 1) 2008, No. 98

Environmental Protection Act 1994—

- Environmental Protection Amendment Regulation (No. 1) 2008, No. 99

Environmental Protection and Other Legislation Amendment Act 2007—

- Proclamation commencing certain provision, No. 100

Nature Conservation Act 1992—

- Nature Conservation (Protected Areas) Amendment Regulation (No. 1) 2008, No. 101

Land Protection (Pest and Stock Route Management) Act 2002—

- Land Protection (Pest and Stock Route Management) Emergency Pest Notice 2008, No. 102

Chiropractors Registration Act 2001, Dental Practitioners Registration Act 2001, Dental Technicians and Dental Prosthetists Registration Act 2001, Medical Practitioners Registration Act 2001, Medical Radiation Technologists Registration Act 2001, Occupational Therapists Registration Act 2001, Optometrists Registration Act 2001, Osteopaths Registration Act 2001, Pharmacists Registration Act 2001, Physiotherapists Registration Act 2001, Podiatrists Registration Act 2001, Psychologists Registration Act 2001, Speech Pathologists Registration Act 2001—

- Health Legislation Amendment Regulation (No. 2) 2008, No. 104

Workers' Compensation and Rehabilitation Act 2003—

- Workers' Compensation and Rehabilitation Amendment Regulation (No. 1) 2008, No. 105, and regulatory impact statement and explanatory notes for No. 105

Public Trustee Act 1978—

- Public Trustee Amendment Regulation (No. 3) 2008, No. 107

MINISTERIAL PAPER TABLED BY THE CLERK

The following ministerial paper was tabled by the Clerk—

Minister for Primary Industries and Fisheries (Mr Mulherin)—

- Emergency Fisheries (Great White Shark and Grey Nurse Shark) Declaration (No. 1) 2008 made on 17 April 2008 and published in the Gazette on 24 April 2008 at page 2181

REPORT TABLED BY THE CLERK

The following report was tabled by the Clerk—

Report pursuant to Standing Order 158 (Clerical errors or formal changes to any bill) detailing amendments to certain Bills, made by the Clerk, prior to assent by Her Excellency the Governor, viz—

Child Protection (Offender Prohibition Order) Bill 2007

Amendments made to Bill

Short title and consequential references to short title—

'Child Protection (Offender Prohibition Order) Act 2007'—

Omit, Insert—

'Child Protection (Offender Prohibition Order) Act 2008'.

Wine Industry Amendment Bill 2007

Amendments made to Bill

Short title and consequential references to short title—

'Wine Industry Amendment Act 2007'—

Omit, Insert—

'Wine Industry Amendment Act 2008'.

MINISTERIAL STATEMENTS

Marks, Lance Corporal J

Hon. AM BLIGH (South Brisbane—ALP) (Premier) (9.35 am): Members will be aware that Lance Corporal Jason Marks lost his life in Afghanistan on Sunday night. Lance Corporal Jason Marks, 27, from Yeppoon—a devoted father of two—was killed on a commando mission in Afghanistan. I am sure that I speak for all members of the House when I say that our thoughts and our prayers are with Jason's wife, Cassandra, their two children, his parents and his family.

Lance Corporal Marks was part of the Sydney based 4RAR commando unit. He was born in Broken Hill and raised at Yeppoon. He attended Yeppoon State High School, and I understand his parents still live in Yeppoon. His wife, Cassandra, issued a statement yesterday saying that Jason was 'a devoted father to our two beautiful children and a loving husband to me'. She added—

All Jason ever wanted to do was join the Army. He was the type of man who knew what he wanted, even from the age of 12, all Jason ever wanted to be was a soldier.

Becoming a Commando was a dream of Jason's, he was proud of who he was and proud of what he did.

Jason did get to live his dream and Australians can be very proud of his effort. It is always sad when such a young life is lost but especially so when it is lost in the service of our country.

Lance Corporal Jason Marks is the fifth Australian soldier to die in Afghanistan since 2002. I join with the member for Keppel, Paul Hoolihan, and I am sure every member here and ask Queenslanders to spare a thought for Jason, Cassandra, their children and his family. I also ask that we spare a thought at this time for all service men and women who are continuing to secure our safety in places like Afghanistan.

Collingwood Park, Land Subsidence

Hon. AM BLIGH (South Brisbane—ALP) (Premier) (9.37 am): As members will be aware, there are a number of residents in the Collingwood Park area who have over the past week been affected by land subsidence. I am pleased to advise the House that our government is continuing to work with residents to ensure their safety. Departmental officers, along with Ipswich City Council engineers and surveyors, began monitoring the affected area on Saturday. Monitoring has revealed subsidence has been continuing, and as a precaution the survey area was yesterday further expanded.

Safety of residents is our first priority. In every instance our Department of Mines and Energy will err on the side of caution and arrange temporary accommodation for residents if necessary. To date, four families have been assisted in this way. A private security firm has been engaged to provide 24-hour security on these properties. Departmental and council officers have also doorknocked local residents and the department has set up a freecall number where concerned residents can request property checks and access a counselling service.

Residents have been ably assisted in this regard by their hardworking local member, Jo-Ann Miller, and by Ipswich mayor Paul Pisasale. I want to thank them both for their efforts, and I particularly thank Jo-Ann Miller for the effort she has made to ensure that the department and the minister are kept informed of the particular needs and concerns of these residents.

The Minister for Mines and Energy, Geoff Wilson, has also visited the site and will continue to work with council and local residents. Time is needed to work steadily through the subsidence investigation. There are also engineering and building reports to be finalised, determining the extent of any damage and the possibility of any rectification. All the necessary information needs to be gathered, including geotechnical advice, before the next steps and the longer term decisions can be made. Because of ongoing ground movement it may take some weeks to establish how many homes will ultimately be affected or what action state and local government may take.

We owe it to the residents in this area to make a considered—not a hasty—response once all the information is available. But I put on record today that at the end of the day my government will not leave any one of these residents in the lurch. There are a range of parties that have a role to play including the Ipswich City Council, in some cases individual insurance companies, and other private interests. Currently, 20 homes will be assessed for subsidence effects and an additional 17 property owners outside the initial investigation area have asked for their homes to be checked. Our government will continue to work closely with the council and other parties involved in this matter and publicly advise what is occurring.

Hope Vale, Welfare Reform Trial

Hon. AM BLIGH (South Brisbane—ALP) (Premier) (9.40 am): Last Tuesday I spent the day meeting and listening to the people of Hope Vale, accompanied by the member for that area, the member for Cook, Jason O'Brien. Hope Vale, just outside of Cooktown, will become one of four Indigenous communities taking part in our welfare reform trial to be overseen by the new Family Responsibilities Commission. During my visit to Hope Vale, I was able to introduce the newly appointed commissioner for the Family Responsibilities Commission, highly regarded magistrate David Glasgow. Mr Glasgow has been a magistrate since 1988. He has extensive experience working with Indigenous people in the cape and was instrumental in the establishment of Townsville's Murri Court.

The Family Responsibilities Commission is now beginning the recruitment of a registrar and other key commission staff to ensure that it is ready to commence operations on 1 July 2008. The Hope Vale community was cautious but overwhelmingly positive about this trial. This trial will demand a great deal from the people of Hope Vale, Aurukun, Coen and Mossman Gorge—and from the Health, Education, Communities, Child Safety and Police staff who will be a vital part of this attempt to improve the lives of people in each area.

There are bound to be problems with such a new way of doing things. There will be hiccups, but we must give this trial a real chance to work. That is why the state and federal governments have committed $101 million to provide a massive increase in funding for drug and alcohol services to these Indigenous communities. Communities taking part in the welfare trial and those who commit to further toughening of alcohol use provisions will receive priority for these new resources.

Later today amendments to alcohol legislation will be introduced which will support Indigenous communities to go as dry as possible and reduce alcohol related harm. The key elements of these amendments are, firstly, the non-negotiable divestment of liquor licences for council owned canteens by 31 December 2008; toughened restrictions in relation to drinking in public places from 1 July this year; and revised carriage limits to operate from the same date. There will also be an extension of restricted area provisions to apply to private places and roads—essentially the whole of the community—an exemption for bona fide travellers on specified through-roads and places provided that they can show that they are only passing through the area; a simplification of the process to declare a private residence dry; enhanced enforcement capabilities around sly grog entering communities and private residences; and the establishment of statutory community justice groups outside the discrete Indigenous community.

Reforms which prevent Indigenous councils from holding general liquor licences will also match them with statewide standards and will break the link between alcohol profits and council income once and for all. New detox and rehabilitation programs will be provided, as will new programs such as Murri Watch and cell watch, sobering-up facilities, support for community patrols and additional support for police and officers from Liquor Licensing. These reforms will mean that eight communities—Aurukun, Kowanyama, Lockhart River, Mornington Island, Napranum, Umagico, Palm Island and Pormpuraaw—will have to relinquish their canteen licences by the end of this year.

Organ and Tissue Donation

Hon. AM BLIGH (South Brisbane—ALP) (Premier) (9.43 am): As members know, earlier this month I attended the Prime Minister's 2020 Summit in Canberra. Like many others, I came away from it with a lot of inspiration from the good ideas that everyday Australians put forward. But there was one in particular that resonated with me. During the summit I crossed paths with fellow Queenslander Janelle Colquhoun. Janelle is an extremely talented young singer and many people here will have met her during their travels.

Mr Wilson: She's a wonderful person.

Ms BLIGH: I take the interjection from the member for Ferny Grove—who I think is her local member—who tells me that she is a wonderful person. I endorse his comments. Like others here, I have met Janelle on a number of occasions but it was not until I spoke to her personally in Canberra that I become aware that she is waiting for an organ transplant. Janelle's story is a familiar one to many Australians. At any given time almost 1,800 Australians are waiting for an organ transplant. As at January this year, 176 Queenslanders are on the waiting list. But donation rates are failing to meet this demand.

In Queensland, only 21 per cent of Queenslanders who are legally able to register their consent to donate do so. This is significantly below the national average. This is failing to meet the demand, and people like Janelle and others are suffering as a result. Since returning from Canberra I have been giving this issue some thought and considering how we can do better. Organ and tissue transplantation is an effective and well-established treatment that can, and does, save lives and significantly improves the quality of lives. It is a vital and often last-resort treatment for many illnesses and diseases such as kidney and liver disease, cardiomyopathy, diabetes and cystic fibrosis.

This is also an area in which Australia has one of the world's best records in clinical outcomes. So why should this issue stay in our too-hard basket? Obviously in a vast state like Queensland we face a number of geographical hurdles when it comes to facilitating organ donation, but I believe that increasing the number of Queenslanders on the donor register could make a huge difference, particularly to the lives of people like Janelle Colquhoun.

Currently in Australia, organ and tissue donor registration is based on an opt-in system. That is, people have to provide express and informed agreement to donate in the event of their death. When Janelle represented Queensland at the Prime Minister's 2020 Summit she put the idea of moving to an opt-out system of registration on the national agenda. Other countries have adopted a donation system based on presumed consent or opt-out provisions whereby it is assumed that an individual wishes to be a donor unless they have opted out by registering an objection to donation. This became one of the big ideas to come out of the summit, and full credit goes to Janelle for her role in getting this on the national agenda.

I see merit in Australia adopting an opt-out system and believe that Queensland should actively explore it. I recognise that there are significant legal, clinical, ethical, social and cultural issues that would need to be carefully considered, but this is not a reason for us not to explore it. We owe it to the Queenslanders and Australians who continue to wait for potentially life-saving transplants to rethink this issue.

I have spoken to the health minister, Stephen Robertson, about Queensland leading a national debate on this issue, but I do not want to wait for other states and territories to come on board before we look at the issue. I therefore propose to establish a parliamentary select committee to examine this important and complex issue. The terms of reference for this committee will include a specific examination of an opt-out scheme and how it could work in Queensland and the identification of other ways that we could improve Queensland's rate of donation.

I am pleased to advise that Karen Struthers, the Parliamentary Secretary to the Minister for Health, has accepted my invitation to chair this committee. The Leader of the House later this morning will outline a process for the appointment of other members to this committee and the proposed operation of the committee. A new approach to organ donation in this country could save lives, and I look forward to a community debate here in Queensland about how we could be leading the charge in this area.

North Bank

Hon. AM BLIGH (South Brisbane—ALP) (Premier) (9.47 am): Finally, the current proposal to redevelop the North Bank precinct of the Brisbane River, as members know, has generated significant community debate. Multiplex was selected as the preferred developer for the project as a result of a competitive bidding process. Last year the government advised Multiplex that a final decision would not happen until community feedback was received. As members know, there was an extensive process of feedback. That feedback has been received and is conclusive—that is, approximately 80 per cent of all respondents believed that North Bank should be redeveloped and upgraded. However, many people remain concerned about issues such as visual amenity, river impacts and public facilities.

We have been working with Multiplex to address these issues and, while the process has been very constructive, it is clear that genuine concerns persist about the shape and nature of the project. In order to resolve these concerns, I believe we need to use a different process with a new approach. This involves suspending the current process and getting the best and most experienced minds on the job to undertake a process known in the industry as inquiry by design.

This concept is practised in other states such as Western Australia, which uses it frequently, and other parts of the world such as the United Kingdom. It has been successfully undertaken here in Queensland as well. For example, it was used to develop the plan for the Wynnum town centre and successfully underpinned the Noosa north shore development. It has also been used by Queensland Transport when planning the CAMCOS corridor and its impact on the Caloundra airport redesign and by the Ipswich City Council when working on its master plan for the Ripley Valley.

This process involves bringing together a range of professionals in design, building and construction as well as stakeholders in a workshop style approach. The workshops are non-binding but designed to encourage participants to think creatively and to think outside the square to get the best result. I want these workshops to include professional organisations for groups such as planners, engineers and environmentalists. I also want special interest groups such as the National Trust and other vocal critics represented as well. Many of these people have made thoughtful, worthy contributions to the debate and I want to make sure their voice is heard in the final design.

Under this innovative approach we want all participants to willingly work in a collaborative environment to reach an acceptable outcome and get a project of design excellence. The Deputy Premier and Minister for Infrastructure and Planning will write to relevant stakeholders this week to invite them to participate in the process. By the end of September I expect that we will be in a position to work with Multiplex as the preferred developer on a revised design developed out of this process. However, final adoption of the project will also remain subject to the resolution of technical issues including flooding impact, traffic impact and the future maintenance of the Riverside Expressway. These will be non-negotiables in the inquiry-by-design process.

The redevelopment of North Bank will be a massive undertaking and we are determined to get it right.

Miss Simpson interjected.

Ms BLIGH: It was poor planning from those opposite who are interjecting that resulted in the ugly eyesore that currently exists on the north bank of the river. I do not intend to repeat the mistakes of past National Party governments. We believe that the north bank part of our river should be revitalised and given back to the people of Queensland.

Our objective remains to open the riverfront to make this inner-city stretch of river safe, accessible and enjoyable for residents and visitors. We have taken the community's concerns about the current proposal seriously enough to ask them to work with us in taking this project forward. This is a new approach but an approach that we believe will deliver a better result.

North Bank

Hon. PT LUCAS (Lytton—ALP) (Deputy Premier and Minister for Infrastructure and Planning) (9.52 am): As the Premier has indicated, the government is committed to finding a way to give the north bank of the river back to the people of Brisbane. People are quick to categorise the bad planning decisions made during the Bjelke-Petersen era by what was pulled down. But bad planning during that era was not just about the wreckers arriving in the middle of the night to knock down Cloudland and bulldoze the Bellevue. In what is surely one of the worst planning decisions ever made by a state government, the construction of the Riverside Expressway three decades ago took a big stretch of the riverbank and the river itself away from the people of Brisbane.

Mr Horan: Clem Jones wanted it.

Mr LUCAS: Yes, he also took away the Brisbane trams. There are not many pieces of transport infrastructure I do not like, but I am not a fan of what the Riverside Expressway did to the river. It left this city with an underdeveloped, underutilised and unsightly area that would not be tolerated within 25 minutes drive from any major city's central retail and business district let alone less than five minutes walk away. It also routed traffic to other parts of the city through the city.

Mr Horan interjected.

Mr LUCAS: Remember what Turbot Street was like? As it currently stands, the area is barely suitable for a car park. While we are stuck with the Riverside Expressway, we are not necessarily stuck with the bad results—

Miss Simpson interjected.

Mr LUCAS: If the Deputy Leader of the Opposition and her colleagues on the backbench had their way there would be one here, there would be one down the road, there would be one using recycled water, there would be one using purified water and there would be one using desalination. We will have one project and talk to the community about it.

We want to ensure that the public has confidence that any proposal to redevelop the north bank reach of the river is the best possible proposal. We want the best possible planning outcome that balances infrastructure with new public spaces to give that part of the river back to the people. That is why we will shortly begin a new process to ensure that we have a good planning outcome for North Bank—one the public has confidence in, one that gives the riverbank back to the people and one that will deliver a project that in 20 years may itself be considered an icon. We are determined to get this right for the people of Brisbane and the inquiry-by-design process that the Premier announced this morning will help us do it.

Under that process we will invite critics, planners, engineers and environmentalists, special interest groups such as the National Trust, government agencies, the Brisbane City Council and the development industry to work together on a revamped proposal that meets our goal of opening up this neglected part of the riverbank to the public. The inquiry-by-design process will bring together those major groups to hold discussions and consider design options and planning solutions to make the project a reality.

Later this week I will be meeting with representatives of the National Trust so I can hear their concerns directly. I am keen for them and other interested parties to be involved in the inquiry-by-design process. Also this week I will write to various stakeholders inviting them to be involved in the process.

The work done through the inquiry-by-design process will be used to progress a new North Bank design. The Department of Infrastructure and Planning expects to be in a position to have a finalised working group within weeks and begin meetings in June. I want to make it clear that the outcome of the process will be at no net cost to the taxpayer. That is, money does not come from hospitals, police, nurses or teachers. That is critical to this process.

We expect to be in a position to undertake further work on any revised design with Multiplex by the end of September. Any final project that proceeds will remain subject to the successful resolution of various technical issues, including potential flooding and traffic impacts and future maintenance of the Riverside Expressway.

Twenty years ago Brisbane took a major step forward to becoming a cosmopolitan city with the redevelopment of the south bank of the river and the opening of Expo 88. The redevelopment of North Bank could serve as a similar catalyst on Brisbane's journey to becoming a world-class city and we will ensure that any project for the area is one residents can have confidence in.

Patel, Dr J; Bundaberg Special Process

Hon. KG SHINE (Toowoomba North—ALP) (Attorney-General and Minister for Justice and Minister Assisting the Premier in Western Queensland) (9.56 am): Shortly I intend to meet with representatives of one of the support groups for the victims of Jayant Patel at Bundaberg Hospital. I understand there are around 20 former patients here today and, given their presence, I would like to inform the House on the progress of the special process set up by the government to expedite compensation claims lodged by former Patel patients.

To date a total of 386 claims have been lodged in the special process by claimants in relation to treatment received from Jayant Patel. A total of 290 claims have now been resolved while 87 claims have been closed after it was determined they did not involve Patel patients or there was no adverse outcome from his treatment. Any claimant whose case is closed can bring forward further information which substantiates their eligibility to participate in the special process and the government will certainly consider that information.

One patient has decided to pursue compensation through the courts rather than proceed with the special process. This means that there are now only eight former patients who have yet to have their claims finalised through the special process. The government will continue to work with these people to ensure that their claim is processed as quickly as possible.

The special process was set up to provide former patients of Jayant Patel with fair and reasonable compensation for injuries they suffered as a result of his treatment. It is a very fair process which has regularly provided higher payouts to former patients than if they had gone through the courts. In fact, Ian Hangar QC, who has mediated a large number of the Patel cases, has supported the special process. Last year he told the ABC's *The World Today*—

> Under this mediation process, the Government is paying all their costs, giving them more than they would get from the court and undertaking to continue treatment for them if the treatment arises out of anything Patel did and that would be free.

Mr Hangar's comments are a clear indication of the Bligh government's commitment to support the former patients of Jayant Patel and the special process is an excellent example of that support.

Electricity Prices

Hon. GJ WILSON (Ferny Grove—ALP) (Minister for Mines and Energy) (9.58 am): Tough action has been taken to protect Queensland electricity consumers. The government will not shirk from continuing to do so. Recently, the Queensland electricity regulator issued show-cause notices to three of Queensland's electricity retailers. I am advised by the regulator that he expects to finalise his investigation into two of the retailers—Origin and Queensland Electricity—and determine any penalty within a matter of days.

The investigation of the third retailer—AGL—will be concluded after receipt of its audit report by the deadline in early May. The show-cause notices commenced a formal legal process which may result in the retailers facing heavy penalties—fines of up to $100,000 or, ultimately, a cancellation of licence. At the time I said that if electricity retailers failed to look after their customers they should face the full consequences of their conduct. Action was commenced following reports that some pensioners had been wrongly billed for their electricity. They had missed out on their rebate and, to add insult to injury, they had been wrongly charged the ambulance levy.

I have said I would back the regulator fully in exercising his powers. At my request, the regulator also directed the three retailers and others to appoint independent auditors at their own cost to go through their billing systems with a fine toothcomb. The audit reports will help the regulator satisfy himself that he has all of the evidence and material before making a decision on appropriate penalties. Audit reports have been received from Origin and Queensland Electricity.

I have told electricity retailers to smarten up and lift their game. I make no apology for tough action being taken. Electricity retailers need to fully understand that if they are going to continue to operate in our state they need to look after our customers. The government has taken tough action and will continue to do so without any hesitation.

Tripcony Hibiscus Caravan Park; Mooloolaba Spit Master Plan

Hon. CA WALLACE (Thuringowa—ALP) (Minister for Natural Resources and Water and Minister Assisting the Premier in North Queensland) (10.00 am): On Sunday the Premier and I had the honour of meeting a group of salt-of-the-earth Queenslanders who welcomed us into their unique community. The residents of Caloundra's popular Tripcony Hibiscus Caravan Park were told by the Premier that their home would not be developed. A gathering of residents and holiday-makers were delighted to hear the Premier say, 'This caravan park is here to stay.' A number of elderly residents cried with relief when they heard that the park lessee will get a further 30-year lease. It was a privilege to be part of this happy and very emotional announcement. The new mayor of the Sunshine Coast Regional Council, Bob Abbot, also was at the meeting and was very warmly welcomed by the residents.

Many of the 85 permanent residents at the Tripcony Hibiscus Caravan Park are elderly and are physically and financially unable to move elsewhere. Residents such as Trevor and Flo Davis have been at the park for nearly 25 years and have nowhere else to go. I give credit to the Premier for tackling this difficult long-term issue head-on and helping to find such a people-friendly solution. The residents of Tripcony Hibiscus Caravan Park certainly valued the Premier being there.

The Tripcony Hibiscus Caravan Park site is a very valuable and desirable one. A master plan looking at the future uses of this site considered open space, commercial and residential uses as well as ongoing use as a caravan park. However, while this is a prime site for development, the Bligh government decided that the interests of budget-conscious tourists and the permanent residents were paramount.

Queenslanders on a budget will still be able to enjoy first-class, affordable holidays at the Tripcony Hibiscus Caravan Park. The new lease will specifically state that the site cannot be converted to private freehold and that a minimum of 50 per cent of the caravan park must be used for tourist accommodation. There has been speculation about the future of the Tripcony Hibiscus Caravan Park for a number of years and this has caused anxiety and uncertainty for residents and tourists. I am delighted that this insecurity has now gone, thanks to the Bligh government.

I also take this opportunity to update the House on the Mooloolaba Spit master plan. I recently met with the newly elected mayor, Bob Abbot, and he has advised me that he will consider proposals put forward by the former council and provide feedback in due course. I look forward to working with this newly elected council and the community on this issue.

Townsville, V8 Supercar Event

Hon. JC SPENCE (Mount Gravatt—ALP) (Minister for Police, Corrective Services and Sport) (10.03 am): This Thursday I will be introducing a bill into this House that is designed to enable an annual V8 supercar event to occur in Townsville from July 2009. The background is that in March 2007 the state government approved a funding package of $12.32 million to meet the capital costs for construction of the event precinct. These costs were first estimated in May 2006 for a potential event in July 2007. The

Townsville City Council originally committed $2.6 million to the capital costs and the Rudd Labor government has committed $10 million. However, the cost estimate for construction has increased since May 2006, from about $25 million to $30.78 million. This is largely due to the booming construction market in Townsville and increases in the price of materials and labour in the past three years.

The state government's support of the Townsville V8s has always been contingent on a 50-50 split of any escalation costs associated with the event. The costs of staging the event have increased by $6 million in the last three years since the original costings were done, which means the state government and the Townsville City Council are liable for an extra $3 million each, only the Townsville City Council has told me that it is only willing to put in $900,000 towards its $3 million contribution, meaning that the Townsville City Council is short-changing us by $2.1 million.

The government is committed to making the Townsville V8 event a reality. However, the state government will only match whatever funding the council contributes towards the additional capital costs—no more, no less. If the council is prepared to meet 50 per cent of the additional capital costs for the event precinct, then the state government will fund 50 per cent. If Townsville City Council does not want to contribute its fair share, then we will simply match what it contributes and scale down the event accordingly.

The event represents a significant investment in Townsville's future. The V8 supercar series is the third most watched sport in Australia, and this event will provide national and international exposure to Townsville. It is expected the event will generate an estimated $10 million per year in ongoing economic benefits to Townsville and create 130 full-time equivalent jobs during construction and an additional 180 full-time equivalent jobs as a result of hosting the event annually. The event will truly showcase Townsville to an international audience and attract many thousands of visitors to the city who will pump money into local accommodation and businesses. The council needs to confirm it will provide its share—50 per cent of the cost escalation—or explain to the Townsville community why council is not supporting what has the potential to be a great event for the city.

For these reasons, the bill which I will introduce this week will sit on the table of this House until such time as the council's contribution to the event is resolved. The state government's commitment is clear. If the council covers 50 per cent of the increased cost then the state government is prepared to increase its commitment towards capital costs to $15.18 million. In addition to the capital costs, the government will also provide $2.5 million annually for five years towards staging costs. So the government's total commitment stands at $27.68 million over five years.

I visited the site of the Townsville race earlier this month and I think it has great potential. I also met with the mayor and I think we both want the race to proceed. There are now time imperatives which will make the resolution of these funding issues a priority, and I will continue to talk to the council to effect a resolution.

Queensland Ambulance Service, Staffing

Hon. N ROBERTS (Nudgee—ALP) (Minister for Emergency Services) (10.07 am): The Queensland Ambulance Service is on track to recruit a record 255 extra ambulance officers this financial year, and last week I welcomed the latest intake of 17 new ambulance officers. The Queensland Ambulance Service is currently employing additional ambulance officers at the rate of around one every 1½ days, compared to one every 10 days when the coalition was in government.

When the Premier and I released the ambulance audit late last year we said that the QAS would refocus its resources to the front line. Savings identified by the audit would be used to employ an additional 100 ambulance officers following the 255 funded this financial year. As Queenslanders would expect, the deployment of these officers will be based on operational needs, including the level of demand and current response capability in each region. This reinforces the government's commitment to plan for the future needs of Queenslanders.

In the first six months of this financial year, there were 159,000 code 1 ambulance responses, or an average of 864 responses each day. Ten years ago, there was an average of 344 responses each day, less than half the current workload. Despite a doubling of the workload over this period, response times have remained relatively stable, with 50 per cent of cases responded to between eight and nine minutes and 90 per cent of cases responded to between 16 and 17 minutes.

Response times are measured differently across Australia. The Productivity Commission's report on government services shows that Queensland, New South Wales and Western Australia currently measure response times from when a 000 call is transferred for dispatch to the time of arrival on scene. From next financial year, response times in Queensland will be measured from the first keystroke on receipt of a 000 call. This means that response will be all encompassing of the 000 call process once the call has been referred to the Ambulance Service.

To coincide with the introduction of these new performance measures, I have decided that the QAS will publish both case load numbers and code 1 response times for each region on the QAS web site. This reporting will be based on the national benchmarks of response times for 50 per cent and 90 per cent of code 1 responses and will occur on a six-monthly basis. It will provide the public with easy access to a key performance measure for the QAS.

The record funding provided by the Queensland government, our record recruitment program and the outcomes of the recent Ambulance audit will help to ensure that the QAS remains an effective and efficient provider of prehospital care for Queenslanders.

National Curriculum

Hon. RJ WELFORD (Everton—ALP) (Minister for Education and Training and Minister for the Arts) (10.10 am): There has been much discussion recently about the establishment of a national school curriculum. At the Queensland 2020 Forum recently, our Premier, Anna Bligh, opened the forum with the proposal to reform and streamline the states' and territories' curriculum bodies to end duplication and free up money for re-investment in priority areas of education such as early childhood education and development.

Two weeks ago, I joined the federal education minister along with the state and territory education ministers in Melbourne to take the first steps in working towards a national curriculum. The new National Curriculum Board has been appointed by the federal minister and a Queensland representative was appointed to that. Last week I met with the chair of the new National Curriculum Board, Professor Barry McGaw, to talk about ways in which we might work towards a national curriculum in a cooperative manner.

At the education ministerial council there was general agreement on the benefits of a national curriculum and, of course, ministers at the state level have been working for some years to achieve greater consistency of curriculum. However, I believe this is an opportunity which we should not overlook to achieve a truly national curriculum of a quality that matches what Queensland has been working on. This is an exciting and perhaps once-in-a-lifetime opportunity to ensure that local differences are dispensed with and that local knowledge and interests are still allowed to be given full expression in school systems across the country.

In Queensland, for example, we have already been working on greater consistency of curriculum and assessment, both within our state and across the other states of Australia. Our QCAR, or Queensland Curriculum, Assessment and Reporting Framework, has been introduced to teach what we call the essentials to students, ensuring that achievements are more consistently measured and parents receive clearer report cards. At the ministerial council of education ministers I presented information on how our state has developed its core content and achievement standards approach to learning. This is now what I think we should try to achieve at a national level. Queensland has set a benchmark which the national curriculum could follow. I presented our state experience on how improved learning can be achieved through these core content and achievement standards documents.

Through Essential Learnings, we now have clear statements of what core content should be taught in all Queensland schools from years 1 to 9 and we have set consistent standards of student achievement in each of these essential learnings. Through the framework, parents and the community can be assured that the learning experience at every school will provide opportunities for all students to acquire the essential knowledge and skills for life—now and in the future. Our Queensland experience provides a blueprint for how this can be achieved at a national level.

I look forward to working with the Rudd government and the other states and territories to establish a truly national curriculum that updates what students will learn as their essential knowledge and skills but allows states the flexibility to focus on the knowledge relevant to local communities. I will keep the House updated on progress in this regard.

Indigenous Health Equality Statement of Intent

Hon. S ROBERTSON (Stretton—ALP) (Minister for Health) (10.14 am): Today the Bligh government will sign a special Indigenous Health Equality Statement of Intent at the Close the Gap Forum at Parliament House. I am pleased to announce that as part of our commitment to 'closing the gap' the Bligh government will invest $36 million on new health initiatives to tackle drug and alcohol abuse in Indigenous communities. Our $36 million commitment will be matched by the Commonwealth. Our funding over four years is part of the Bligh government's broader $65 million program to reduce Indigenous alcohol and substance abuse.

We are seeing a renewed spirit of cooperation between the states and the Commonwealth in tackling the debilitating effect of substance and alcohol abuse on Indigenous Australians. With the funding, Queensland Health, in collaboration with the Commonwealth Department of Health and Ageing, will provide enhanced detoxification and rehabilitation services for the regions. Queensland Health will establish eight acute alcohol and drug treatment hubs, servicing some 21 remote

communities. The eight hubs will be located around Weipa, Cooktown, Mossman, Mount Isa, Bamaga, Cherbourg, Woorabinda and Palm Island. These hubs will provide access to detoxification places and have capacity for outreach services. The immediate focus will be to ensure that all 21 communities have regular access to clinical assessment and counselling for alcohol and drug issues. Staffing across the eight hubs will include nurses, allied health workers and community alcohol project officers.

This commitment forms part of a cross-agency package of incentives and diversionary activities to support communities that choose to go dry. These incentives are aimed at reducing the demand for alcohol, supporting individuals and families, and strengthening service delivery, including treatment and rehabilitation. Both the state government and the Commonwealth are committed to tackling the issue of alcohol abuse in Indigenous communities. Unlike the former Howard government, which dropped the ball on health funding, the Rudd government has shown its determination to work with states and territories to tackle the health challenges confronting our country. While we recognise that much needs to be done, it is hoped that our new relationship with Prime Minister Rudd and the Labor government will mean that we have the capacity to deliver new and improved health services for our Indigenous communities.

MUSEXPO

Hon. RJ MICKEL (Logan—ALP) (Minister for Transport, Trade, Employment and Industrial Relations) (10.16 am): Three Queensland bands are in the Los Angeles spotlight this week as they showcase their talents at MUSEXPO, an exclusive international music and media forum being held from 27 to 30 April 2008. This is the fourth year the Queensland government has supported participation by Queensland artists in this annual event, which attracts international music industry representatives from across the globe. This year, a total of 30 Queenslanders are attending MUSEXPO including the band members, representatives from independent record labels, publishing companies, music managers, songwriters and Queensland music industry associations.

The outstanding results achieved to date speak not only of the value of the event as an effective launch pad for artists but also of the depth of talent that Queensland has to offer. Queensland artists who have previously showcased at MUSEXPO, including Pete Murray and Resin Dogs, have secured licensing deals, synchronisation deals for television, film and advertising, and invitations to perform at international music festivals. I am sure this year's MUSEXPO will deliver equally lucrative results for the Queensland bands and music industry representatives attending.

The Queensland government, through Trade Queensland and Arts Queensland, has worked with the state's peak industry body, QMusic, to coordinate Queensland participation and to support the three Queensland bands selected to showcase at the event. In the lead-up to the MUSEXPO forum, the Queensland government hosted a reception on Saturday, 26 April at the renowned House of Blues live music venue. The reception provided a targeted and concentrated opportunity for the Queensland delegates to do business with international music decision makers in a purely Queensland focused environment, capitalising on the exceptional opportunity presented by the MUSEXPO conference.

It is great to see Queensland talent showcased on the international stage, building on the state's reputation as one of the hot spots of the global music industry.

National Playgroup Week

Hon. LH NELSON-CARR (Mundingburra—ALP) (Minister for Communities, Minister for Disability Services, Minister for Aboriginal and Torres Strait Islander Partnerships, Minister for Multicultural Affairs, Seniors and Youth) (10.19 am): This week is National Playgroup Week and a timely reminder of the importance of providing services and support for parents from the very beginning. It is widely acknowledged that a child's brain undergoes rapid growth in the first five years of life, making this an important time for parents and their children.

Playgroup Queensland receives triennial funding of $280,000 from this government to deliver the Accessible Playgroup Initiative, which supports vulnerable families who would not normally access a playgroup service. Playgroup Queensland works with 19,000 families across the state providing parenting information, early intervention programs, playgroups and resources. These services are in line with the Bligh government's Early Years model and its commitment to giving young children the best possible start in life. They are also in line with Prime Minister Kevin Rudd's recent announcement of one-stop shops for young children and their families.

Queensland has already begun establishing similar one-stop shops called early years centres. These centres will have a specific focus for families with children zero to eight years. Four centres are being developed at Nerang, Caboolture, Browns Plains and Cairns and will provide a range of early childhood education and care, family support and health services for families in the local areas. The centres will be completed by 2010 at a cost of $32 million over four years. The first two centres, at Nerang and Caboolture, are planned to open later this year while interim services are already in operation ensuring that parents and children receive the best possible support.

The Bligh government's new Early Years model will have a strong focus on the things that parents can do to reduce stress, learn about parenting, offer friendship and access resources for growing children. For many parents this also will mean a welcome break, meeting new people, getting the support they need in a welcoming environment and not being shy to come forward and say, 'I need help.' For the Bligh government this is about securing Queensland's future by providing for future generations.

Social Housing

Hon. RE SCHWARTEN (Rockhampton—ALP) (Minister for Public Works, Housing and Information and Communication Technology) (10.20 am): It is no secret that Queensland is in the midst of a housing affordability crisis. The stress on the private rental market has had a flow-on effect to social housing with, on average, 70 new people applying for government subsidised housing every day. Despite this government spending $3.38 million every working day on social housing, there are currently more than 38,000 people waiting for housing. However, a detailed analysis of those on the waitlist shows that nearly six out of 10 people can, and in many cases do, sustain private rental options.

With this in mind, the department will trial a new scheme, RentConnect, which will see local housing officers help people find and secure a home in the private rental market. All that is needed by many of those people on the social housing waitlist is a little support to help them get their foot in the door. The RentConnect advisory service will deal with these and other issues to help people secure a tenancy. Departmental staff will meet with each client and work out the level of assistance they need. The department will build on existing strong relationships with the Real Estate Institute of Queensland and real estate agents to ensure the success of this scheme.

There are obvious benefits for real estate agents signing on to participate in the trial, not the least being that the Department of Housing will provide certain tenancy guarantees to agents. With a rent roll of some 38,000 people, the department can act as a broker linking prospective tenants with agents who have properties to rent. The scheme will be trialled in two locations, Caboolture and, not surprisingly, Rockhampton, from late 2008. The results of the trial will enable the department to determine how the scheme can operate most effectively. If successful, we will consider rolling out this scheme across the state.

RentConnect is an excellent example of how the Queensland government and our department are continuing to tackle the tough issues in the housing market with innovative products. This government has a plan to overcome the housing crisis, which is more than can be said for those members opposite who, after 10 years, still have no policy.

Mr Stevens: You didn't like private rentals before.

Mr SCHWARTEN: I didn't say that.

Children in Care

Hon. MM KEECH (Albert—ALP) (Minister for Child Safety and Minister for Women) (10.23 am): It always gives me great pleasure to inform honourable members of the amazing achievements of some of the children and young people in the care of the Department of Child Safety. Today I want to share with members some wonderful sporting achievements by four teens who have spent their lives in foster care.

These young people have overcome great adversity to achieve their dreams thanks to the support and encouragement of loving foster families. For these young people, coming into foster care has meant a stable and supportive home life and the opportunity to play representative sport on the global stage. All of these teenagers entered care as a result of serious neglect. Each of their mothers put them in highly vulnerable situations due to their own psychological, psychiatric or physical disabilities. The fathers were not present for any length of time to provide support to the mothers or the children. Had the children stayed with their families, there is every chance they would have struggled to get the basic things in life children should be able to take for granted like food, education and a parent's love. They would certainly not have been nurtured into becoming successful athletes.

One of the young people is a former child in care. He represented Australia at the Paralympic soccer finals while his sister, who is still in foster care, has competed at a national level in athletics for people with disabilities. This brother and sister have been in care with the same family since they were three months and six months of age respectively. Another two young men travelled to Beijing last October to represent Australia in the Special Olympics. They competed against the best in the world in their fields—a wonderful achievement for any young person, let alone those forced to overcome such major obstacles early on in life.

These real-life stories demonstrate the positive effect coming into care can have on children. Their success is hard evidence of the compassion and dedication of Queensland's foster-carers, and the resilient nature and determination of four young Queenslanders. The Bligh government is committed to foster-carers and children in care. This can be seen through our recent announcement of $15 million which will help to recruit and support more foster-carers like these, helping Queensland's vulnerable children and young people achieve their dreams.

Waste Management

Hon. Al McNAMARA (Hervey Bay—ALP) (Minister for Sustainability, Climate Change and Innovation) (10.26 am): Our environment is under increasing pressure from a rapidly growing population that is consuming more land, more energy and more water, as well as generating more waste. The way that we manage waste is crucial to ensuring a sustainable future for all Queenslanders.

Through the kerbside recycling program, recycling is becoming an everyday event for most Queenslanders, but more can be done to increase the amount of material we recycle throughout Queensland. To this end, I am pleased to announce the new statewide Public Place Recycling Project. The project will be rolled out over two years and will make it easier for Queenslanders to recycle waste when they are away from home. Recycling bins will be placed in locations such as shopping centres, major sporting venues, parks and public spaces, transit centres, recreational facilities and educational institutions. The rollout of recycling bins will be accompanied by a public awareness campaign under the banner of 'Do the right thing, use the right bin'.

The $2.3 million project is being half-funded by the Environmental Protection Agency with contributions from industries under the National Packaging Covenant and the Packaging Stewardship Forum. Apart from delivering large tonnages of new recyclable materials, the extra tonnages generated from the Public Place Recycling Project will also lead to reductions in greenhouse gas emissions and water usage. Furthermore, an increase in packaging recycling rates in Queensland will help to achieve the National Packaging Covenant's recycling target of 65 per cent by 2010.

The Public Place Recycling Project complements other important state government initiatives. My department is currently finalising the Queensland Waste Strategy. This strategy aims to provide a framework for dealing with waste to provide improved environmental outcomes. More emphasis needs to be placed on avoiding waste generation in the first place by buying and making products that create less waste. We need to develop more effective waste management systems which recognise the true cost and value of waste. We need more integrated approaches to waste handling that link to resource conservation, energy and water efficiency, climate change and planning policies. The Queensland Waste Strategy will go a long way towards realising that objective.

MOTION

Review of Organ and Tissue Donation Procedures Select Committee

Hon. RE SCHWARTEN (Rockhampton—ALP) (Leader of the House) (10.28 am), by leave: I move, not withstanding anything contained in Standing Orders—

1. That a select committee, to be known as the Review of Organ and Tissue Donation Procedures Select Committee, be appointed from 12 May 2008 to investigate and report on the following matters in relation to organ and tissue donation from deceased persons in Queensland:

   (a) Given the relatively low organ and tissue donation rates in Queensland, should a system of presumed consent or 'opt-out' for organ and tissue donation be introduced in Queensland?

   (b) If so,

   - should presumed consent for removal of organs and tissue:

     (i) be absolute, or should further recourse be required to the wishes of relatives and/or legal guardians in this decision?

     (ii) apply to all persons, specifically considering the age, decision making capacity, cultural and religious beliefs of the person? If not, what exemptions and safeguards should apply?

     (iii) allow these organs and tissue to be used for other purposes such as research?

   - What mechanisms should be put in place to enable persons to explicitly register their objection to their organs and tissue being removed?
   - What would be the implications, including financial implications, of introducing a system of presumed consent for organ and tissue donation on the operation of all existing legislative, administrative and governance frameworks, including in other jurisdictions?
   - What, if any, other matters should be considered in the regulation of this issue?

In view of the time limitations this morning I seek leave for the rest of the motion to be incorporated in *Hansard*. It has been circulated to the Leader of the Opposition.

Leave granted.

2. In addition to the issue of presumed consent for removal of organs and tissue, are there any additional options that should also be considered to increase public awareness of and improve the organ and tissue donation rate in Queensland?
3. Further, that the committee have power to call for persons, documents and other items.
4. That the committee report to the Legislative Assembly by 28 October 2008.
5. That the committee consist of seven Members of the Legislative Assembly: Ms Struthers (Chair), with the remaining six Members of the Committee, consisting of three additional Government Members, one Member to be nominated by the National Party, one Member to be nominated by the Liberal Party and one Member to be nominated to represent the Independent members, to be appointed.

Question put—That the motion be agreed to.

Motion agreed to.

SCRUTINY OF LEGISLATION COMMITTEE

Reports

Mrs SULLIVAN (Pumicestone—ALP) (10.29 am): I lay upon the table of the House the Scrutiny of Legislation Committee's *Alert Digest No. 5 of 2008*. I also lay upon the table of the House the Scrutiny of Legislation Committee's *Report No. 36 on the Legal Profession (Transitional) Amendment Regulation (No.1) 2007, SL No. 341*. I commend these two reports to the House.

Tabled paper: Scrutiny of Legislation Committee, Alert Digest No. 5 of 2008.

Tabled paper: Scrutiny of Legislation Committee, Report No. 36 titled 'Legal Profession (Transitional) Amendment Regulation (No.1) 2007, SL No. 341 of 2007'.

QUESTIONS WITHOUT NOTICE

Environmental Protection Agency, Fees

Mr SPRINGBORG (10.30 am): My question without notice is to the Minister for Sustainability, Climate Change and Innovation. Yesterday the Premier said—

There's been some speculation about whether our current system of fees would survive a constitutional challenge.

As the minister knows, there has been more than speculation. Is it not true that five years ago, in April 2003, the EPA received crown law advice that approximately half of all the fees for environmentally relevant activities were likely to be excises and therefore unconstitutional and illegal? Will the minister identify what those levies were and will he release the legal advice received five years ago, or will it be kept under lock and key as part of the continuing secret state?

Mr McNAMARA: Let us get one thing straight: no competent authority has made a decision that says that any of these fees are illegal. That decision is made by the High Court. It is a pretty simple proposition. I could stand here and say that the member for Caloundra has an untenable position as Leader of the Liberal Party, but it would take a vote to prove it. While we all know that it is right, until a vote takes place he can keep the position. The point is that what we have done—

Opposition members interjected.

Mr McNAMARA: When the member for Clayfield can count to five, it will happen. The reality is that we have moved to change the way that environmental regulation fees are collected in Queensland. A regulatory impact statement has been released for public comment. I acknowledge that one can make an argument about constitutionality under section 90 of the Constitution. However, that aspect of this issue is being dealt with by the introduction of a new risk based process that will consider industries across the whole of the industry which will remove any possibility of an issue arising under section 90.

The other issue which is just as important, if not more important, is ensuring that we raise the funds that are necessary to do the job that Queenslanders want. Queenslanders want a strong system of environmental regulation and oversight. Moving to this new approach certainly does that. It is remarkable that the opposition would come here today and complain about this, given that it introduced the Environmental Protection Regulation 1998. I am happy to say that, regardless of any argument about constitutionality, this issue is being very firmly addressed. The new regime will come in when the consultation has been thoroughly picked over. I am going through the results of that and in due course will do some more targeted consultation with particular industry sectors. The new system will be a risk based and modern approach, which is the way to go with environmental oversight in these areas. It will give Queenslanders certainty that they are getting the very best environmental regulation oversight. It will properly fund the services that we provide currently but for which we dip into consolidated revenue to make up the difference. I think Queenslanders want a system where polluters pay, and they want a system that is properly funded. That is what they will be getting.

Environmental Protection Agency, Fees

Mr SPRINGBORG: My question without notice is to the Minister for Sustainability, Climate Change and Innovation. The minister would be aware that five years ago the EPA received crown law advice that certain environmental fees were likely to be unconstitutional and therefore illegal. I repeat: this advice was received five years ago. The minister would also be aware that both the Premier and the former environment minister have said that there was no need to act quickly because no-one had taken the government to court. They were prepared to sit back, close their eyes and hope it would all go away. Is it not true that the minister sat back, did nothing, twiddled his thumbs and subscribed to the Premier's view that something is only illegal if you are actually caught?

Mr McNAMARA: The recycled Leader of the Opposition is becoming a little repetitive on this question, which I have just answered. As I have said in the House and on the record, I take into account a suggestion that there is a potential issue in section 90 of the Constitution arising as to the way the current fees are structured. I have accepted that. However, that does not mean that it is so. It means that the right thing to do is to introduce a new system. If the Leader of the Opposition wants advice, I am prepared to say that the situation needs to be clarified, and that is what is being done. We have sought public consultation on a whole new system, although it is certainly not the system that the opposition came up with. We accept that as industries evolve we need to ensure that the regulation is updated. It is being updated. A RIS has already gone out. Consultation has already closed and obviously now we will be working through that.

The issue of constitutionality arises all of the time. Section 90 is one of those sections of the Constitution that pops up from time to time and causes state governments to ask, 'Are we working within it?' I am perfectly happy to move to a new system that makes sure that this issue does not arise again. I am perfectly happy to acknowledge that every now and then you need to look and see how you are going. From time to time around Australia governments have been caught on section 90 of the Constitution. It is a funny little provision that pops up now and then, usually when people least expect it.

The new system will provide services that we all need. We know that Queenslanders want strong oversight. We know that we have increasing growth in this state. We know that we want to attract industry and we know that we are attracting industry. Accordingly, we need a user-pays system that picks up the required sum of money. We are spending in the order of $32 million a year on environmental oversight. Under the new arrangement, the secured funding will give all Queenslanders a solid basis with which to go forward in the knowledge that industries will be properly monitored and regulated. I am perfectly happy that the new risk based analysis deals with the argument—and it is only an argument—that there may be an issue under section 90. We will have a system that is absolutely valid under the Constitution and that has the very important job of overseeing environmentally sensitive and dangerous activities. The real issue is that we need to ensure that Queenslanders can be safe and secure knowing that the industries that we need to provide the everyday necessities of life are properly oversighted.

Liquor Licensing

Ms GRACE: My question is to the Premier. Can the Premier outline the impacts of state government liquor reforms on bottle shops and the nightclub industry?

Ms BLIGH: I thank the member for her question. She has a long-term interest in ensuring that the sale and management of alcohol, particularly in her area which is an inner-city part of Brisbane, is managed responsibly. I thank her for her support of our recent liquor reforms. However, before answering the question for the benefit of the House I note that, on the basis of the previous two questions from the Leader of the Opposition, we can expect the unanimous support of the coalition for the new environmental fees when they become a regulation.

Mr Springborg interjected.

Ms BLIGH: Oh no, not the quantum! This is a wolf in sheep's clothing! He wants us to believe that he has been tossing and turning at night worrying about the constitutional validity of our environmental fees, when the real issue is that he does not think that the big polluters should pay their way. They believe that the environmental vandals and people who pollute our waterways and our air should ride on the back of the taxpayer. They believe that they should not have to pay their way.

I wait with interest for the Leader of the Opposition to move a disallowance motion on the new regulations. Their two-faced position on this will be exposed for what it is. They are the protectors of the big polluters.

Of course they are not only interested in protecting the big polluters. It is not surprising that as we move to make sure that those people who have a licence to sell liquor and operate between 12 and 5.30 am pay their way—that is, pay annual licence fees that are significant to make some contribution to the considerable public investment in the responsible sale of alcohol and management of public crowds outside their facilities—some of them were not that happy. What did they have to say?

The Valley Chamber of Commerce said that 80 per cent of alcohol in Queensland was sold through bottle shops. This was used to complain about the fact that new tighter measures on their own industry, the nightclub industry, might draw people away from pubs and clubs. As I said, I am not at all surprised that those who trade till 5 am might in fact whinge when we make it a bit tougher for them. I was very surprised when I found that the shadow Attorney-General and the Leader of the Liberal Party was backing them 100 per cent.

What did he say? He said, 'If licensed venues are responsible for about 20 per cent of alcohol, it just makes sense that the Bligh government should be trying to get the other 80 per cent in bottle shops.' That was almost word for word of the nightclub owners' press release. The nightclub owners have found a mouthpiece: it is the Leader of the Liberal Party. What a disgraceful performance. Is this National Party policy? Does the National Party agree with the Liberal Party on this? They are both wrong because bottle shops have fees as well.

Time expired.

Mr SPEAKER: Order! Before calling the member for Caloundra, I welcome to the public gallery today teachers and students from Kedron State High School in the electorate of Stafford, which is represented in this House by Mr Stirling Hinchliffe.

Environmental Protection Agency, Fees

Mr McARDLE: My question is to the Attorney-General. As the first law officer of the state, can the Attorney advise why, when he receives crown law advice that an individual or business is possibly acting outside the law, it takes his department five years to act on the advice?

Mr SHINE: I am not familiar with the legal advice that the honourable member is referring to, but I would imagine the legal advice that he is referring to has probably been sought by an agency other than mine. It would be for that agency to consider such legal advice and not for me to consider it in most circumstances.

Second-Hand Dealers, Record Keeping

Mr LEE: My question is to the Premier. Could the Premier inform the House of the importance of having shopkeepers in second-hand goods stores record information about suppliers and purchasers to help police trace stolen goods?

Ms BLIGH: I thank the honourable member for the question. I advise the House, as I made public on Friday, that I have asked the member to take on new duties assisting the Attorney-General in relation to consumer affairs matters and particularly for an oversight of the payday lending reforms which will involve second-hand dealers. Unfortunately the theft of property is a crime as old as civilisation itself. While the rate of unlawful entry offences in Queensland has dropped by four per cent in the past 12 months, there are still far too many offences occurring.

Unfortunately there are many Queensland families who from time to time go home and discover that their valued and much loved possessions have been stolen. That is why in 2003 we introduced a law to make it easier for police to track down and chase thieves. The Secondhand Dealers and Pawn Brokers Act requires those retailers to record information about suppliers and purchasers of any goods which they receive that are valued at more than $55. Fifty-five dollars does not sound like much, but if you lose a house full of valuable possessions you would want the police to have a fighting chance of recovering them.

So imagine my surprise when I found that the Leader of the Opposition has made representations to the Attorney-General that we should consider lifting the limit of $55 to $1,000. That would mean that the police would have no records from second-hand dealers of any goods received under $1,000. So for your video, your TV, your microwave, some of your jewellery—and the list goes on—there would be no record. This is a critical part of crime enforcement. What does the Leader of the Opposition describe it as? 'I would make comment that this is an instance where yet more government red tape is strangling business in this state. I would request that you give serious consideration to the points raised to ease rather than increase—

Mr Springborg: Read the whole lot. Are you going to regulate weekend markets, Anna?

Ms BLIGH: What the opposition leader is calling out is a point he does raise in the letter that police are not able to do the same thing in relation to markets. He is absolutely right. Is that a reason not to regulate where we can regulate? What a ridiculous notion. This is an embarrassment. Is this coalition policy? Does the Liberal Party support it? What would the Leader of the Opposition do in government? Would he lift it to $1,000? Does he have anybody looking at the fair trading issues? No. Lifting this level to $1,000 would simply mean that the police, who every day get out there and chase criminals, would have no information to do it. It is a nonsense.

Environmental Protection Agency, Fees

Dr FLEGG: My question without notice is to the Premier. Premier, as both Premier and Treasurer, you have had a significant role in framing the last two state budgets which collected fees that crown law first advised five years ago were likely to be unconstitutional and therefore illegal. Premier, isn't it true that both you and your cabinet knew that crown law had advised that these charges were likely to be illegal before you helped frame the last two budgets?

Ms BLIGH: I am pleased to have an opportunity to comment on this issue. One day it is possible, theoretically, that the member for Moggill might be on this side of the House. If he is he will find that it is not uncommon for lawyers to speculate about things. What has occurred in this issue is that there has been some comment, as I understand, in a document in 2003 that these fees may or may not survive a constitutional challenge. This government has over the last couple of years moved to change the basis on which these fees are charged. There has not been any advice that I am aware of that recommended any change for government to consider. There has not been any advice that said that there was any serious risk of this. As I say, the mock outrage from those opposite should be seen for what it is.

What our new range of fees will do is impose significantly higher fees—significantly higher—on those people who are involved in high-risk industries. And what those fees will allow us to do is to ensure that those people whose industries are high risk and require very expensive monitoring, for example, of air quality and are involved in industrial accidents that require clean-ups will actually be paying the cost for their own emissions and their own pollution.

As I have said, what we see in these questions is a wolf in sheep's clothing. The prospect that they have been tossing and turning about the constitutional validity of an obscure environmental fee is simply not plausible. They are working on behalf of those people who do not want to pay the increase in the fees. There is nothing more obvious than what you see from those opposite. Today we have them supporting the nightclub owners who want to operate with impunity and have the taxpayer pay their way, we have them standing up for the polluters who want the taxpayer to bear the cost and we have them standing up for the crooks who want to fence their goods with impunity. So we have them standing up for the bank robbers, the house robbers, the nightclub owners and the polluters. What a trifecta they are on this morning.

Our government will move to modernise the environmental legislation of this state, and it is clear that we will be doing it without the support of the coalition. What they try to do—

Opposition members interjected.

Mr SPEAKER: Order! I call the Premier.

Ms BLIGH: Mr Speaker, it does not matter how often the Leader of the Opposition attends business lunches and tries to paint himself green. We do not have to scratch very far to find someone who will not stand up for the environment, who will defend those who want to pollute it, and all of the other similar issues that we have seen him support this morning.

Local Government Reform

Mr WETTENHALL: My question is to the Deputy Premier and Minister for Infrastructure and Planning. Can the Deputy Premier inform the House of any proposals to further change the arrangements for local governments in Queensland? How would any further changes impact on the ability of newly amalgamated local governments to undertake proper planning?

Mr LUCAS: It is more than a month now since our local government elections in Queensland. I have met with a number of our new mayors and mayors of amalgamated councils, and they are getting on with the job of delivering for local communities post amalgamation. I am often told that smaller councils—councils with a lesser ability to have a larger payroll—have difficulty attracting qualified town planners. What amalgamation does is give councils an opportunity to attract better employees.

I note a number of comments from National Party members in this House acknowledging the reality of amalgamation and encouraging councils to build on that process. The member for Gregory indicated in the *Longreach Leader*—

> Amalgamation is a long process. It is going to be a hard process and there are going to be pitfalls and obstacles to overcome along the way. However, if we are to succeed we must first dedicate ourselves to new positions ... and build on the work of our previous shires.

The member for Callide in the *Central Telegraph* indicated that the hopes and aspirations of the new community rest with the new candidates. He said, 'I hope the community can grow from strength to strength with the North Burnett Regional Council.' The member for Cunningham in the *Clifton Courier* spoke about the new era in local government. The problem is that all of these members have said these things but no-one bothered talking to the member for Warrego about it. No-one bothered speaking to the shadow minister about it, because on 10 March he wrote an open letter to the editor in a number of public newspapers in Queensland stating—

> The Queensland coalition is committed to an alternative four-point plan to give Queenslanders a say in the opportunity to deamalgamate and protect their communities from coast to outback in the future.

A government member interjected.

Mr LUCAS: Like they did in the Borbidge government—yes, that same one that they did under the Borbidge government.

It is back to the future. As usual, on issues such as water half the members of the National Party say one thing and the other half say something else. The shadow minister is totally out of step when it comes to his parliamentary colleagues. Does their back-to-the-future policy go as far as going back to the City of Brisbane Act 1924? Are we going to deamalgamate the City of Brisbane? Will we have the Wynnum Town Council? I quite like the shadow minister. Would he like to come to Wynnum and run for mayor of Wynnum?

Again and again with the National Party we see that the Leader of the Opposition cannot pull them into line. Does the Liberal Party agree with it? The Leader of the Opposition has as his deputy not someone from the Liberals, whom he wants to amalgamate with, but someone from the National Party. Actions speak louder than words.

The Leader of the Opposition has now had a very long time to convince people, and the Liberals in particular, of the need for amalgamation. It has not slipped off the radar. When will he deliver on his leadership? When will he have them in the same political party as him? He has not yet done it. People are not forgetting what he has promised. Time and time again in the past the Leader of the Opposition, in his various manifestations, has said that the tired old recycled National Party needs amalgamations. We have not seen them and I do not think we will see it this time, either.

Queensland Rail, Labor Party Excursion

Mr NICHOLLS: My question is to the minister for transport. In relation to the two inquiries launched into the ALP 'gravy train' affair, and given that there is no legal impediment, will the minister commit to releasing both reports from these investigations, their recommendations and the evidence collected?

Mr MICKEL: Let me say at the outset that I do not condone the use of public resources for party political purposes. On Thursday afternoon, when I became aware of what occurred, I acted and I acted immediately. Following discussions with the Premier, I asked the Ministerial Services Branch to investigate the way my office had handled this matter. I also asked my director-general to initiate a similar investigation into the department's role. I also asked for an itemised account. I rang the Labor Party secretary, Anthony Chisholm, and insisted that the Labor Party pay the full cost of the trip. In other words, what I did was I acted and I acted immediately.

I also understand that on the following day a press conference was called by the member for Clayfield in which, as I understand it, he said that this matter should be investigated by the CMC. Over the weekend my department carried out an investigation. However, yesterday afternoon, as I understand it, people from the Premier's office inquired of the CMC as to whether they had received advice from either the member for Clayfield or the opposition about an inquiry by the CMC that they had initiated. By yesterday afternoon at five o'clock the advice was that the CMC had not been contacted by the Leader of the Opposition.

What we did—because we have the laziest but best resourced opposition in Australia—was we referred it to the CMC yesterday afternoon. In other words, we did the job that the member for Clayfield had said a couple of days before that he was going to do, because what I wanted was an independent process. In other words, they are out there saying that they are going to do something; we acted. In other words—

Opposition members interjected.

Mr SPEAKER: Order! We are a little bit loud on both sides. I call the minister for transport.

Mr MICKEL: In other words, Mr Speaker, I bit the bullet. These jokers bit their nails.

Pups in Prison Program

Mrs ATTWOOD: My question is to the Minister for Police, Corrective Services and Sport. Twelve months ago the minister launched the Pups in Prison program at the Darling Downs Correctional Centre. Can the minister please outline for the House the purpose of this program and what outcomes it is delivering for the Queensland community one year on?

Ms SPENCE: I thank the member for Mount Ommaney for the question. Today I have invited the general manager of the Toowoomba correctional centre, Mr Andrew Pike, together with some prisoners, correctional officers and our four assistance dogs to Parliament House, and I invite all members to join me on the green at 12.30 as our assistance dogs graduate from the Pups in Prison program. This is the first time we have run this program in Queensland, and I can advise the House that it has been a great success. Normally puppies take 18 months to train to be assistance dogs, but they have done such a good job in the correctional centre that they have taken only 14 months. People would like the puppies to be returned to them so that they can be put to work.

In these 14 months the dogs have learnt to do great things for people with disabilities. They can turn light switches on and off, they can press the button at pedestrian lights, they can retrieve things for people, and I know they are going to be very useful for those people out there who are going to need them because of their disabilities.

When we introduced the program into the prison for the first time I think there were some sceptics. Certainly the opposition criticised the move. I know that some correctional officers up there were not really sure about it, but I am told that the whole prison has turned around and seen the benefit of this program. When the puppies leave that prison next month, there is going to be a great deal of sadness amongst all the prisoners and the correctional officers. I am told that the five correctional officers routinely take these puppies home so they can socialise with their children. They take them to sporting events. The prisoners have been taking these puppies every Tuesday night to dog obedience classes in Toowoomba.

Three people from Toowoomba—Trevor Telford, Coral Pethers and Sue McIntyre—have been volunteer external dog trainers. They have come from Toowoomba in their own time every Thursday afternoon to work with the prisoners and the puppies to make sure that these puppies get the very best of training.

The puppies have stayed with the prisoners basically 24 hours a day. They have been in their cells at night. During the day the prisoners have been training them. I guess they would be the best trained dogs in Queensland. Assistance Dogs will be giving the prisons more of these puppies to train as they come on board. They have really made a difference to the lives of all the prisoners in Toowoomba.

It will be great to talk to them today and share their experiences and what they have learnt. When I went up to the prison recently and talked to some of these prisoners they told me that they had never had dogs in their lives before and it is a revelation the difference an animal makes in one's life. This is not the only prison doing great work with puppies. The correctional centre on the Gold Coast is looking after dogs for the RSPCA.

Primary Industries Research Centre

Ms LEE LONG: My question without notice is to the Minister for Primary Industries and Fisheries. There is a great deal of community concern regarding the future of Queensland's rural experimental research stations. There are three in the Tablelands electorate at Kairi, Walkamin and Mareeba. What are their long-term prospects? Are there any plans to close or sell off any or part of these stations? How secure are the jobs of those who are working there?

Mr MULHERIN: I thank the honourable member for Tablelands for her question and her commitment to all things rural. As an economic development agency with a vision of accelerated growth of Queensland's primary industries sector, the Department of Primary Industries and Fisheries continually examines its service delivery methods so they are relevant, efficient and responsive to the changing needs of industry.

The primary industries sector is being influenced by a range of issues which DPIF, through its service delivery, needs to respond to including: climate change, which will impact on the long-term productivity of the food and fibre sector and is likely to result in the shift in concentration of agricultural production towards north Queensland; the shortage of skilled and non-skilled labour which is exacerbated by primary industry businesses becoming larger and requiring a higher level of education and training for its workforce; and a reconfiguration of the national R&D agenda placing Queensland as the lead agency in tropical and subtropical R&D.

In response to these issues the department is currently developing an enhanced service delivery and investment blueprint which will seek to revolutionise how the department invests in services and infrastructure. The blueprint will ensure that the services of DPIF are both relevant and meet the needs of a modern agribusiness. The blueprint will consider a range of options for providing modern, more efficient, integrated and better targeted client based services which are both fiscally responsible and represent the best investment by government in staff and strategic infrastructure across Queensland.

Some six months ago I flagged that DPIF would be heading in this direction. The aim is to create a world-class agricultural science network across Queensland with a system of facilities that work hand in hand with educational institutions and attract world-class scientists. We plan on building those agricultural sciences, whether it is for food, fibre or biomedical industries, where Queensland will be a world leader. I have already indicated that the first of the world-class facilities will be a tropical science and biosecurity complex in north Queensland where the government is focusing on creating the nation's new industrial powerhouse.

We will do in the state's north what has been done with the Boggo Road ecosciences precinct and the food and health science precinct. We will co-invest with universities, the CSIRO and other research partners in high-priority science infrastructure. It is much better targeted through centres of excellence in areas where Queensland can be a national or international leader and provide the

opportunity to attract more private investment in research and more commercialisation opportunities. We cannot achieve what we are doing by following the old ways of doing things. This re-evaluation of resources is consistent with the goals of the Blueprint for the Bush.

Mr SPEAKER: Before calling the member for Southport, it is appropriate after the minister, the member for Mackay, has answered that question that I welcome 27 students and two teachers from the Mackay North State High School in the electorate of Mackay which is represented in this House by Minister Tim Mulherin. Could I also welcome to the gallery this morning students and teachers from Ferny Hills State School in the electorate of Ferny Grove which is represented in this House by Minister Geoff Wilson. I call the member for Southport.

Interest Rates, Inflation

Mr LAWLOR: My question without notice is to the Treasurer. With the inflation figures released last week raising expectations of a rate rise, what impact would this have on the Queensland economy?

Mr FRASER: I thank the member for Southport for his question. It is a timely one, as he said, with the release of last week's inflation figures which were in fact higher than the market expected. One week from today the folk of the Reserve Bank will be sitting around the table to decide on interest rate policy for the next month.

We believe that there is a strong case to be made for the Reserve Bank to sit out raising rates, to sit on the sidelines and see the effect of past rate hikes wash through the Queensland economy and the national economy. We believe that there is a strong case to be made for this, despite the fact that the headline rate remains above the two to three per cent target band for the Reserve Bank, because there is a wealth of data which proves it.

Retail trade has slowed and contracted over the last three months. We have seen dwelling approvals fall in February. We have seen housing finance approvals fall in February also. Consumer confidence is at an all-time low. This is the evidence out there, the economic data, that backs up the story that Queensland families, Queensland businesses and Queensland shopkeepers are telling us—that is, that the Reserve Bank's interest rate hikes have had a big effect on the Queensland economy.

In that regard, we believe that the case is made out not just on the economic data but on what people are telling us. This is a problem that exists in this country at the moment and needs to be addressed but it is not a problem just at the cabinet table, it is not a problem just at the boardroom table; it is a problem at the kitchen table. We believe that Queensland families are bearing the brunt of the Reserve Bank's actions and we need to make sure, as we frame this budget, that we respond to those circumstances.

We need to make sure that we can keep the conditions for continued investment. Access Economics last week released its latest business outlook and it concluded that the sun is still shining in the state of Queensland. It concluded that our outlook remains fundamentally strong. There is $123 billion of committed investment in this state—investment that will actually see us build the future platform for the growth of this economy.

In the meantime, what the Reserve Bank has done is really put the weights on the family budget and we believe that it should sit it out; we believe that it should wait otherwise it puts at risk the future long-term growth of the Queensland economy but, more to the point, the ability of Queensland families to absorb these pressures. It is fair to say that the only other risk that exists to the long-term growth of the Queensland economy is if the mob from the other side ever drag their knuckles across to this side of the chamber with their abacus, their Gestetner, their Dark Ages economic policy, their no plan, no tax, no building, no raising of finance, no capital works, do nothing but do everything policies. If they ever wander over here with the magic pineapple to pay for everything Lord help the Queensland economy.

Queensland Rail, Labor Party Excursion

Miss SIMPSON: My question is to the minister for transport. I refer the minister to the 'gravy train' excursion organised for members of the Labor Party and I refer him to the 20 Queensland Rail and Queensland Transport staff who reportedly attended the Queensland Rail train and doted on Labor Party members. I ask: does the $3,000 the minister belatedly ordered Labor Party headquarters to pay cover the cost of the trip including the staff salaries for attending the gravy train, preparing for the gravy train and cleaning up after the gravy train?

Mr MICKEL: That is why I asked the director-general to investigate the total costs of this. I want no corners cut on this at all, I said to the director-general. I have asked him to get in writing from Queensland Rail what the full costs of this are and those full costs will be made available to the Labor Party to pay. The honourable member may not be aware—as indeed I was not aware—that the general public can order a train for their own purposes. If members went to QR's web site they would see that. Indeed, I have been approached, and I was approached last week, by a group wanting to do just that.

However, rather than have me decide whether this was appropriate, what on reflection should have been done is this. Having marshalled all of the information, we then found out that the opposition was going to refer this to the CMC. It spent the long weekend in a hammock doing nothing. When we found out that it had not done anything, what I decided to do—and what it would never do—was refer this matter to the CMC. Why? Because I wanted an independent process oversighting the advice to me.

Fancy members opposite talking about a gravy train when we consider that in the 1980s under them they used to hook up the ministerial carriage, fill it up with champagne and then wander around the state. They used to have great swills of things in those ministerial carriages. We know all about it. Why does the Leader of the Opposition not open up those ministerial swill trips taken under the Bjelke-Petersen government? Why does he not open them up to public scrutiny so that the public can see what they used to get up to at public expense? Talk about snouts in the trough! It was an absolute disgrace. Let me look at it this way: if the members opposite want to throw me into jail, why do they not throw me in with Lingard. At least that way we will get a couple of minties to eat on occasion.

Inner Northern Busway

Mr HINCHLIFFE: My question is directed to the Minister for Transport, Trade, Employment and Industrial Relations. I understand the state government's $333 million Inner Northern Busway is due to open next month and that an open day will be held at the new busway this Sunday. Can the minister provide the House with more details about the open day?

Opposition members interjected.

Mr SPEAKER: Order! I know that members of the opposition want to hear the answer by the minister for transport, but there is far too much noise. The question could not even be heard, so I will ask the member to ask that question again.

Mr Johnson interjected.

Mr SPEAKER: Member for Gregory, I am on my feet.

Mr Johnson: I can see that, but we can't—

Mr SPEAKER: I am on my feet and I ask you to respect that.

Mr HINCHLIFFE: I understand the state government's $333 million Inner Northern Busway is due to be open next month and that an open day will be held at the new busway this Sunday. Can the minister provide the House with more details about this open day?

Mr MICKEL: This project builds on an excellent infrastructure program. During the last sitting the Leader of the Opposition said nothing has been built. I invite the Leader of the Opposition to come along this Sunday—I am sorry, the opposition does not work on Sundays—or if he could come along on, say, Monday afternoon at five o'clock or something. If the members opposite could drag themselves out of their stupor and come along—

A government member interjected.

Mr MICKEL: I know they have gone home by five, but perhaps if on their way home they could drop into the Inner Northern Busway because that way they will see what is happening. This busway connects the already successful south-eastern busway to the northern busway.

As the honourable member has pointed out, there will be an open day. It is a chance for people to get a sneak peak at the latest addition to the popular busway network. This Sunday, from 10 am to 2 pm, people will be able to walk along the new section of the Inner Northern Busway and see what has been going on under the streets of Brisbane for the past couple of years, and it is free. We are simply asking, to help support charity works, for people to make a simple donation. That donation will go to the Red Cross cafe, Rosie's and the Salvation Army Food Bank. Visitors will have the opportunity to walk along the busway, to explore the two new busway stations and to see a couple of interesting features. During the construction workers unearthed the Wheat Creek Culvert, which is a rare surviving example of a civil engineering project that was administered by the then newly formed Brisbane Municipal Council—which the member for Warrego wants to take us back to—as part of Brisbane's drainage system. People could also discover remnants of a World War II command centre. They will be able to visit Brisbane's inner-city cycle centre and an all-new transport information centre that promotes alternative travel to the car. There will be rides provided. As I said, the funds from that will go to charity.

For those interested, a voucher for free travel to and from the event will be in this Sunday's edition of the *Sunday Mail*. More information for people interested is available on the TransLink web site, www.translink.com.au. I would be delighted if as many people as possible, including members of the opposition, joined us on that day so they can see the busway for themselves. I also simply say that for this and any other project members of this House are entitled to see how taxpayers' money is being spent. They are entitled to see that. That has always been the tradition, and I and my office will be available to assist members who may want to come.

Queensland Labor Party, Jobs

Mr STEVENS: My question is to the Premier. I refer to former Premier Peter Beattie and his over $200,000 salary, I refer to disgraced Labor MP Mike Kaiser and his over $200,000 salary, I refer to the Premier's husband and his created position with an over $200,000 salary, I refer to ex-Labor Chief of Staff Rob Whiddon and his over $150,000 salary, and I ask: was disgraced former Labor minister Merri Rose at yesterday's state cabinet function for another job interview?

Ms BLIGH: I thank the former adviser to mayor Ron Clarke for the question. I am very happy to have an opportunity to talk about the value of our community cabinet process and to outline—

Opposition members interjected.

Mr SPEAKER: Order! The question has been asked by the member for Robina. Please allow the Premier to answer it.

Ms BLIGH: I note the laughter from those opposite at the thousands—thousands—of Queensland citizens who regularly exercise their democratic right to come and talk to the elected government of the day. We all know that those opposite do not work on Sundays, but this government does. We are out there regularly meeting with the people of Queensland, and we intend to keep doing so. But it is not just the Sunday, as members—

Opposition members interjected.

Ms BLIGH: Mr Speaker, I presume that they are not interested in an answer to this question.

An opposition member: You're not answering it!

Mr SPEAKER: Order! The opposition has asked this question. Please give the Premier some time to answer it without the ruckus that we are hearing.

Ms BLIGH: The community cabinet event is a two-day event spanning both most of the day on Sunday and then Monday. On Monday morning we have a cabinet meeting as well as deputations and then a community lunch where we invite representatives from the broadest possible cross-section of the community. The broadest cross-section of the community is invited because we want to give the broadest cross-section of the community an opportunity to talk to government. With regard to yesterday's meeting, I do not think we could get a better example of a government that is prepared to open up to both questions as well as criticisms. What we did yesterday was invite those people who live in the Redcliffe area or who have an address there who had made a submission to the government in relation to the Moreton Bay fishing zone proposals. You do not have to be a rocket scientist to know that many of those people do not agree with the government's proposals. You do not have to be a rocket scientist to work out that it was a sign of a government opening itself to criticism and to the broad breadth of views on an issue that is controversial. Yes, one of the people who has made a submission is someone who fishes in the bay and is someone called Merri Rose. I think that is a demonstration of a government prepared to be open not only to questions but also to criticisms.

School Leadership, Principals

Mr REEVES: My question without notice is to the Minister for Education and Training and Minister for the Arts. An issue that is raised with me frequently is the need for schools to have strong and stable leadership. Some parents have raised concerns with me about the frequency of school leadership changes, when principals take on secondments at higher levels, and the effect that this has on their school. I ask the minister: what is the Bligh government doing to ensure that schools get the strong and stable leadership they need?

Mr WELFORD: I thank the honourable member for his question. He has a keen interest in schools in his area. I thank him for that. There is no question that the quality of our schools is essential to our strong state and to being a Smart State. It is widely acknowledged that school leadership makes an enormous difference to the achievements of a school and its students. In common with the honourable member, I often hear from parents and school communities who are concerned about the frequency of school leadership changes and the extent to which people are acting in positions.

While we want to provide promotional and professional development opportunities for our principals, we also want to ensure that our schools and our students do not suffer any detriment as a result. That is why our government has introduced a new guideline for appointing principals that is aimed at improving stability for school communities while supporting school leaders in their career paths. The changes that I have introduced will reflect our government's commitment to ensuring young Queenslanders receive the best possible education and our school leaders have their professional development supported.

Principals, of course, have a wealth of corporate and specialist knowledge combined with an understanding of their school community's needs. So they are often hard to replace when they are on leave or acting in another position. These new guidelines will limit the number and length of secondments outside the school so that a better balance is achieved between stability of school leadership and professional development opportunities. Under the guidelines, principals will be required

to commit to lead a school for at least two years before they take up a transfer or promotion to a position at another state school in Queensland. This will balance the wider requirements of schools around the state with the needs of local communities, who want consistency and stability in how their schools are run and how their children are taught.

Where a principal position falls vacant after the regular round of principal positions has been advertised, appointments can be made from the current pool of applicants rather than waiting yet another six months before schools are provided with permanent leaders. My intention is that no-one should be acting in a position for longer than six months and, ideally, any replacement principal should be able to be appointed and replaced within a one-semester or six-month period. By appointing someone from a pool of existing qualified applicants, where an applicant is adequately capable of filling the position, we will not only cut red tape but also deliver benefits to parents and students.

Continuity within our school leadership is important for maintaining and improving the educational outcomes of our students and the quality of schools across our state. I am pleased to say that these new guidelines will ensure schools receive stronger and more stable leadership—something that all schools require.

Mr SPEAKER: Honourable members, I would like to welcome a further group of students and teachers from the Ferny Hills State School in the electorate of Ferny Grove, which is represented in this House by Mr Geoff Wilson.

Safety of Public Servants

Mr LANGBROEK: My question without notice is to the honourable Minister for Health. As a consequence of the failure of the minister's department to protect its staff, it has been issued with an improvement notice, requiring it to resolve all security related workplace issues throughout Queensland. In the interests of open and transparent government, will the minister undertake to table the improvement notice detailing how the law was broken, what actions his department has been directed to take and what date has been given for these actions to be completed?

Mr ROBERTSON: I am more than happy to table the document and will do so at an appropriate opportunity.

Close the Gap Forum

Mr O'BRIEN: My question without notice is also to the Minister for Health. The minister would be aware that today there is a Close the Gap forum here at Parliament House. Can the minister please inform the House how the Bligh government is working to improve the health status of Aboriginal and Torres Strait Islander Queenslanders?

Mr ROBERTSON: As I mentioned earlier, the Bligh government will today sign a special Indigenous health equity statement of intent. I am pleased to report that the Bligh government has already implemented a number of initiatives to improve the health status of Aboriginal and Torres Strait Islander people.

In July 2007 our government committed some $7.2 million for the Queensland Aboriginal and Torres Strait Islander alcohol diversion program. This program has been implemented in Rockhampton, Townsville and Cairns with outreach programs in Woorabinda, Palm Island and Yarrabah for Aboriginal and Torres Strait Islander people who are alcohol dependent or high-risk drinkers. The program offers bail based diversion for people charged with offences in which alcohol has been a contributing factor and also places for parents where the Department of Child Safety has assessed that their child is in need of protection and ongoing intervention. It includes a team of trained physicians and support workers from Indigenous service providers and government developed treatment plans which include detoxification and rehabilitation, counselling, welfare support and after-care support. We are also working to improve the health of Aboriginal and Torres Strait Islander children.

We have allocated some $21 million over four years from 2005 to implement primary healthcare services for children, young people and their families. We have progressively expanded culturally appropriate, evidence based children's and young people's health programs for the zero to 24 years age groups. This investment includes the rollout of health worker positions located in key Aboriginal and Torres Strait Islander communities across the state over four years. Positions already filled include 26 Indigenous child health workers, 29 sexual and reproductive health workers, a multidisciplinary health hearing team, three Indigenous child health coordinators and two maternal and child health educators. We have also recruited an additional 22 Indigenous child health workers, seven early intervention specialist psychologists or social workers and nine young parent support workers. These positions will work with other key stakeholders to implement health promotion strategies including home-visiting programs for vulnerable infants, increased access to child health checks, strengthening parenting skills and education in infant care, access to free parenting support, increased support for young parents and their babies in the antenatal and postnatal periods, and increased access to sexual and reproductive health services.

Kenilworth-Eumundi Road

Mr WELLINGTON: My question is to the Minister for Main Roads and Local Government. I table a map prepared by the Department of Mines and Energy which identifies the Moy Pocket quarry as a significant key resource in Queensland.

Tabled paper: Map, dated January 2007, by the Department of Mines and Energy titled 'Moy Pocket Key Resource Area, Cooloola and Maroochy Shires'.

I understand that over one million tonnes a year is currently being trucked along the Kenilworth-Eumundi Road from the quarry and that quarry management anticipates this haulage quantity will continue to increase with time. This road is a state government designated tourist road—route 22—and is in major conflict with the daily heavy haulage trucking activities. I ask the minister: will he prioritise the upgrade of this road before the next wet season?

Mr SPEAKER: Minister, there is only one minute to go. I am wondering if you would like to hold it over.

Mr PITT: Whichever the member prefers.

Mr WELLINGTON: I am happy for the minister to answer the question tomorrow. He can research it.

Mr SPEAKER: The time for questions has expired.

MATTERS OF PUBLIC INTEREST

Opposition Answers to Government Questions; North Bank

Mr SPRINGBORG (Southern Downs—NPA) (Leader of the Opposition) (11.30 am): Last parliamentary sitting week we saw the most extraordinary set of circumstances from the government: a government that had been in power for the best part of the last 20 years—out of ideas, stale, tired and arrogant—started asking the opposition questions in this parliament. It is with a great degree of pride that I happily table the answers to those questions on notice—I say to the Premier as she walks out—18 days ahead of the statutory time frame for answering those questions.

Tabled paper: Answers to questions on notice nos 552, 553, 566-573, 577, 586 and 587 asked on 17 April 2008.

It is very interesting to look over at many of the government members opposite who are now hiding their heads in shame at the sublime nature of the questions that they asked.

Mr SCHWARTEN: I rise to a point of order. There are no members hiding their heads in shame here.

Honourable members interjected.

Mr DEPUTY SPEAKER: There is no point of order.

Mr SPRINGBORG: Right on cue, from the direction of the Leader of the House, they lifted their heads and put them back down again. It is interesting to note that we have government members who have not once in their time in this place asked a minister a question about freedom of information yet they are prepared to ask the opposition questions about freedom of information.

Mr REEVES: I rise to a point of order. I find the statement untrue and offensive. We actually get other opportunities to ask questions.

Mr DEPUTY SPEAKER: There is no point of order. The member knows that that is a frivolous point of order.

Mr SPRINGBORG: I think it says a lot about a government that has been in power for so long—the best part of the last 20 years. It is stale, it is tired, it is out of ideas and bumbling its way along.

Ms Jones interjected.

Mr SPRINGBORG: One of the members here who was interjecting asked a question about freedom of information. She at no stage asked her own ministers a question about freedom of information.

Mr Reeves interjected.

Mr DEPUTY SPEAKER: Order! Member for Mansfield.

Mr SPRINGBORG: It is very interesting when we propose to introduce laws into this parliament that open up access to information to the people of Queensland that members of the government ask us why. It is an alien concept. Why do we want to give this information to the people of Queensland? What is this alien concept of openness, accountability and transparency? It is something the government has not indulged in during the time it has been in power in Queensland.

My challenge to government members is to actually match the opposition and to answer those questions within the time frame that we have answered them—18 days ahead of time. Again we saw reflected in this parliament today the lack of accountability, arrogance and staleness and the fact that

this government is moribund and financially broke. When we asked the Minister for Sustainability, Climate Change and Innovation a question about how long the government has known about serious crown law advice with regard to the illegality of the fees that his department was charging people in Queensland, he stood up and gave some lame excuses about how there might have been a question about this or a question about that or a question about something else.

Ms Jones interjected.

Mr SPRINGBORG: When the member for Murrumba was asked about it he said that you could close your eyes and dream about it, that you could imagine that it might be legal or it might be illegal. At the end of the day it is like the 'praying for rain' philosophy to fix our water crisis in Queensland: if it does not rain we might have to do something. That is no way for a government to conduct itself in the 21st century when it is supposed to have the best of legal advice available and when it was advised some five years ago that there were very serious questions about the legality of fees and charges being imposed by the department of environment in Queensland, and yet it did nothing. Its only hope was that people were not resourced well enough to take it to the High Court and challenge it. Surely the role of any government is to address these issues when they come to its attention, not put them off.

Ms Jones interjected.

Mr SPRINGBORG: I say to the honourable member for Ashgrove that she can start by asking a question of government members about freedom of information, about openness and accountability and why it is right for hundreds of thousands of documents to have been taken and hidden in the cabinet process purely to protect the Labor Party and its interests. That is the question that the honourable member should be asking instead of interjecting when I am talking about issues that are important to Queenslanders.

What did we see today from the minister? Ducking, diving and weaving. Surely if concerns are raised by the likes of the Auditor-General and officers of crown law, any government that wants to make sure that it is putting in place the best legal provisions to underpin its running of government and the collection of fees in this state should move posthaste to put in place that particular framework. It has done none of that. Today we heard the Premier let the cat out of the bag when she asked us for bipartisan support for the introduction of the new system. We have no problem with the new system, but we have very, very serious problems in relation to the quantum of those fees and charges. We see here a government that is broke, a government that is heading towards a $55 billion debt costing about $7 million a day, ramping up to $10 million a day. What it wants to do is take that money from Queensland businesses—many of them cannot really afford to pay the quantum that is proposed—to pay for its financial incompetence and maladministration in Queensland. That is what this is about. It is not about polluter pays. It is not about making sure that we have the best environmental systems in Queensland; it is about taking as much money as possible from people in a blatant cash grab to top up the government coffers which, as I said, are going to be accruing the Queensland taxpayer $10 million a day in interest every single day in the next couple of years with no repayment plan for the principal.

How can the Premier and the minister for the environment, with any sort of credibility whatsoever, stand up here and say that they care for the environment and that we have a good environmental record in this state? Only a couple of weeks ago the government received an E rating on the state of the environment in Queensland. Unless something has happened since the time that my colleagues and I went to school, there is no possible lower rating than E—unless they have brought in an F or a G or something else along the way. The government should not stand up in this place and lecture us that it is about improving the state of the environment and environmental compliance when it has such an appalling compliance record. It has had the best part of 20 years to fix the environment in Queensland and it has done absolutely nothing about it other than tax people, tax people and tax people.

The minister for transport sought to justify the Labor Party's use of the gravy train. The government members who felt that it was their right to take that train should take a leaf out of the book of myself and the Deputy Leader of the National Party, Fiona Simpson. A while ago we actually got on a train at Central Station with other commuters and saw for ourselves what it was like to be on that train in peak hour. We looked at the stations as we went past. It just goes to show the exclusive nature of the Labor Party. After almost 20 years in office those opposite feel that they have a right to govern in Queensland—do not mix it with the commuters or the workers, do not go out there and find out what the average mums and dads are doing; hire your own special train where there is cheese and biscuits, fruit and fruit juices and waiters at hand. I cannot ever remember being on a suburban train going anywhere where we have had cheese and biscuits and fruit juices. In fact, I do not think food is supposed to be taken onto trains.

The Labor Party believes it is something special. This is the hubris that comes from believing it has been in government so long that it can actually do anything it likes. Those opposite should be matching it with the regular commuters, so that they can experience and understand what they go through. They could have turned up at Central Station and bought a ticket and gone to the stations they wanted to go to and talked to people along the way, but they chose not to do that.

Finally, I want to talk about the issue of Multiplex. Is it not a most extraordinary situation that this government has invented a new way of doing business in this state—design by inquiry? We need to know what process the government has followed. We need to know the details of the contract with Multiplex. Is the government locked in? What is the impact of this on Queensland taxpayers? This whole process has been a shambles from day one. The government has now locked Queenslanders into a process that is not giving the best outcome. Maybe the best thing to do would be to do away with the whole anachronism that would be the North Bank redevelopment, get rid of what would be a blight on the city and lead to a serious risk of flooding affecting Queenslanders further down the track.

Binge Drinking

Mrs ATTWOOD (Mount Ommaney—ALP) (11.39 am): I rise to bring to the attention of the House one of the more serious public health issues in Australia today, and that is binge drinking. In 2005-06 I chaired the Safe Youth Parties Task Force which was established to look at the increasingly common problem of large numbers of young people gatecrashing parties and the resulting violence. During that process I consulted with the community by hosting a number of forums in centres throughout Queensland, conducted youth surveys, received written and verbal submissions, visited local high schools and met with government departments, stakeholder groups and assistant police commissioners, including those in regional police jurisdictions. Ninety-four submissions and 293 surveys were received. The task force's work in researching the subject, consulting with the community and stakeholders and putting this report together was only a very early step in the process of establishing safer communities.

Many of the negative consequences of youth parties are tied up with broader social issues such as parental responsibility, drug and alcohol abuse, and the social and economic development of young people et cetera. We discovered that the major causes of parties getting out of control were under-age drinking, parental responsibility and gatecrashers. The report addressed those key issues and was subsequently tabled in the parliament. This was followed by setting up the Youth Violence Task Force.

Under-age drinking or binge drinking is a risky pattern of alcohol use that is generally defined as females having five or more standard drinks in a row and males having seven or more standard drinks in a single session. The tragedy of binge drinking is that increasingly it is involving girls and boys—kids. The real issue is that today teen drinkers start younger, drink more and indulge in binge drinking to a greater extent than any previous generation. I am not talking about a 14-year-old who might be allowed a glass of champagne at a family wedding or birthday; I am talking about a far more dangerous preoccupation. We know that the average age of first consumption of alcohol is 14 years. A one-off sneaky sip behind mum or dad's back is one thing but regularly drinking to get drunk is another, and research suggests that that is exactly what is happening in our communities.

The 2004 National Drug Strategy household survey found that one in three 14-year-olds or 35 per cent over-consumed alcohol. Not only is this age group the highest consumers of alcohol in Australia, but it is also at the highest risk of alcohol related harm such as falls, illness, accidental death, sexual violence and risk-taking. The Australian National Council on Drugs recently released a report that estimated that more than 30,000 15-year-olds and one in five 16- to 17-year-olds binge drink every week. Alcohol causes 4,300 deaths a year, is responsible for 40 per cent of police work and is a factor in up to one in five road deaths. Some 450,000 Australian children under 12 are at risk of being exposed to binge drinking in their homes by a parent or another adult. Some 35 per cent of Australians drink at levels that risk short-term harm and 10 per cent at levels that risk long-term harm. Those statistics come from the Australian Institute of Health and Welfare. Alcohol is at the top of the list of drugs that Australians seek help for. Apart from this, alcohol abuse can lead to varying degrees of brain damage in young people aged between 10 and 25, which is when the brain is still forming. Many will then go through life with acquired brain impairment. Mothers who drink during pregnancy risk passing foetal alcohol syndrome on to their unborn babies.

On 7 April at a regional community forum in Morayfield hosted by the honourable member for Pumicestone, Carryn Sullivan, I raised for discussion with community forum members the issue of binge drinking. Forum member Beryl Spencer suggested that we need to work on a strategy to discover what lies behind binge drinking. Issues could include poor parenting, a lack of boundaries, a failure to teach responsibility, children demanding rights without responsibility, low self-esteem and peer pressure, bullying in many forms including through the use of mobile phones and emails, poor levels of leadership particularly shown by sporting heroes, and the fact that parents may not warn children of a family predisposition to alcohol or drug addiction. Forum members and members of the public contributed to the debate that day and suggested that we need to provide information and education about what is acceptable for a safe and healthy life.

Time expired.

Volunteer Mentoring Program

Mrs SCOTT (Woodridge—ALP) (11.45 am): If we are ever to effect change in areas of disadvantage and break the cycle of generational unemployment and have families living healthy lifestyles, children fully engaged in meaningful education and young people with high values and aspirations for their future, we need to re-engage that part of our community that, for whatever reason, has disengaged. In my electorate of Woodridge considerable funding has been spent to provide services, resources and facilities to raise the level of opportunity for residents and to ensure the area continues to be a safe, attractive and vibrant place for families to live, work and play. I particularly pay tribute to Minister Schwarten for being such a strong advocate for my community through the Community Renewal Program, which has been responsible for so many worthwhile projects in the area. I can also attest to the tremendous effort our myriad volunteers and service providers have put in to implementing many programs. If there is one thing I have learnt over the years it is that where you find pockets of disadvantage you will find absolutely dedicated people working in all fields to bring about change and ensure a better future for all.

It is widely acknowledged that on many of the indicators the Woodridge electorate does fall into the category of disadvantage, although the salt of the earth people who have loved living there for many years will never claim that tag. They are at the top of the happiness quotient where people are more important than possessions and their involvement in their community and neighbourhood fills their needs. With high-density public housing, the perception of cheap rental accommodation—which is now a myth—and the superb services that are available, many people have chosen to locate to Woodridge. I have often likened my electorate to an intensive care unit where hurt and troubled people come. We plug them into our services, heal them and send them on their way. Many move to other areas and other 'ICU patients' move in.

This is the background against which a great new project has been born. If ever we are to effect lasting change, we need to engage and support our young mothers and ensure their skills are such that they will be able to raise their children to be confident and healthy young people, ready to take their place in a very challenging world. We started in 2006 with a number of people, including several primary school principals and others interested in early childhood development, meeting in my office. It was clear that, with so many young mothers in the area, existing services could never hope to adequately work with them. Since that time much consultation has taken place leading to a recent application to Community Renewal for a paid coordinator to set up a volunteer mentoring program for young mothers. I thank our local Community Renewal workers for their assistance and Minister Schwarten as the application for funding has now been approved.

The Kingston East Neighbourhood Group was accepted as our delivery agent because of its long association with the community and the complementary family programs that it has run over many years. Mentors will be sought from experienced women in the area who have successfully raised families. I have received expressions of great interest from businesswomen, service organisations, workers in departments and existing volunteers in such areas as P&Cs, Neighbourhood Watch groups, churches and so on. Once mentors have received their blue card, they will attend a short mentoring course and be introduced to the young mother selected. This is not a program for intervention; rather, it is to form a trusted friendship with mother and child and to walk their journey with them. Mentors may be able to assist with parenting and referral to courses and services, preparing nutritious meals, budgeting, effective play and reading to the child and generally being there to share their challenges and their joys. Young mothers who may choose to be part of this program could be new mums whose babies have been born in Logan Hospital and who do not have a support network or young mums in the POWER program at Mabel Park State High School, where currently 26 young mothers from as far away as the north of Brisbane and the Gold Coast are continuing their high school education. We will also contact play groups, school chaplains, principals and community health—in fact, wherever young mothers may be found. I pay tribute to all of those who worked on this project. Over the past 18 months some of them such as—

Time expired.

Mr DEPUTY SPEAKER (Mr English): Order! Before calling the honourable member for Clayfield, I would like to acknowledge in the public gallery another group of students, staff and parents from the Ferny Hills State School in the electorate of Ferny Grove, represented in the chamber by the Hon. Geoff Wilson.

Public Transport

Mr NICHOLLS (Clayfield—Lib) (11.50 am): I would like to deal with a couple of things in relation to public transport in south-east Queensland, particularly the insinuation by the minister that in some way, shape or form we had not followed up the 'gravy train of fame' for the ALP. In doing so, I table a letter I sent to the chairman of the CMC yesterday asking him to investigate all aspects of the ALP's secret 'gravy train' magical mystery tour.

Tabled paper: Copy of a letter, dated 28 April 2008, from Mr Tim Nicholls MP, Deputy Leader of the Liberal Party, to Mr Robert Needham, Chairman of the Crime and Misconduct Commission, relating to the use of a Queensland Rail CityTrain.

The government continues to prove it is all talk and no action when it comes to transport in south-east Queensland. Not only do we experience congestion on our roads on a daily basis but we also experience congestion on our trains, buses and ferries. Everyday commuters using the public transport network are faced with delayed, cancelled and overcrowded trains, with little hope of any improvements in the near future, despite this government's promises. Most recent was the government's promise to make commuting easier under its $130 million go card ticketing system. Yet more than five years after that promise was first made we are still experiencing failures in the new system. This is despite assurances from the previous minister and the current minister that they wanted the system 100 per cent right before it was rolled out. Commuters are being overcharged by reason of software faults while the minister single-handedly almost started a strike by blaming bus drivers for problems that are of his department's making.

But what ultimately sums up the government's inability to run transport in the south-east was the recent rollout of the new Citytrain timetables. Even before those timetables started, my office was contacted by commuters who had discovered mistakes and inconsistencies. Luckily for those commuters they were not left stranded at the train station as were some Gold Coast commuters after the QR timetable listed a nonexistent train 40 minutes after the last service. That was just the start of the problems. When the timetables officially commenced at the end of last month, commuters were thrown into chaos as many peak-hour services were reduced and six-car sets were replaced by three-car sets, while the new running times failed to consider the needs of those commuters using the service. I was contacted by commuters angry that they were left stranded and made late for work because this government cannot run a reliable public transport network.

Commuters travelling on the Ferny Grove line experienced firsthand the problems with the new timetables. Many people were caught off guard as the number of peak-hour morning services were reduced, while three express services travelling from the Enoggera train station were cut. Hundreds of people were left behind as already overloaded trains stopped at crowded inner-city stations while the new express services passed by relatively empty. One commuter who contacted my office summed the situation up well when he wrote to me and said—

The new timetable provides significantly less service than the one it replaces (which also provided inadequate service).

His sentiments were echoed across the network and in the readers' comments recorded on the *Courier-Mail* web site, which at my last count had received over 300 comments. Among some of the better lines were—

I lived in London and used the tube for 9 years. I have also travelled during the rush hour in Tokyo. Neither were as bad as the Ferny Grove line on Monday!

Another one read—

Funny, I sent QR an email regarding how annoyed I was at their service to Ferny Grove in September, I was promptly advised that the service won't be reviewed until March and that it will "fix" all of my issues. March comes around and it is worse! Two express trains to the city is all they offer, QR get your act together and stop treating Ferny Grove travellers as cattle.

I am sorry that the kids from Ferny Grove have to be in here to hear all of this. Don't catch the train, kids. It is not working out your way.

Government members interjected.

Mr NICHOLLS: Do not worry, because the people on that side never catch the train. They would not know unless it is a special—unless it is the gravy train.

Government members interjected.

Mr DEPUTY SPEAKER: Order! Resume your seat!

Mr NICHOLLS: They are a little sensitive, Mr Deputy Speaker.

Mr DEPUTY SPEAKER: Order!

Mr NICHOLLS: I am the speaker, Mr Deputy Speaker.

A government member interjected.

Mr DEPUTY SPEAKER: Order! You do not have the call. I call the member for Clayfield.

Mr NICHOLLS: They are a little sensitive, Mr Deputy Speaker. Problems are also experienced on the Cleveland line. Under the changes, the number of services that travel to the end of the line, to Cleveland station, were reduced, with a number of trains terminating at earlier stations. This has resulted in something like a 40 per cent reduction in services for commuters travelling from Manly station, while between 4 pm and 6 pm 30 per cent of services from Central to Cleveland terminated before the end of the line. This is despite the fact that Cleveland station is used by commuters not only from Redlands but also from the surrounding bay islands.

Even this government's own members are critical of how it has run public transport. There are e-petitions by the member for Sandgate and the member for Yeerongpilly, requesting a better fare structure in the case of the member for Sandgate and requesting a return of Airtrain services in the case of the member for Yeerongpilly, who made an adjournment speech in the last sitting week and also wrote a letter in respect of it.

This is an example of this government's failure to efficiently run a public transport service. By all reports, it would seem that to travel in Queensland with ease you do not need a go card. All you need is an ALP membership card—one flash of it and you are on the gravy train for life.

Housing Affordability

Ms PALASZCZUK (Inala—ALP) (11.55 am): Many Queensland families are finding it increasingly difficult to make ends meet, with rising interest rates, rising rents, increases in petrol prices and increases in the cost of groceries. No-one can deny that this year the housing affordability crisis is worsening as families are finding it more and more difficult to make ends meet.

I have witnessed firsthand the families who come into my office on a daily basis describing their housing situation. Last month, for example, two family members came to see me. The sister is undergoing treatment for cancer and they are both struggling to find another rental property as the house they are living in is being sold. They have gone to numerous real estate agents and they have been told time and time again, 'You are both on disability pensions and you cannot afford to rent in Inala.' Let me repeat that one more time: 'You are both on disability pensions and you cannot afford to rent a house in Inala.' They have had their name on the housing list for years and last week they were confirmed for priority housing. I also recently met a family who are sharing a three-bedroom house with another family—so 11 family members in a three-bedroom house. I heard firsthand how their two young sons are finding it hard to study as they are sleeping on mattresses on the lounge room floor. Real estate agents will not return this woman's calls. They cannot afford to live in Inala.

This year my office has been overwhelmed by families in need of urgent housing. Earlier this year I asked the Department of Housing to see what properties in Inala are being utilised by community groups which are owned by the department. I did this with the aim to find these groups alternative accommodation and, most importantly, to free up these houses for families most in need. Many of these community groups were placed in these houses in Inala many years ago when there was a surplus of housing stock. The number of community groups occupying these properties will be identified next month. We are looking at trying to see which one of these groups can actually move up to the Richlands community hub, which will be set up for office accommodation.

Already the Department of Housing, through Community Renewal, is in discussions with the Inala Youth and Family Support Service. In addition, the department is liaising with the South West Brisbane Tenants Group to free up their house as soon as possible. This group rarely meets in their house and they have been offered an alternative meeting venue at the office of the Department of Housing in Inala. I am advised that three houses being utilised by Q-Build are being freed up to return to housing stock. I have also asked residents in my electorate to contact me if they notice a vacant house in their street. We need to do an audit of all of these vacant houses and let families move into them as soon as possible.

Addressing the issue of housing affordability does not just mean the provision of social housing. It also means the creation of a range of housing options for families. The Brisbane Housing Co. is in the midst of building 30 two-bedroom and three-bedroom town houses in Inala at a cost of $5.2 million. Construction of these units is well underway. We are also seeing the construction of additional private town houses in Inala, Richlands and Darra which will result in cheaper rental options for families.

The Queensland government is committed to addressing the housing needs of families, not just in Inala but right throughout Queensland. According to its 2006-07 annual report, the Department of Housing assisted almost 255,000 Queensland households by providing 78,000 households with social rental housing and helping 176,000 households access or sustain private market tenure. This included assisting over 18,000 Indigenous households, 24,000 households with a person with a disability and 27,000 households with an older person. These figures are indeed impressive.

In 2006-07 the department assisted more than 78,000 households across Queensland with social rental housing—an increase of 4,118 households, or 5.6 per cent compared with the previous year. This is no small feat and I pay tribute to the Hon. Robert Schwarten, the minister for housing, for his commitment to social housing throughout Queensland.

As the minister stated in a ministerial statement early this month, over 1,900 people have been assisted to move into social housing over the past three months. In addition, the department is spending the equivalent of $3.35 million each and every day on social housing in Queensland. The minister for housing just this morning announced a new departmental trial called RentConnect, which will see Department of Housing officers working with real estate agents to help people into the housing market. This is a great initiative and I applaud him for this. I notice he said that this initiative was going to be trialled initially in Caboolture and Rockhampton, but I will be the next person to put my hand up and say that I want RentConnect rolled out to Inala.

I am passionate about social housing. I believe that a family needs a good start in life, and it is hard to address other issues if you are constantly worried about where your family will sleep at night. As one man told me last week, he has two months to leave his rental property as it is being sold. He has been going to real estate after real estate and said to one real estate agent, 'Mate, it's not about me; it's about my kids.'

Justice System

Mr McARDLE (Caloundra—Lib) (12.00 pm): The justice system in Queensland is undoubtedly struggling. As is often said, justice delayed is justice denied. According to the 2008 Australian Productivity Commission, Queensland has the most inefficient and congested justice system in Australia. By any measure it could be argued that the Queensland justice system is in crisis. Like Queensland's increasing traffic congestion problems, the hospital crisis and the long-running water restrictions on people living in south-east Queensland, blame for this problem can be sheeted back to this Labor government's neglect.

The former Director of Public Prosecutions raised her concerns about the chronic underfunding and shortage of public prosecutors when she was sworn in as a District Court judge early this month. This was not a problem that was magically discovered on 23 April 2008. Five years ago Ms Clare also warned of chronic staff shortages, noting that in 1992-93 the average case load was 96 matters per lawyer. This rose to 137 matters per lawyer in 2002-03. Understandably, some crown prosecutors are now struggling to handle up to 200 cases each, and the DPP's Victims Support Services is sinking. Fourteen support officers dealing with 40,000 inquiries last year means volunteer community groups are flooded with emotionally distressed witnesses and victims of crime. Increasingly, public prosecutors are not able to keep up with the workload and are not prepared for court. Judges are at their wits' end complaining that they are not ready to proceed. We now have a court system accustomed to delays.

While the Attorney-General now recognises there is a serious understaffing problem, there is little evidence that he is doing anything about it. In 2006-07 Queensland spent $173 million on court administration, while New South Wales and Victoria spent $348.5 million and $213 million respectively. Not surprisingly, there were over 34,000 criminal cases and more than 35,000 civil matters caught up in Queensland's court gridlock. There is a serious problem when a state as big as New South Wales, with more than 2½ million more people, has half the criminal case backlog, but New South Wales is tackling its criminal case load far more efficiently. Introducing a front-end loading of resources could facilitate more efficient legal administrative procedures that substantially reduce the court preparation time for both prosecution and defence, reduce the demand on police resources, courts and jury costs as well as limit stress on victims and witnesses.

Queensland's Children's Court had a backlog of 2,243 cases last year, and 29.9 per cent of Queensland youth offenders were waiting more than six months for a court date, while 13.2 per cent of youth offenders were waiting more than one year for their day in court. While we have heard about a decade of unprecedented population growth, we have not seen a corresponding increase in law and order services or reforms that would enable the state's justice system to balance the rights of innocent people against the rights of those that could do them harm.

The Office of the DPP has a vital role to play in Queensland's justice system, and it will require a leader who is as fearless in the prosecution of our state's laws as they are independent from the political interests of this government. However, it is often said that he who controls the purse strings controls all those who depend on the purse. In recent times the DPP has been criticised for its sluggish bureaucratic management processes and some questionable prosecutorial decisions. In the main, I believe problems with the Office of the DPP can in part be attributed to the removal of the responsibility of the former CJC to monitor and audit the DPP's functions. The recently reported comments of Andrew Boe that this function has instead been surrendered to a political adviser within the Premier's department are very worrying. This Labor government's structural subordination of the DPP is a serious threat to its erstwhile independent function in the state's justice system.

I note that the independent Director of Public Prosecutions in New South Wales is resisting similar moves there because it could provide a means of access and control for a political operative to tap into prosecution processes including advice and investigations that could involve political allies or threats. Most Queenslanders would shudder at the thought of a partisan political adviser controlling the processes and functions of public prosecutors.

Queensland needs a robust justice system with a swift, firm and fair process. Nobody's interests—innocent or guilty—are well served by a painfully long and drawn out wait to access the court system for justice. It is simply unacceptable that Queensland now has the most inefficient justice system in the nation. For this reason, there needs to be a substantial reform so that we can provide Queenslanders with a more efficient justice system that is supported by a truly independent public prosecutor.

Q150 Celebrations

Mr REEVES (Mansfield—ALP) (12.05 pm): The year 2009 will be a momentous year for Queensland as we will be celebrating Queensland's 150th celebrations—or Q150 as it will become known—across Queensland from January to December 2009. Q150 will commemorate Queensland's independence from New South Wales as a colony. This anniversary gives us an opportunity to celebrate and reflect on what it means to be a Queenslander. Four broad themes of history, people, places and future will support the vision for the celebrations—reflect on our past; imagine our future. As a government, not only do we want a special focus on 2009 with lots of great celebrations being planned across the length and breadth of Queensland but also we want to leave a lasting legacy. That is why 91 communities are benefiting from our $100 million Legacy Infrastructure Program, and many are now taking shape.

In the past six months or so I have had the great pleasure of visiting these communities and seeing firsthand the progress on behalf of the Premier. For example, a couple of weeks ago I had the great pleasure of travelling to the Mount Isa region with the member for Mount Isa and the member for Mount Ommaney for part of the trip. We dropped into the small in number but large in enthusiasm town of Croydon. I have never met a more enthusiastic group of people in all my life, particularly Mayor Corrie Pickering and council officer Janette Willis. They love their town and their history and talk with great anticipation about its future. The project that they have received $250,000 for is a new tourism complex which will house displays and exhibitions that celebrate the Gulf Savannah region, which fits perfectly into the area where they already have a well-established tourist precinct. The centre will capture the town's political, sporting, agricultural, multicultural and mining heritage while providing the region with new tourism and economic benefits.

Normanton was our next stop. People there demonstrated to us how they are going to use $38,600 in funding to construct 15 signs at relevant and historical points throughout the town of Normanton and how they will be incorporated in the town's historical walk. We toured one such site, which was the old watch-house—and that was a pretty scary sight—right next door to the council chambers. We also had the pleasure of meeting the new mayor of Normanton, Les Wilson, who demonstrated to me that he has a realistic view of how council and state government can work closely together.

We then moved on to Karumba, where we had discussions with a group of locals including Lyn and Doug from the End of the Road Motel. They are looking at doing a community funding project. Their application is in the second round and I wish them success in that. Their idea involves a historical look at the fishing industry in the Karumba district. I must add that the sunset at Karumba is not to be missed, if anyone gets the opportunity to see it.

The next day the member for Mount Isa and I visited Cloncurry and had a look at the Q150 project to repair the Qantas plane hangar. We also had the pleasure of meeting the new mayor, Andrew Daniels, who impressed me with his passion for his region and his ability to look outside the box to find solutions to issues in his region.

The next day we travelled to Hughenden and met with Deputy Mayor Greg Jones and some local residents where we distributed $200,000 for a project which includes the development of an ecowalk along the banks of the Flinders River, planting of native flora and installation of public art, interpretive signage and rest points. The ecowalk will attract visitors and tourists coming to admire the natural expressions and rock formation geographical features from four bioregions throughout Queensland.

The final part of the trip from a Q150 perspective was to present $50,000 to Mayor John Wharton of Richmond for a project to establish a replica of an original building, mirroring the original in design and materials, including the use of local stone. This will provide a place for learning about Richmond shire's past. The complex will also incorporate stables and a holding area for horses and sheds which house the original Richmond Cobb & Co. coach and a working blacksmith's shop. This very enjoyable trip demonstrated to me that these infrastructure projects mean a lot to towns. I am proud to be part of a government that is supporting communities across Queensland not only to have great celebrations in 2009 but also to have lasting infrastructure to remember this significant milestone in our great state's history.

During the trip we also attended the Queensland Events regional funded project, the Julia Creek Dirt and Dust Festival. I had heard stories about this event and I found out they were all true—whether it is the country race meeting, the national class rodeo, the triathlon or the famous bog races. It is an event that everyone should try to experience. The population of the town and region nearly triples for the weekend. There is something infamous about good old-fashioned outback hospitality. Mayor Paul Woodhouse—a great bloke—made sure that guests like the mayor of Ipswich and I enjoyed ourselves. I take this opportunity to thank the community out there and particularly the member for Mount Isa. One could not find a more passionate advocate for their area. It was a great pleasure to spend five days with her looking at her electorate. I think I only touched on a part of it. Congratulations, member for Mount Isa, on a great electorate!

Bundaberg-Burnett Patient Support Group

Mr MESSENGER (Burnett—NPA) (12.10 pm): Today in the gallery are more than a dozen members of the Bundaberg-Burnett Patient Support Group, which mostly comprises patients and victims of Queensland Health during the time that Jayant Patel was an employee of this government at the Bundaberg Base Hospital. They have taken the long five-hour train journey from Bundaberg today to express a number of important things. First of all they would like to voice their disgust at the miserly and unjust compensation deal that the Labor state government has forced on Bundaberg Hospital victims and widows. They would like to express solidarity with fellow victims and families who have been unfairly and fraudulently excluded from the compensation process. They demand answers and full details of the total compensation paid to date. They demand that an independent investigation, preferably led by Tony Morris, review the government's special compensation process.

They ask that the state immediately appoint a top prosecutor to the Patel case and send that person to the US to be an observer so that they may be able to assist the US lawyers running the extradition process and understand the arguments and tactics being adopted by Patel's defence team. This suggestion has come directly from former royal commissioner Tony Morris, who makes the point that, by contrast, when the Australian government was trying to extradite Christopher Skase from Spain it briefed one of the top QCs in the country, Ian Callanan QC, later a High Court judge, and he travelled to Spain and observed the extradition proceedings even though they were in Spanish. They make the point to all governments and media organisations that their group—an incorporated body which holds regular minuted meetings, keeps financial records and holds annual elections for office bearers—is a significant peak body for victims. Mr Ian Fleming, as president, is their authorised spokesperson, and Queensland Health hospital board member Mrs Beryl Crosby does not have the authority to speak on their behalf.

This group wants this place to know that Mrs Crosby has greatly harmed and hindered the compensation process for the vast majority of Patel patients because she continually defends the government's unjust and despicable compensation process. By becoming the government's mouthpiece, Mrs Crosby has cost victims thousands of dollars because the broader community thinks that she speaks on behalf of the majority of Queensland Health and Patel victims.

Ms Male interjected.

Mr DEPUTY SPEAKER (Mr English): Order! Member for Glass House.

Mr MESSENGER: Therefore, the government feels confident in ignoring legitimate voices.

Mr Moorhead interjected.

Mr DEPUTY SPEAKER: Order! Member for Waterford.

Mr MESSENGER: I invite the member for Mansfield and the member for Waterford to come and speak to these people. We are having a barbecue on level 7. You tell them—

Mr DEPUTY SPEAKER: Order! Member for Burnett, you will direct your comments through the chair and not to individual members.

Mr MESSENGER: Thank you very much for your direction, Mr Deputy Speaker. In all probability Mrs Crosby, who was never operated on by Patel, has more than likely received from this government more compensation for a misdiagnosis than have most widows and other patients who have had to endure horrific medical procedures and lasting pain.

Mr Reeves interjected.

Mr DEPUTY SPEAKER: Order! I call the member for Burnett.

Mr Reeves interjected.

Mr DEPUTY SPEAKER: Order! Member for Mansfield, I warn you under standing order 253. I call the honourable member for Burnett.

Mr MESSENGER: As I was saying, Mrs Crosby, who was never operated on by Patel, has more than likely received from this government more compensation for a misdiagnosis than have most widows and other patients who have had to endure horrific medical procedures and lasting pain.

Mr DEPUTY SPEAKER: Order! Member for Burnett, you are coming extremely close to matters that are before the court and are sub judice. I ask you to desist from that line and continue with your speech.

Mr MESSENGER: This government has created a secret, special compensation process where widows of Queensland Health victims receive only just enough money to cover the cost of a funeral. A widow I recently spoke to said that her husband went to the Bundaberg Base Hospital for a toe operation and—

Mr DEPUTY SPEAKER: Is this one of the charges against the doctor?

Mr MESSENGER: I do not believe it is.

Mr DEPUTY SPEAKER: Yes or no?

Mr MESSENGER: I do not believe it is, no.

Mr DEPUTY SPEAKER: Have you checked? I need to be convinced that this matter is not sub judice.

Mr MESSENGER: I do not believe it is sub judice.

Mr DEPUTY SPEAKER: Have you checked?

Mr MESSENGER: No.

Mr DEPUTY SPEAKER: In that case, I direct you to move away from that topic of conversation.

Mr MESSENGER: Thank you, Mr Deputy Speaker. The whole special compensation process has been compromised because the lawyers and doctors are relying on patient medical records which are more than likely false and fraudulent.

Time expired.

Sunshine Coast

Ms MALE (Glass House—ALP) (12.15 pm): I rise this afternoon in support of the Sunshine Coast. This morning on ABC Radio Mr Terry Ryder decided to call the Sunshine Coast the worst place in Australia to purchase property. To start with, Mr Ryder claimed that the Sunshine Coast is unaffordable and went on to talk about illegal marketeering processes. In 2001 the state government legislated to protect consumers from unscrupulous two-tier marketeering and since that time has conducted many compliance and enforcement activities to ensure consumers are protected. At this point in time the Office of Fair Trading is not aware of any recent instances on the Sunshine Coast. If Mr Ryder has evidence of marketeering, I urge him to bring it to the attention of the Office of Fair Trading as a matter of urgency. It is important for the real estate market across the coast that fair prices are offered and marketed correctly so that confidence can remain in one of the coast's most important industries.

I would also have to argue with Mr Terry Ryder about his other reasons. In his interview he stated that problems include crime, lack of infrastructure and medical facilities, and drug problems. I am not sure where Mr Ryder is getting his information from, but the most recent crime statistics show that crime rates on the Sunshine Coast have decreased. Taking into consideration population growth, last year the Sunshine Coast recorded a decrease of 29 per cent in rapes and attempted rapes, and other sexual offences decreased by 17 per cent, the rate of overall robbery dropped by 15 per cent, assault incidents decreased by four per cent, the overall rate of unlawful entry offences decreased by 23 per cent, the rate of unlawful use of motor vehicle offences recorded a 32 per cent decrease and drug offences decreased by 10 per cent. Yes, the Sunshine Coast has crime—no-one denies it—but to paint it as the crime capital of Australia is outrageous and untrue.

Let us look at infrastructure. Population projections for the Sunshine Coast suggest that the population will be over 400,000 by 2021. To cope with this the state government, through the South East Queensland Infrastructure Plan and Program, has allocated $13.24 billion for Sunshine Coast projects up to 2026. The Sunshine Coast is a high-growth area that needs careful management to ensure it does not lose the special qualities that it is renowned for. The South East Queensland Regional Plan will help manage this population growth and changing landscape in the most sustainable way for generations to come. Apart from the ongoing funding and upgrades at Nambour and Caloundra hospitals, the state government has committed $45 million to a new health hub at Maroochydore and $940 million to the establishment of a new hospital by 2014 which will be built on an already acquired 20-hectare greenfield site at Kawana. The chosen location will be conveniently located adjacent to a future hub of regional growth, with planned residential, retail and commercial developments.

The state government will also open 11 new schools on the Sunshine Coast by 2026 at a cost of $437 million. One will be opened next year, three more will be opened between 2010 and 2014 and a further seven will open between 2015 and 2026. Rail upgrades to increase public transport patronage are also being planned and are currently being built. Work is going apace on the Caboolture to Landsborough duplication, with planning occurring for the Landsborough to Nambour duplication. The CAMCOS, the Caboolture to Maroochydore corridor, will, when built, provide seamless public transport all the way from Brisbane to Maroochydore, with a railway station at Australia Zoo. All of this will provide ease of transport along the coast. The government has already set aside almost the entire corridor length.

We have also put on additional bus services and will continue to ensure that public transport is a priority. Among Main Roads' accomplishments last year was the opening of the new Maroochy River bridge on 8 December, which was accelerated by 12 months as part of the Queensland government's $104 million upgrade of the Sunshine Motorway. Work is now proceeding on upgrading and widening the existing Maroochy River bridge and is expected to be completed by the end of 2008.

The state government is also committed to providing water security for residents who live on the Sunshine Coast through the northern pipeline interconnector and the proposed Traveston Crossing Dam. All of those projects—hospitals, roads and water infrastructure—will ensure the viability of the region for generations to come. People on the Sunshine Coast can be assured that the state government is committed to the enduring livability, viability and economic prosperity of this region.

I understand from a report in the *Sunshine Coast Daily* today that the new mayor and the business community are furious at the spurious claims being made by Mr Ryder and being reported as fact. It is very disappointing that someone who lives in our wonderful Sunshine Coast area would be making a conscious decision to run it down—or maybe that is the reason. I, like the many thousands of other people every year, have made a decision to invest in the Sunshine Coast. I am looking forward to retiring there sometime in the future with my husband, although I should point out that is a long way down the track. I am going to retire there because the lifestyle on the coast is fabulous.

I will throw in a good word for Giru while I am speaking. My husband was raised in Giru and, indeed, his mother still lives there—42 years after first moving there. I am lucky to spend my holidays there on a regular basis. It is a wonderfully friendly community where people look after each other. The CSR mill provides employment to local people and provides the service that is required for cane farmers. Yes, it floods every so often, but so do many other places. Obviously, Mr Ryder is not a keen fisherman. If he were, he would know how great the fishing season is and how people from all around Queensland flock there for the barramundi fishing. I am happy to support the Sunshine Coast and Giru and other places in my area.

Time expired.

Gladstone, Oncology Services

Mrs CUNNINGHAM (Gladstone—Ind) (12.21 pm): Mr Speaker—

Mr Hayward: Are you going to speak to us about Gladstone?

Mrs CUNNINGHAM: Yes, I am going to speak about Gladstone. This week a petition containing 4,500 signatures, which were collected in nine days, was presented to the parliament. It was sponsored by members of the Gladstone Cancer Support and Pamper Group. I would like to put on the record a letter they wrote to the Health Quality and Complaints Commission detailing their concerns. It states—

On behalf of the Gladstone Cancer Support and Pamper Group we would like to complain about the loss of the visiting oncologist for public patients in Gladstone.

We would like to draw your attention to the paper delivered to the Medical Journal of Australia by Underhill, Goldstein and Grogan in 2006 entitled 'Inequity in rural cancer survival in Australia is not an insurmountable problem.'

Here in Gladstone we certainly feel that Queensland Health is finding it an insurmountable problem! For some eight years an Oncologist from the Mater also looked after patients from the Public sector in Gladstone. This service is no longer supplied by the Mater.

It is unconscionable to think that Queensland Health have not made any inroads into providing this service themselves, despite the many cancer patients here in Gladstone.

Patients here now have to travel to Rockhampton for an initial consultation and treatment formulation plan. Thereafter, the patient will be seen by a doctor from the Gladstone Base Hospital—who is not an oncologist. As we understand then should there be problems they can be dealt with telephonically.

We quote from MOGA's website www.moga.org.au 'What to expect from your Medical oncologist.'

> An accurate assessment of your problem
>
> A realistic appraisal of the benefits of treatment to you (such as cure, control of the tumour, relief of symptoms)
>
> Knowledge of the various treatment options available
>
> The appropriate skills to explain your condition and your treatment options to you and your family
>
> A willingness to answer your questions regarding your cancer and its treatment
>
> The knowledge and skills to be able to deal with any symptoms you may have related to the cancer or the treatment
>
> A commitment to coordinate your care with your other doctors (e.g. surgeon, GP) and other health care professionals (eg. Nurses, social workers, physiotherapists)

With respect, the doctor at the base hospital has not spent years acquiring the knowledge of an oncologist. Cancer is a life threatening disease, and is often terminal. Those of us who are journeying along the cancer road need to know that expert help and knowledge is with us, not disembodied at the end of the telephone. The relationship we develop with our oncologist is extremely important to us. That person becomes the one person on whom we can rely and trust implicitly to talk to us, explain to us, be frank with us, offer us the alternatives so that we remain in control of the disease that would kill us.

We cannot emphasize more emphatically that unless the patient remains in control, remains positive and supported, cancer will indeed be hard to beat. We acknowledge that Queensland Health has provided the Gladstone cancer patients with an oncologist from the Royal Brisbane Hospital who will consult in Rockhampton.

With the knowledge that the oncologist from the Mater spent the morning seeing public patients when he came each week, we respectfully ask that you consider sending the oncologist to Gladstone one week in 3 or 4 thus allowing him to go to Rockhampton on the other 2 or 3 weeks.

Sick people, who are exhausted by the toxic chemicals that attack not just the cancer but their own bodies, who are nauseous, often have diarrhoea, ache and long for the haven of their own bed, will be negatively affected by a visit to Rockhampton. Surely it is within the bounds of reason to ask that the oncologist be diverted to Gladstone to see Gladstone patients at the Gladstone Base Hospital once a month?

I believe that is a very reasonable request on the part of these women from the Gladstone Cancer Support and Pamper Group, who themselves have experienced cancer and who are endeavouring to enhance the lives of others who are going through cancer treatment at the moment. The group states further in a note to me—

Our Hope would be for Queensland Health to arrange for the oncologists to come ... to Gladstone ... Your oncologist is your lifeline, your support, your hope that you can beat your cancer.

I add my weight to the request by these patients that the oncologist visit Gladstone on a regular basis to be able to see face to face those patients who develop a relationship of trust—indeed a life trust—and that they will be able to see that same oncologist on a regular basis, as has been the case in the past. I certainly put to this parliament those people's requests.

Volunteers

Mr WEIGHTMAN (Cleveland—ALP) (12.26 pm): Considering that the Queensland Youth Volunteer Awards occurred last week and that National Volunteer Week is just around the corner, I rise to remind the House of the importance of volunteers in our community and the continued celebration of their commitment to society. A volunteer is someone who works for free for a community or for the benefit of the natural environment primarily because they choose to do so. These people are doing something of their own free will. It is important that their contributions and roles be recognised in repairing social frameworks and relieving some of the financial burdens on their communities.

Recent events have raised the public profile of volunteers. The year 2001 was the International Year of the Volunteer as designated by the United Nations. Every 5 December is International Volunteer Day, which has also been designated by the United Nations. National Volunteer Week in Australia occurs the week after the second Sunday in May, which this year falls between 12 and 18 May. Throughout that week activities that recognise and celebrate the role of volunteers in building a strong and cohesive society will take place both in Queensland and across the country.

The success of volunteer supported events has a significant economic impact on the local, state and national economies. In the Redlands our volunteers perform a range of different tasks when undertaking voluntary work, such as fundraising through P&Cs; preparing and serving food, which is what Meals on Wheels does; responding to local crisis situations, which is what the SES does; protecting people, which is what Surf Life Saving does; teaching or providing information, which is what U3A and the Donald Simpson Centre in my area does; sporting clubs like Redlands United and the Wellington Point netball club groups; raising community awareness, which is what the Matthew Stanley Foundation does; as well as administration and management and the providing of community services, which is what RDCOTA, an organisation that looks after the aged in Redlands, does.

It is difficult to calculate the total economic value these pro bono activities have on local, state and federal government budgets. However, there is increasing awareness of the economic importance of volunteers. In 2006 a survey by the Australian Bureau of Statistics found that over 5.2 million people, or 34 per cent of the Australian population, aged 18 and over participated in voluntary work. Overall, they each contributed 713 hours to the community. I am proud to announce that Queensland, along with the ACT, had the highest proportion of volunteers in 2006. In Queensland that equates to 800,000 people contributing over 116.2 million hours to the state per year. In reality, volunteering contributes about $42 million per year to the national economy.

This brings me to a specific notable case from within the Redlands. Over the past 12 months, 17-year-old Bec Ringma has volunteered her time, energy, creativity and passion to the Matthew Stanley Foundation.

Mr Choi: From Capalaba.

Mr WEIGHTMAN: I take that interjection. She is from the electorate of Capalaba. Bec has worked tirelessly for the organisation as a young leader. Remarkably, Bec has given so much whilst still grieving the death of Matthew Stanley, the foundation's namesake and a close friend of hers. Matthew was a 15-year-old boy who met his death at a party in September 2006.

In the words of the organisation's founder, Paul Stanley, 'Bec has been there for everything, right from day one.' Bec's achievements in this regard are numerous. She has consistently been available to help out, through a number of activities she has participated in including organising and delivering antiviolence presentations at schools all around Brisbane. She has handed out Queensland Police Service Party Safe brochures at local shopping centres. She has represented the Matthew Stanley Foundation at both a community leaders forum and a youth violence forum convened by me, as well as at the Queensland government's Youth Violence Taskforce Youth Forum. She has also represented her and Matthew's school, Redlands College, at the Redlands youth antiviolence forum.

She has worked with many different media outlets—on radio, television and in newspapers—speaking about the foundation and being candid about her thoughts on Matthew, youth violence and what the community can do to make changes. She has also been involved in the final approval of the Queensland government's One Punch Can Kill community advertising campaign—a campaign which

covers a whole range of media across radio, television and the internet. She has also worked closely with the Queensland Minister for Police, Corrective Services and Sport, Hon. Judy Spence, and the Queensland Commissioner of Police, Mr Robert Atkinson, in an advisory and consultative capacity.

In a direct capacity, Bec has had a profound impact on the hundreds of young people with whom she has spoken about youth violence. I was proud to nominate her for an award. She was one of the people receiving the Queensland Youth Volunteer Award last week.

TRANSPORT SECURITY (COUNTER-TERRORISM) BILL

First Reading

Hon. RJ MICKEL (Logan—ALP) (Minister for Transport, Trade, Employment and Industrial Relations) (12.31 pm): I present a bill for an act to make particular provision for reducing risks arising out of terrorist acts against particular surface transport operations. I present the explanatory notes, and 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.

Second Reading

Hon. RJ MICKEL (Logan—ALP) (Minister for Transport, Trade, Employment and Industrial Relations) (12.31 pm): I move—

That the bill be now read a second time.

The Queensland government is committed to ensuring all Queenslanders live in safe and secure communities. The Queensland government has done much to safeguard the Queensland community by strengthening its counterterrorism arrangements. Now, Queensland will be the first state government to introduce a transport-specific counterterrorism bill.

This bill endeavours to sustain these efforts within the transport sector by making them part of everyday business and planning for transport operators. It is important we take a balanced approach to our response to the ever-present threat of an act of terrorism. Much has been done in this regard in Queensland and around Australia. I note, however, that the Commonwealth's Inspector of Transport Security agreed that, while Australia can take confidence in the progress made so far in comparison to the rest of the world, much remains a work in progress and requires continuing and continuous review, assessment and improvement.

This bill establishes a regulatory framework to identify those operations in Queensland that are considered to be potential targets facing an elevated risk of a terrorist attack or threat. It also provides for a regime of risk assessments and risk management plans for those operations to assist them to secure their operations against the possibility of a terrorist attack.

A series of bomb hoaxes in Brisbane in November 2005 showed us the sort of issues we are dealing with—the transport system shut down twice in the one day. This demonstrated the impact of such an incident on the functionality of Brisbane's transport system or, indeed, operations anywhere in the state. Much, of course, has been done following the hoaxes. But more formally, the bill provides for preparedness and planning so that if such an incident were to occur again the transport system would be better prepared to respond.

To this end, the bill focuses on those operations that are at an elevated risk of experiencing a terrorist threat or attack in Queensland—what the bill calls a security identified surface transport operation. In declaring a security identified surface transport operation, the chief executive of Queensland Transport will be required to assess the level of risk that a surface transport operation has of being a target of terrorism. In carrying out this assessment, the chief executive may consider a range of criteria such as location of the operation; the nature of services provided; the number of people accessing the operation at a particular time; and intelligence from law enforcement and other agencies.

The bill emphasises concepts of risk assessment. Only those transport operations deemed to be at an elevated risk of being a target will be included in the regulatory regime framed by the bill. This active and ongoing assessment of risk is central to the concept of this bill, which gives us the tools to develop appropriate plans and measures. It fosters forward thinking and the adoption of new, more efficient approaches and technologies wherever possible.

When a security identified surface transport operation is declared, that operation has an obligation under the bill to conduct a counterterrorism risk assessment as well as prepare and implement a security risk management plan that addresses the risks identified in the assessment. Queensland Transport proposes to work in partnership with industry to conduct the risk assessments

and the development and implementation of security plans. This cooperation aims to deliver a superior security and efficiency outcome. The provisions of the bill will encompass various transport modes, and it recognises that transport operators themselves know their business best.

Given the responsibility to develop plans and measures, operators will be innovative—and this is an important goal in countering terrorism and reflects our belief in Queensland as the Smart State. If operators can find ways to mitigate their risks in better and more efficient ways, then they can do so under this bill. The bill requires that plans be adaptable to changes in the national counterterrorism alert level or in the local risk environment. Planners consider how to best effect these changes to comply with requirements while keeping in mind the impact on costs and efficiency of the transport system. For example, astute members might have noticed that at Central station nowadays, the old solid fixed bins have been removed from platforms and replaced by removable wheelie bins or by clear bins which allow people to see if something suspicious has been left in one. Queensland Rail has planned for the possibility of a threat. The platforms can be cleared of bins at a moment's notice.

The bill is heavily focused on business continuity and continuity of service. This is a key element of maintaining public calm and confidence. Following the London Underground bombings in July 2005, the tube was back operating the next day and as a result within two working days the number of passengers using the network had returned to normal levels. The bill requires declared security identified surface transport operations to formally review their plan regularly to ensure it remains up to date with developments. I seek leave to have the remainder of my speech incorporated in *Hansard*.

Leave granted.

Plans are required to be reviewed following a change in the nature of the transport operation—for example when a new piece of a system is brought online, or when two operations are merged. Plans should also be reviewed should there be a change in the general or specific threat level. For example, should the National Counter-Terrorism Alert level be changed, if there were a relevant threat or attack elsewhere, or if police contacted the operation with particular advice, then the review will determine if the plan is geared to respond to the new circumstances.

The bill also requires declared security-identified surface transport operations to participate in the planning and conduct of an annual exercise, designed to test the effectiveness of their planning and measures. Whether desktop or a live simulation, Queensland Transport will be encouraging security-identified surface transport operations to include police and emergency services, as well as other relevant parties such as other agencies, or neighbours. Security-identified surface transport operations must report on their exercising, and also notify the chief executive in advance—this allows authorised officers from Queensland Transport to attend the exercise as observers, giving additional assurance to government and the community of the quality of the preparations.

The bill contains the power to direct a security-identified surface transport operation to comply with this bill or with its risk management plan. Where a security-identified surface transport operation persistently fails to comply, and in so doing puts its operations and the general public at an unacceptable risk of terrorist attack, the chief executive of Queensland Transport can seek an order from the Supreme Court that the operation suspends its business.

Mr Speaker, this bill is but one element of the response by the government and the wider community to the long term risk of a threat of a terrorist attack. It supplements the roles of, for example, police and emergency services. In fact, the measures in this bill foster greater levels of co-operation between industry and government.

As the Premier has noted elsewhere, much has been achieved in Queensland in developing our abilities to prevent, prepare for, respond to and recover from terrorism by working in partnership with local, state and federal governments, industry and the community. The Queensland Government's initiatives have been targeted and far-reaching. As part of that program, this bill establishes a regime that will give further confidence to the community that appropriate actions are being undertaken to combat any evolving terrorist threat to our transport system.

I commend the bill to the House.

Debate, on motion of Mr Nicholls, adjourned.

TRANSPORT OPERATIONS (TRANSLINK TRANSIT AUTHORITY) BILL

First Reading

Hon. RJ MICKEL (Logan—ALP) (Minister for Transport, Trade, Employment and Industrial Relations) (12.40 pm): I present a bill for an act for the management of mass transit services in south-east Queensland, and to amend the Public Service Act 1996, the Transport Infrastructure Act 1994, the Transport Operations (Passenger Transport) Act 1994, the Transport Operations (Road Use Management) Act 1995 and the Transport Planning and Coordination Act 1994 for particular purposes. I present the explanatory notes, and 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.

Second Reading

Hon. RJ MICKEL (Logan—ALP) (Minister for Transport, Trade, Employment and Industrial Relations) (12.40 pm): I move—

That the bill be now read a second time.

This bill introduces important changes for the management of public transport in south-east Queensland. It is no secret that Queensland is experiencing a high rate of population growth and this population growth is evidenced quite clearly in the south-east corner. Increased population brings with it both challenges and opportunities. One of the challenges for government, and Queensland Transport in particular, is to manage or reduce traffic congestion to minimise any negative economic, environmental and lifestyle impacts. Increased patronage on mass transit services is clearly one of the ways that traffic congestion can be reduced. Improving mass transit services is the best way to encourage commuters to choose public transport as a viable option to the private vehicle.

By creating the TransLink Transit Authority, the bill before us today offers the opportunity for improving mass transit services for south-east Queensland by providing better value for money, ensuring better future planning, better coordination of all public transport modes in terms of scheduling, the allocation of resources to where they are most needed and, ultimately, better customer service.

The new TransLink Transit Authority is not just a cut and paste where the old TransLink is re-created as an independent authority. During the design of the new TransLink Transit Authority, a number of interstate and international models for integrated passenger transport best practice were considered. While the TransLink Transit Authority benefits from the experiences of some of these other jurisdictions, the new authority does not replicate any one of the other models—instead it has been designed to suit the needs of south-east Queensland.

Geographically, the TransLink area will remain the same. However, over time, and as the anticipated successes of the TransLink Transit Authority are realised, the area may of course be expanded to include more areas or routes as population growth, urban planning and community needs dictate.

In view of the time I seek leave to have the remainder of my speech incorporated in *Hansard*.

Leave granted.

Importantly, the TransLink Transit Authority has critical new functions including:

- expanding mass transit services with improved scheduling and integration across all TransLink services;
- providing a single point of contact for customer service issues;
- providing new technology to improve public transport services, which may in the future include real time passenger information;
- the single branding of all TransLink mass transit services in the region to create greater community and industry awareness; and
- allowing for improved governance of the TransLink public transport system with local government, consumer and independent expert representation.

School transport services are not part of the core business for the TransLink Transit Authority. However, TransLink currently provides a number of school transport services throughout the TransLink area. Changes to the legislation will ensure existing school transport systems continue to be delivered by the Authority in the TransLink area.

However, one thing that will remain is the TransLink logo. By naming the new authority the TransLink Transit Authority, the Government capitalises on TransLink's prior successes and is able to build on the positive brand recognition that TransLink has achieved. One of the key outcomes of the creation of the Authority will be that all of the Authority's services, including rail, ferry and bus will be unified under a common brand name.

The new TransLink Transit Authority will be comprised of a board of seven members including the chair person. Board members will be selected based on their knowledge or experience in at least one of the following areas: consumer interests; representative of public transport employee interests; transport coordination and operational planning; public transport network planning; law; accounting; economics; social policy; customer relations; commercial and marketing development; or another skill the Minister believes is appropriate. For example a skill or knowledge the Minister considers appropriate may include tourism. If a new transit authority development occurs in a tourist area like the Gold Coast or Sunshine Coast, expert knowledge in the area of tourism may be beneficial to the membership of the board.

Queensland Transport will be represented on the board, along with a non-elected representative from a relevant local government. This broad representation should ensure decisions are balanced and responsive to stakeholder needs. Importantly, the board members will be subject to criminal history checks and be required to disclose any conflicts of interest so the people of south east Queensland can be confident their interests are represented honestly and without hidden agendas.

Mr Speaker, I would like to assure everyone that the employment conditions and rights of TransLink's current employees will be protected under the new Authority. The Bill provides for the establishment of the TransLink Transit Authority Office. Current TransLink employees will be transferred to this office with their existing employment conditions. TransLink public service officers will remain as public servants as under the Public Service Act 1996. The chief executive officer of the TransLink Transit Authority will be in charge of the Authority's Office.

So how will the new TransLink Transit Authority do its work? It will manage the provision of mass transit services and related infrastructure through contracts such as service contracts with public transport operators and contracts with other suppliers of relevant services, products and infrastructure. This will ensure a coordinated responsive scheme that provides value for the taxpayer dollar.

Existing contracts including service contracts with operators will continue in force until they are re-negotiated in the normal course of events. While the new Authority will be given extensive powers through the Bill to perform its functions, the performance of functions and the exercising of powers in relation to service contracts under the Transport Operations (Passenger Transport) Act 1994 will be performed by the Chief Executive of the Authority by delegation.

The delegation provides the Chief Executive of the Authority with full control and influence of service contracts in the TransLink area and allows the Authority to act independently so that public transport operators will be dealing directly with the Authority and not Queensland Transport.

Planning a public transport network in a rapidly growing region like south east Queensland is a considerable challenge that requires flexibility and a commitment to getting things done. One of the key focuses of the new Authority will be their dedication to network planning to ensure the best value for money for the people of Queensland from the Government's significant investment in infrastructure. The Authority will be responsible for developing the Network Plan and its own business and pre-feasibility plans. This means the Authority will be more responsive to the needs of public transport operators and commuters.

Queensland Transport will provide significant input to the Network Plan as the planner and financial backer in the Authority's infrastructure projects. In relation to major infrastructure enhancements that are identified through the network plan process, Queensland Transport (as sponsor) and the Authority (as the senior user representative) will work together to deliver infrastructure projects.

Queensland Transport will continue to be responsible for confirming transport mode, concept design and impact management process and will lead the process to business case (with the Authority's input) to secure funding for the project.

The Authority will have a formal role in the planning process through the network plan and impact assessment process. Outcome specifications and requirements, and critical design elements will be determined and agreed prior to handover.

This approach requires that Queensland Transport and the Authority will have a suitable governance model in place to ensure the needs of customers are reflected in outcome specifications and design requirements. This flow of planning is a logical progression from broad to specific and ensures whole-of-government outcomes are considered throughout the development of the project.

This arrangement is not dissimilar to that which exists between Queensland Transport and QR Limited in regard to business case and funding submissions for the South East Queensland Infrastructure Plan and Program rail projects.

The Authority will be responsible for the ongoing development of customer facilities across the public transport system and will continue to be responsible for the TransLink Station Upgrade Program and capital grants schemes related to the South East Queensland Infrastructure Plan and Program currently in existence. This will ensure we get the best value for money from the Government's significant investment in infrastructure, and build on achievements such as the network of busway corridors in south east Queensland.

The Bill gives the Authority the power to approve arrangements for public transport services to and from special events conducted at major sports facilities, for example, public transport services to and from Brisbane Broncos home games at Suncorp Stadium. As the TransLink Transit Authority will be the single point of accountability for mass transit services in the TransLink area, this special event provision is important as it will enable the Authority to have greater control over planning and coordinating special event services.

The Authority will be able to provide integrated scheduling of services to special events, giving passengers a positive experience of seamless travel on TransLink services while they go to and from their favourite sporting or entertainment event—an effective means of branding and marketing public transport services.

But equally as important, the Bill allows the new TransLink Transit Authority to impose conditions on special event approvals. This includes requiring contributions to be paid to TransLink in recognition of the Authority's financial contribution to the provision of the services.

Clearly, where large numbers of people are being moved using TransLink funded vehicles and infrastructure like ticketing machines, it is important that TransLink is able to share in any profit from such arrangements in recognition of their contribution to things like vehicle maintenance and provision of other services such as ticketing facilities.

So how will the average commuter benefit from the creation of the new TransLink Transit Authority? By bringing responsibility for the management of mass transit services under the one umbrella, one of the best outcomes will be coordinated scheduling of transport modes. Instead of separate scheduling systems for bus, rail and ferries, the TransLink Transit Authority will be able to schedule the ferries to meet the buses to meet the trains and so on. The effect will be passengers experiencing a continuous journey, rather than having a number of separate journeys with delays in between.

The new TransLink Transit Authority will, for the first time in Queensland, offer public transport passengers a one-stop shop.

Firstly, for TransLink services it will provide information about schedules, routes and fares—the usual information that people need to know before starting their journey. Just as importantly, if things go wrong, passengers will know who to call. For all TransLink services, one phone call can be made to the 24 hour 7 day per week call centre where calls will be answered by a human being and not an automated response system. Not only will TransLink take the details of the inquiry, TransLink will also be responsible for investigating and resolving the issues. Again, this ensures consistency and accountability so that customer expectations are met.

To monitor TransLink's performance on service, customer management and infrastructure initiatives, the Bill requires the new Authority to provide various reports so that its progress on issues can be monitored. In addition I, as Minister, have an important power to issue directions and guidelines to the Authority to ensure that it remains accountable for the needs of the people in south east Queensland.

The question of what will happen to fares is probably the one that interests commuters the most. The creation of the new TransLink Transit Authority is not about increasing fares. Ultimately, as is currently the case, the Government will still be responsible for setting fare limits and concessions across the state. The new Authority will be responsible for developing a Fare Strategy to submit to me, as Minister, for consideration. The Fare Strategy will include cost indexing and will deal with a range of other matters including options for the delivery of off-peak go card pricing and other different products as well as examining options relating to zone changes and premium pricing. Importantly, the Fare Strategy will be developed with state policy settings embedded, for example concessional fares.

The Fare Strategy will be an important tool in assisting the Government to make decisions about fares for the TransLink area. Within the limits set by the Government, the Authority will have the flexibility to develop new fare products to further benefit commuters.

The TransLink Transit Authority will also be investigating and exploiting revenue raising opportunities. Allowing the Authority to find alternative revenue sources, such as providing advertising space or extending the application of the 'go card' has obvious benefits for passengers in helping keep fares reasonable and improving services. Taxpayers will also benefit through a reduction in government subsidies.

So what will Queensland Transport be responsible for? Mr Speaker, while the TransLink Transit Authority will be the key government agency responsible for public transport services in south east Queensland, Queensland Transport will continue to be responsible for state-wide public transport policy and the overall transport system in Queensland. The state government, through Queensland Transport, will continue to be responsible for integrated regional transport planning, strategic transport planning and corridor planning. Queensland Transport will work collaboratively with the Authority to develop and coordinate public transport policy for the entire State. This will mean better public transport policies and outcomes for all Queenslanders.

This Bill takes the important step of securing the use of infrastructure essential to the public transport network. This is not an issue specific to the TransLink area, but applies across the whole of Queensland. Clearly, where planning for the provision of an efficient public transport system for Queensland relies on critical points such as key bridges, roads, interchanges or other facilities, it is in the public interest to ensure access to these services is maintained.

The Bill provides that a declaration to ensure such access may only be made if the Minister is satisfied the infrastructure is part of the transport network and essential for the continuity of public transport services. To emphasise the importance of this decision, the declaration must be made by regulation so that it is subject to scrutiny by the Governor in Council. However, once a declaration is made it applies to all parties from the owner to any lessee or other person with an interest in the land and any transferee if the infrastructure is being transferred. It is important to note that compensation is payable when a declaration is made.

This Bill also includes a number of amendments to the Transport Operations (Passenger Transport) Act 1994. To start with, these amendments will remove an existing impediment to the capacity of the TransLink Transit Authority to contract for the provision of services outside the defined TransLink area. As a result of this Bill, the Authority will have the flexibility to extend its services into residential growth areas on the fringes of the TransLink area as well as to provide services to growing, stand-alone population centres located outside the core TransLink area but within south east Queensland.

These changes will also remove the anomaly where an existing discretion that is available inside the TransLink area to allow non-contracted operators to provide services within a service contract area under particular circumstances is not available elsewhere in Queensland.

The Act will also be amended to introduce a package of new and amended definitions to clarify and give better effect to the statutory market entry restriction for urban bus services behind which the TransLink Transit Authority will operate. Existing definitions made redundant by this change will be deleted or transferred to the Transport Operations (Passenger Transport) Regulation 1994 where required.

Finally, in this regard, certain transitional provisions that were deemed necessary at the time when the first generation of TransLink service contracts were being negotiated in 2004 but which are now obsolete are to be omitted.

Mr Speaker, the introduction of this Bill supports a number of important government responsibilities. It is about ensuring there is appropriate planning and coordination in the provision of the best possible public transport services in south east Queensland. It continues the Government's commitment to manage urban growth and build Queensland's regions by linking south east Queensland through efficient and integrated transport options. The Bill reinforces that the Government 'is' a responsive public sector focused on delivering improved public transport and service delivery. The Bill reinforces the Government's commitment to improve congestion management and be responsive to climate change. More people on public transport will mean less traffic congestion, a reduction in emissions, and improve the quality of life for people in the south east Queensland region.

I commend this Bill to the House.

Debate, on motion of Mr Nicholls, adjourned.

CLEAN ENERGY BILL

First Reading

Hon. GJ WILSON (Ferny Grove—ALP) (Minister for Mines and Energy) (12.43 pm): I present a bill for an act to improve the efficiency and management of energy use, and the conservation of energy, by particular businesses and other activities, and to amend the Coal Mining Safety and Health Act 1999, the Electricity Act 1994, the Mineral Resources Act 1989, the Mining and Quarrying Safety and Health Act 1999, the Petroleum Act 1923 and the Petroleum and Gas (Production and Safety) Act 2004 for particular purposes. I present the explanatory notes, and 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.

Second Reading

Hon. GJ WILSON (Ferny Grove—ALP) (Minister for Mines and Energy) (12.43 pm): I move—

That the bill be now read a second time.

The Clean Energy Bill 2008 is a major component of the Queensland government's response to climate change. It begins delivery of the government's stated commitments made in the Smart Energy Policy, developed by my department and publicly announced in the June 2007 ClimateSmart 2050 policy statement, to increase the 13% Gas Scheme target and to introduce energy conservation and efficiency measures for Queensland businesses.

Energy efficiency has been globally recognised as the lowest cost solution to reducing energy costs and greenhouse gas emissions. Smarter use of energy, through energy efficiency, energy conservation and better energy management, will result in financial savings and increased business competitiveness. This is particularly important with the advent of a national emissions trading scheme, which is predicted to increase energy costs over time.

The explanatory memorandum of the Australian government's Energy Efficiency Opportunities Bill 2005 stated that experience suggests that many businesses could save between 10 and 30 per cent on their energy costs without affecting production. Examples of this have been provided to commercial and industrial businesses at EnergyWise forums conducted by my department—including savings made by the Myer Centre in Brisbane through upgrading of its air-conditioning system and by the Gold Coast Marriott Resort in water pumping, lighting and air conditioning. However, these good examples need to be taken up more broadly by commerce and industry generally.

Yet analysis by the International Energy Agency in 2001 and Australia's Ministerial Council on Energy in 2004 highlighted that the adoption of energy conservation and efficiency improvements in the manufacturing and commercial sectors has been slow in Australia compared with other countries. The Queensland government has taken action to improve energy efficiency. Since 2004, I and my predecessors have supported the Ministerial Council on Energy's development of national energy efficiency in the National Framework for Energy Efficiency, which is being implemented through a working group chaired by a deputy director-general of my department.

The key elements of this framework are the expansion and enhancement of appliance minimum energy performance standards; a heating, ventilation and air-conditioning strategy; the development of proposals for a national hot water strategy; providing government leadership in commercial building energy efficiency through green leases; and an energy efficiency data-gathering and analysis project.

At a Council of Australian Governments' Climate Change and Water Working Group meeting on 25 January 2008 it was agreed that a subgroup would report by the end of August this year on options to accelerate or expand the uptake of energy conservation and efficiency measures, particularly in the industrial sector.

In line with this, the bill proposes legislation to enable Queensland to take early action to introduce the Smart Energy Savings Program aimed at medium to large energy users, which will deliver efficiency in the use of electricity and gas and reduce greenhouse gas emissions as well as deliver financial benefits for these businesses. Households and small business are not affected by this bill.

The Smart Energy Savings Program will prepare businesses for an emissions trading scheme and the legislative requirements in the Clean Energy Bill will be flexible enough to be consistent with a national approach when it emerges. The Smart Energy Savings Program, which complements the federal government's Energy Efficiency Opportunities program, will require medium to large business energy users in Queensland to collate energy usage data, audit their energy use and develop plans to reduce energy consumption, use energy more efficiently and manage energy more effectively. These plans and progress on them will be required to be publicly reported.

By encouraging a change in organisational behaviour towards efficient energy use and conservation, the Smart Energy Savings Program aims to draw attention to the organisation's energy usage, initiate action that reduces energy consumption and maximise business competitiveness. The Smart Energy Savings Program will have three tranches of participation, based on a business's annual consumption of gas and electricity. The larger energy users will enter the program first and energy thresholds will be reduced over time to capture a greater number of energy users.

Queensland's largest energy-using corporations are already subject to the Commonwealth's Energy Efficiency Opportunities Act 2006, which requires them to search for opportunities to reduce or more efficiently use energy. The Queensland bill will complement the Commonwealth act by exempting this group of users from the requirements of the Smart Energy Savings Program. The first stage of the Smart Energy Savings Program will target an estimated 75 to 100 companies just below the Commonwealth consumption threshold. That is, businesses with facilities in Queensland which consume between 100 and 500 terajoules of energy, or the equivalent of the energy consumption of approximately 2,800 to 14,000 residential properties, will be required to register with the Queensland government for participation in the program. These businesses will begin to collect data from 1 July 2009 to determine whether they are required to participate and to set a baseline against which all energy savings will be measured. While this provision of the bill will commence on 1 July 2009, the first mandatory reporting year will commence from 1 July 2010.

In view of the time I seek leave to have the remainder of my second reading speech incorporated in *Hansard*.

Leave granted.

The Smart Energy Savings Program will run in five-year cycles. Within each cycle, participating businesses must identify energy savings opportunities, publish a plan of action to improve facility energy efficiency by identifying projects they will undertake, and publicly report annually on progress against that plan.

Non-compliance with the legislative requirements will incur penalties.

Participating businesses may be eligible for funding under the $50 million Queensland Smart Energy Savings Fund which provides funding for Queensland-based businesses to introduce large, long-term projects that improve energy conservation in buildings, appliances and industrial processes.

The Fund offers grants and concessional loans distributed through competitive funding rounds. The first round of funding was announced by the Queensland Government on 18 February 2008.

This Bill also contains amendments to the Electricity Act 1994 that would increase the 13% Gas Scheme target to 15% in 2010. In the absence of an emission trading scheme, this will be raised to 18% by 2019. Electricity retailers are required to purchase at least 13 per cent of their electricity from gas fired generation.

The 13% Gas Scheme was implemented by the Queensland Government in 2005 to diversify Queensland's power generation options and was aimed at increasing the proportion of gas-fired generation used in Queensland to 13%.

The Scheme has already been a huge success creating incentives for more than $1.2 billion in gas-fired power station investment and boosting Queensland's gas-fired generation capacity from 900 megawatts in 2000 to over 2000 megawatts today. The scheme has been a major trigger to the development of the coal seam gas industry in Queensland.

A further $1.64 billion of gas-fired generation projects have also been approved for development in Queensland.

Modelling undertaken by my Department indicates that the Scheme could be oversubscribed by 2009-2010. Consequently, in May 2007, the Government decided to increase the Scheme target to ensure investment momentum is maintained for the development of lower emission gas-fired generation.

To avoid the provision of concurrent incentives to the Queensland gas industry from the 13% Gas Scheme and the proposed national emissions trading scheme, the increase in the target is to be made on the basis that the Gas Scheme will be transitioned on commencement of an emissions trading scheme, which is expected in 2010-2011. For this reason, the legislative commitment to the continued elevation of the target is subject to the outcome of negotiations on design of the national emissions trading regime.

A number of minor administrative amendments are also proposed that will add clarity to the practical application of the Gas Scheme.

The Government's Climate Smart 2050 statement highlighted the feed-in tariff as a potential initiative in reducing greenhouse gas emissions.

The Clean Energy Bill amends the Electricity Act 1994 to provide for the commencement of this initiative, the Solar Bonus Scheme.

A Solar Bonus of 44 cents per kilowatt hour (equivalent to $440 per megawatt hour) will be paid for electricity fed into the grid at any time when the solar system generates more electricity than the household or small business is using. The scheme rewards customers whenever they generate more electricity than they are using—not just the balance at the end of the quarter, but whenever generation exceeds consumption during the day.

This net metering approach provides incentives for consumers to maximise their Solar Bonus income by conserving energy during the period the solar system is producing electricity.

The amounts exported from time to time throughout the day will be accumulated throughout the quarterly billing period and the customer's solar bonus payment for this surplus electricity will be credited at 44 cents per kilowatt hour against charges for the electricity taken by the consumer from the grid during the billing period.

The solar feed-in tariff will be offered until 1 July 2028, however it is to be reviewed after 10 years or when 8 megawatts of solar system capacity has been installed, whichever occurs first.

Noting the importance of national consistency, the scheme will operate in a similar way as the scheme recently introduced in South Australia.

The Bill amends the Electricity Act 1994 to specify that, if a retailer is suspended from the National Electricity Market, this is a ground for disciplinary action such as cancellation of the retailer's Queensland retail authority, or licence.

A retailer can be suspended from the National Electricity Market by the National Electricity Market Management Company (NEMMCO) under the National Electricity Rules for failure to remedy a default which, broadly, means that it has failed to make a payment or provide credit support, has or is proposing to cease business, is legally unable to comply with the Rules, has lost government authorisations it requires to operate, is unable to pay debts as they fall due, is in receivership or administration or has been dissolved.

Under the current provisions of the Act, a retailer's licence in Queensland may be cancelled if the retailer is found to be no longer suitable to hold the licence.

This means that at present, any action to cancel the Queensland licence of a retailer suspended from the National Electricity Market must rely on a general consideration of suitability.

The Queensland Government believes that a retailer suspended from the National Electricity Market has already demonstrated its unsuitability to hold a retail licence in this State.

Therefore, the proposed amendment will establish a direct and specific link between a retailer's suspension from the National Electricity Market and grounds for disciplinary action, including cancellation of the retailer's Queensland licence.

This will result in a clearer and less circuitous process for cancellation of the licence of a retailer suspended from the National Electricity Market.

Following the commencement of small customer competition in the Queensland electricity market on 1 July 2007, a number of minor issues have been identified that require amendment to the Electricity Act 1994.

These amendments are all consistent with previous policy decisions and include inserting a word inadvertently excluded, correcting an error in a unit of measurement and realigning a penalty provision.

Mr Speaker, this Bill also deals with the tenure and safety arrangements for underground coal gasification, which is an emerging technology in Queensland.

The process for underground coal gasification involves the combustion of coal underground in the coal seam. The resulting gases and liquids are then brought to the surface via a production well for processing into oil and its related by-products.

As this is a new technology, the viability of the industry must be tested and its impacts, particularly on other mining and petroleum activities, need to be determined.

The tenure arrangements for this process operate under both the Mineral Resources Act 1989 and the Petroleum and Gas (Production and Safety) Act 2004. However, the precise jurisdiction of each Act needs to be clarified.

To this end, the Bill sets out the appropriate minerals and petroleum tenures and the relevant safety and health requirements that apply to the various stages of exploration, testing and production for underground coal gasification.

From a safety perspective the issues relate to the petroleum products that are produced and so logically, the regulation of these issues falls under the relevant safety provisions of the Petroleum and Gas (Production and Safety) Act 2004.

To ensure that all safety-related activities related to underground coal gasification fall solely under this petroleum legislation, some minor changes are required to the Coal Mining Safety and Health Act 1999 and the Mining and Quarrying Safety and Health Act 1999.

The proposed amendments will ensure that only one set of obligations apply and that underground coal gasification can be regulated by the one inspectorate. This provides a clear and streamlined framework for industry and is administratively efficient to regulate.

Mr Speaker, this Bill also proposes changes to a number of operational arrangements under the Mineral Resources Act 1989.

These amendments include simplified arrangements for determining the Department's mining districts, the inclusion of a power of delegation by the chief executive, clearer enunciation of decision criteria for the granting of exploration and mining tenure to address certain administrative law deficiencies, the ability to refuse deficient tenure applications, and clarification of the access rights necessary to administer the abandoned mines policy.

The Bill also proposes a simplified process for the creation of restricted areas. A restricted area is a legislatively based administrative tool which is used, amongst other purposes, to prevent exploration and other mining activity in areas of current non-mining activity where the State is conducting mineralisation identification. In short, a restricted area places a moratorium on all mining tenure activity.

The restriction limits speculative activity in those areas and allows the orderly public release of the area by a process, similar to a competitive tender, for exploration and later production.

The amendments will streamline the creation and management of restricted areas and provide a much simpler operational process.

The Bill also amends the coal mining and mining and quarrying safety and health legislation to ensure that timely information is provided to Mining Inspectorate officers investigating fatal and other serious mining accidents.

The need for these amendments was made apparent by a fatal accident which occurred underground at the BHP Billiton Cannington mine on 17 January 2008.

Following this incident, workers and management, acting on legal advice, refused to provide the location of the accident to the mines inspectors who attended the mine to investigate. It was more than 28 hours before investigators were provided with the relevant information to enable them to commence their investigation.

To prevent a recurrence of this delay, the Coal Mining Safety and Health Act 1999 and the Mining and Quarrying Safety and Health Act 1999 are to be amended to provide that persons with relevant knowledge about the location, time, persons involved and circumstances of a serious mining accident must provide that information to investigating officers.

The State Coroner has been apprised of these amendments and he was pleased that a legislative solution was being implemented to overcome those difficulties.

Mr Speaker, I commend the Bill to the House.

Debate, on motion of Mr Horan, adjourned.

ABORIGINAL AND TORRES STRAIT ISLANDER COMMUNITIES (JUSTICE, LAND AND OTHER MATTERS) AND OTHER ACTS AMENDMENT BILL

First Reading

Hon. LH NELSON-CARR (Mundingburra—ALP) (Minister for Communities, Minister for Disability Services, Minister for Aboriginal and Torres Strait Islander Partnerships, Minister for Multicultural Affairs, Seniors and Youth) (12.49 pm): I present a bill for an act to amend the Aboriginal and Torres Strait Islander Communities (Justice, Land and Other Matters) Act 1984, the Liquor Act 1992, the Local Government (Aboriginal Lands) Act 1978, the Local Government Act 1993, the Local Government (Community Government Areas) Act 2004 and the Police Powers and Responsibilities Act 2000 for particular purposes, and to repeal the Indigenous Communities Liquor Licences Act 2002. I present the explanatory notes, and 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.

Second Reading

Hon. LH NELSON-CARR (Mundingburra—ALP) (Minister for Communities, Minister for Disability Services, Minister for Aboriginal and Torres Strait Islander Partnerships, Minister for Multicultural Affairs, Seniors and Youth) (12.50 pm): I move—

That the bill be now read a second time.

This legislation is a vital part of the Bligh government's next phase in alcohol management in Indigenous communities. Since 1998 there have been a number of reports that outline the significant harms occurring from alcohol misuse in Indigenous communities. In 2002, following Justice Fitzgerald's Cape York Justice Study, the government implemented the Meeting Challenges, Making Choices—MCMC—strategy in 19 discrete Indigenous communities. This strategy aimed to improve the health and wellbeing of people living in these communities by separating the management of canteens from the councils, introducing restrictions on the supply and possession of alcohol and implementing demand reduction initiatives. Legislation was enacted that enabled the alcohol restrictions to be implemented. However, canteens have not been divested from the councils to date. This bill addresses that situation.

The Bligh government has also committed to a package of enhanced services to reduce the demand for alcohol, as well as the necessary health services to rehabilitate those with alcohol dependencies. In 2007 a whole-of-government review of alcohol and other substances policy, programs and service settings in the communities was undertaken. The review found that there had not been a sufficient or sustained improvement in the level of alcohol related harms in the 19 MCMC communities. The review indicated that more intensive action was needed to strengthen supply restrictions, reduce demand, and improve individual and community wellbeing and service delivery. Today we still have unacceptably high rates of harm occurring from alcohol misuse. This is evident in the communities and backed up by the statistics. Average rates of offences against the person are 10.2 times higher than the state average, serious assaults are over 15 times higher and hospital admissions for assault are about 24 times higher.

In response to the review the Bligh government presented a package to the mayors of the communities in February 2008. The package includes encouragement for communities to go as dry as possible. Service enhancements for acute alcohol rehabilitation and treatment are part of the package, as are diversionary services and programs, as well as the legislative and enforcement measures contained in this bill. The legislation is part of a broader plan to address alcohol related harm, in particular to reduce alcohol related violence and thereby improve the health and wellbeing of all community members, especially children. The new phase in alcohol management is looking at each community individually to determine what service enhancements are needed for acute alcohol rehabilitation and treatment, diversionary services, and enforcement to address the current harms and potential impacts of communities going drier. Many Queensland government agencies have a role to play in ensuring we can implement these much-needed services in communities before the end of this year. This bill tightens the existing legislation that allows alcohol restrictions to be implemented and enforced. It makes sure that our objective of reducing the harm occurring from alcohol can be fully realised.

The bill amends three pieces of legislation: the Liquor Act 1992, the Police Powers and Responsibilities Act 2000 and the Aboriginal and Torres Strait Islander Communities (Justice, Land and Other Matters) Act 1984. I will now explain the amendments. Local governments will be banned from holding or obtaining a general liquor licence from 1 July 2008. This may mean the canteens in a number of the communities where councils hold the licence will close. So that the necessary services can be put in place to manage this, the legislation will allow canteens to operate for a limited time, but no later than 31 December 2008. The chief executive of Liquor Licensing will determine the date trading can continue in each community. Additionally, if a corporate entity wishes to take over the management of a canteen, any application to simply transfer an existing licence will need to be finalised before 1 July 2008 in light of the provision preventing councils from continuing to hold a general liquor licence. If any such application has not been finalised by 1 July, the transfer will lapse. No transfer applications will be accepted after 1 July. It will still be open to such a corporate entity or anyone other than a council proposing to establish a socially responsible venue to lodge a new licence application through the usual means.

Because we are banning any local government from holding a general liquor licence under the Liquor Act 1992, we no longer need the Indigenous Communities Liquor Licenses Act 2002. This act was intended to enable the divestment of canteens from councils. However, this never occurred because there were difficulties in operationalising the act. There are four canteens in the Torres Strait. We will give the new Torres Strait Island Regional Council an extra 12 months to divest its licences because no consultation has begun with that council yet. There are no other councils in Queensland that are affected.

Alcohol restrictions will apply to the whole of the community area. Currently private houses and some roads are excluded from the restrictions. To make the restrictions more effective, we will include all private premises, including houses, so that any illicit alcohol can be removed from houses. We will also include roads in the restrictions, with the exception of some minor roads that cross a small section of the shire area but that do not go near the community township. As there are around 100,000 vehicles a year that travel on major roads through the communities, we will create a bona fide traveller exemption so that if a person can show they are travelling to a destination beyond the community they will not be in breach of the alcohol restrictions. This will be applied to the Savannah Way and the roadhouse in Doomadgee, the Bloomfield Track and car park at Bloomfield Falls in Wujal Wujal, and Frenchmen's Road and Portland Roads Road through Lockhart River.

There will now be an offence of attempting to bring illicit alcohol into a community. Being able to stop illicit alcohol before it enters a community and is dispersed is another urgently needed tool to address the large amounts of sly grog that are entering the communities. The penalty for the attempt provision is high at 500 penalty units, which is currently $37,500. However, this is a maximum and it is necessary to be able to differentiate between a large shipment of illegal alcohol and a young man returning to a community with, say, a bottle of rum. It is also in line with the penalty for an actual breach which has a maximum of 1,000 penalty units and imprisonment for a third offence. To ensure the attempt provision is practical, those people who are exempted from the alcohol restrictions will also be exempted from the attempt provision. However, for the bona fide traveller to be exempted they will need to be able to prove on the balance of probabilities that they intend travelling through the community to a destination outside the community.

The general Queensland law which prohibits drinking in public will now apply to the MCMC communities and the Torres Strait Islands. Currently, this law does not apply in these communities, but to bring them into line with the rest of the state the exclusion will be removed. The only difference will be that, unlike other councils, the MCMC councils will not be able to declare wet areas—that is, public areas where drinking is permitted. If there is to be a wet area in a community, it will be included in the liquor regulation that sets out the alcohol restrictions. The council or the chief executive with responsibility for the Liquor Act 1992 will be able to suspend a wet area for a limited time if it is in the interests of the community to do so. The provisions in the Aboriginal and Torres Strait Islander Communities (Justice, Land and Other Matters) Act 1984 which allow community justice groups to declare dry places will be removed. They are no longer needed as public drinking will now be illegal in the communities. In the interests of time, I seek leave to have the rest of this speech incorporated in *Hansard*.

Leave granted.

Other amendments to this act relate to simplifying the process to declare a private house dry and banning home brew. To give tenants or owners where the property is not leased more control over drinking in their own homes, they will be able to lodge an application with the local Magistrates Court clerk, and once approved they will erect a sign at their house. A dry house will mean that a person cannot enter the house with alcohol, even if there is an alcohol carriage limit in that community. The police will be able to enforce this order. Home brewed alcohol is currently banned in three communities that have a zero carriage limit: Aurukun, Mornington Island and Lockhart River. The intent of a zero alcohol carriage limit was to have no alcohol in the community. Home brewed alcohol undermines this and has caused serious harm to people when it is not brewed properly. There will be an automatic ban on home brew in all communities that have a zero alcohol carriage limit. Home brew can be banned in communities that have a carriage limit higher than zero through Regulation.

There are two amendments to the Police Powers and Responsibilities Act 2000 to enable the alcohol restrictions to be successfully enforced and reduce the amount of alcohol entering communities and causing harm. In these communities alcohol is causing more serious harm to family and community than illicit drugs. To enable the alcohol restrictions to be effectively enforced existing police powers that apply to drug and other indictable offences will be extended to apply to the alcohol restrictions. Specifically, police will be able to search a person without a warrant where they have a reasonable suspicion that the person has illicit alcohol on them. They will also be able to enter and search a private house without a warrant. The police must have reasonable suspicion that there is alcohol in the house; they cannot just enter a house and search on a 'hunting expedition'. There are already processes in place to ensure powers are not misused, such as the police must apply for a 'post-search warrant' providing the magistrate with all the details of why they needed to enter without obtaining a warrant first. Both of these powers are currently used to search and seize illicit drugs, weapons and stolen property.

All of these changes are critical in the ongoing effort to address alcohol related harm in Indigenous communities. This bill will also enable more statutory community justice groups to be set up under the Aboriginal and Torres Strait Islander Communities (Justice, Land and Other Matters) Act 1984. This will enable Coen and Mossman Gorge, as part of the Welfare Reform trial, to be set up as statutory community justice groups as they may be included in the Bligh government's enhanced response to alcohol management in the future. Given that statutory community justice groups have a statutory role in relation to the new Family Responsibilities Commission as well as for alcohol management plans it is essential that they can be established in these areas.

In an unrelated matter, the bill will remove provisions that refer to the Aborigines Welfare Fund from the Aboriginal and Torres Strait Islander Communities (Justice, Land and Other Matters) Act 1984. This is to allow for the implementation of the Bligh government's decision to establish an Indigenous Queenslanders Foundation to support the educational aspirations of young Indigenous Queenslanders. The introduction of this bill marks the next step towards a positive future for Indigenous Queenslanders. I strongly commend the Bill to the House.

Debate, on motion of Mr Horan, adjourned.

Sitting suspended from 1.00 pm to 2.30 pm.

PRIMARY INDUSTRIES AND OTHER ACTS AMENDMENT BILL

Second Reading

Resumed from 15 April (see p. 956), on motion of Mr Mulherin—

That the bill be now read a second time.

Mr HORAN (Toowoomba South—NPA) (2.30 pm): The Primary Industries and Other Acts Amendment Bill is a very important bill for rural and regional Queensland because it addresses two issues. First of all, it amends the Rural and Regional Adjustment Act 1994 mainly to broaden and

increase the activities of QRAA and, secondly, it amends the Sugar Industry Act 1999, the Land Act 1994 and the Land Title Act 1994 to bring about the dissolution of the office of the Sugar Industry Commissioner and also to put in place a new system to enshrine sugar access rights.

QRAA has been a very important organisation in Queensland since it was established in 1994. Originally it was established under the Rural and Regional Adjustment Act of that year to deliver financial assistance and other incentives. Primarily the objective of the assistance and incentives was to foster the development of a more productive and sustainable rural and regional sector. This legislation broadens QRAA's activities so that not only will it look after the rural and regional areas in terms of incentives and assistance schemes and small business in those areas—because its scope was extended to small business—but also it will have an expanded role to include the metropolitan area, which previously has been outside the scope of QRAA. Under this legislation it will also be able to administer various schemes in the rural and regional areas of other parts of Australia. In the event that the Commonwealth government or another state government wanted to use the expertise of QRAA to administer a scheme then QRAA would be able to have a crack at being a supplier of such a scheme. When we consider the importance of QRAA to our state, the broadening of its scope certainly can have some benefits for the organisation itself. It would certainly give it some flexibility and, as stated in the minister's speech, enable the development of the staff.

We are supporting this bill. QRAA has done a wonderful job under the CEO, Col Holden. It has always been an organisation that would listen to whatever is voiced from both sides of this parliament. It has played a great humanitarian role in being an administrator of aid through drought schemes, Commonwealth schemes and other state run schemes, in helping out after major tragedies and natural disasters and also in providing incentive schemes such as PIPES.

QRAA has done a very, very good job and I hope that the broadening of its scope does not diminish the core business that it has had from the outset. As I said, when it was established in 1994 its core business was to assist rural and regional Queensland. That was expanded to assist small businesses. It is now expanding into the metropolitan area. That is good if its expertise can be used in that area, because it has developed some wonderful expertise over the last 14 years. But I would not want to see it diminished from what its foundation charter was—diminished, for example, by having a far bigger range of tasks to undertake and therefore having to spend the available funds it has over a wider area. I know and understand that many of the funds that come to QRAA simply are set amounts of money that are to be administered and passed on, but there are other amounts of money from investments and funds that it has that are used for incentive schemes. I would not want to see that spread more thinly over the rural and regional areas of the state, because that was a very important part of QRAA's charter.

For the additional tasks that QRAA has to undertake it may well need some additional staff. Certainly QRAA has had to take on temporary staff during the drought, for the exceptional circumstances process which was so demanding and also after Cyclone Larry. So there are times when QRAA has to take on additional staff. If it is now going to be available to administer schemes in the metropolitan area then it may need extra staff for that, but it may also need extra money if indeed there are going to be different incentive schemes envisaged. It is hard to tell from reading the bill. It does not indicate what QRAA's role might be in the metropolitan area. Obviously the government has a desire to use its expertise. I am sure the minister would agree with me that it has a major role in rural and regional Queensland. It has played that role very, very well and you would not want to see that diminished or cut back in any way because it has the added responsibility of potentially administering other schemes or funds in the metropolitan area. QRAA has a workforce of some 85 full-time equivalents or thereabouts and has a number of additional staff at certain times.

I did want to point out some of the achievements of QRAA. It administered concessional loans and grant schemes for primary producers and small businesses after Cyclone Larry and Cyclone Monica. It administered a number of assistance packages during the drought, which we experienced right through until this year and some areas of the state are still in exceptional circumstances and still in difficult droughted situations despite flooding rains in certain parts of the state. It commenced new programs like the Drought Rate Rebate Scheme, the Irrigators Fixed Water Charges Rebate Scheme, the Business Adjustment Scheme which was involved in the government purchasing sites for dams, and also exceptional circumstances for small businesses under the Small Business Drought Assistance Scheme. It was involved in the vegetation management financial assistance scheme and the Great Barrier Reef Marine Park structural adjustment package—again on behalf of the federal government. It provided $37 million of assistance during the previous financial year to 170 rural producers in the form of concessional loans under PIPES to fund development and resource management projects and assist in the purchase of first rural businesses.

I think that scheme which enables young people to get into farming or first rural businesses, as they describe it, in small business or in farming is very important, because it has become extremely difficult for young people to get a start today. The price of land has gone up, very often simply because of investment by people who may not necessarily live on the land or who may not derive all of their

income from the land. Therefore, the price has been driven up in many areas. To be able to purchase a place and get a start and to be able to buy the equipment or the stock to get that start is very difficult. Sometimes how you go depends a lot on luck, depending upon the season. Eight years ago if you tried to make a start in some of these droughted areas you would have been nearly destroyed, but if you walked in at a time when there had been good seasons and grain prices at higher levels, then you would certainly have had a better chance.

QRAA manages a concessional loan portfolio of $285 million, and more than 99 per cent of that portfolio is being actively serviced when payments are due. So it is managing it well despite the difficult times caused by drought. The repayments are coming in. Last year in the annual budget QRAA indicated in ministerial statements that it was looking at an increase in focus, and that is what we are looking at today. We are supporting the bill, but I note my concern at spreading QRAA more thinly with a larger range of tasks, the need for staff and the need for funds for the schemes that it runs so that we do not detract in any way from the excellent work that it has done for a number of years. I think QRAA has been one of the unsung heroes of Queensland. We are a major decentralised state and we need organisations like this which can supplement the financial institutions and the banking systems with incentive schemes but which can also be there to provide timely and experienced assistance with the floods, droughts, fires, cyclones and so forth that hit our vast state.

The other part of this bill is concerned with what might be called the final nail in the process of deregulation of the sugar industry. When the Sugar Industry Reform Bill was before this parliament in 2004, we vigorously opposed it. There was a major debate in this House. We were concerned that the Beattie government was more concerned at the time with national competition payments than with the very sound structure that the sugar industry had built up over decades of committees, negotiations and fairness—and it came about because of the wisdom of the pioneering growers. There were systems in place for the transport arrangements in the delivery of sugar to the mills and for the cutting arrangements so that the varying c.c.s. contents could be shared equally amongst the growers. They all harvested it right throughout the period of the harvest. Many of their dispute resolution systems, their committees and so forth were a unique part of the history of Queensland's great cane industry. It was something that certainly served the industry well.

At the time that federal government packages were being offered, all the talk was about the sugar industry reforming and renewing itself and trying to be more efficient. I remember saying in my speech at the time that the sugar industry was probably a leader in efficiency and I pointed to what it has been able to achieve through the talents of the people in the industry. Nevertheless, that bill was passed and we are now dealing with the reality of today. The reality is that we have a deregulated industry where they negotiate contracts with the sugar mills, be they cooperative mills, privately owned mills or mills owned by major corporations. In the process of those negotiations and contracts that have been developed, I understand the ownership of the sugarcane has come back even further to the siding. That makes it very difficult for growers to negotiate what they will get in terms of payment and whether they can get a share of any value adding such as ethanol or other products that could be developed.

At the same time, there has been some concern about the viability of Queensland Sugar Ltd and the continuation of its business. It has been a very important part of the sugar industry. The bulk of the sugar produced in Queensland—85 per cent of it—is for export. Whilst we are one of the major sugar-exporting nations of the world in terms of tonnage, in comparison to bigger countries like Brazil, the Philippines and Thailand we are a lot smaller and are competing against countries that have a lot of subsidisation and assistance within their systems. The single desk system of Queensland Sugar Ltd has given strength to the industry in terms of its export procedures and negotiations. It has been able to negotiate with the benefit of reliability and for the long term. It has been able to negotiate to provide the volume, quality and delivery. That is a matter that has now come up for substantial negotiation.

At the instigation of the board of Queensland Sugar, a working group is looking at how the board would be structured. It is looking at a smaller board of four people and a CEO. There is a system being developed, first of all, to approve of that and, secondly, to assist in the search for suitable people as directors of the board and to develop a system of voting on who would then be approved to be on the board. That will not come about until there is agreement within the industry. It is important that that agreement occur very soon. If the agreement does not come about, then Queensland Sugar could well be at risk because some of the major companies may decide to go their own way. That has been a part of this whole process of deregulation and it is absolutely essential that that happen in a proper and substantial way. As an exporting state, it is essential that Queensland Sugar have the security of having a long-term, stable supply. It can then, in turn, negotiate the very best contracts for the industry.

The sugar part of this bill, following on from the various aspects of deregulation that have occurred, is mainly involved with the ceasing of the operation of the office of the Sugar Industry Commissioner, the enshrining of the system and procedures for sugar access rights in the future, and enshrining or formalising the rights that have existed until now.

The Sugar Industry Commissioner has done a wonderful job. I have heard a lot of people speak very highly of Rowena McNally. She has done a good job. I understand that the working group identified that the number of matters coming before her was dwindling. This is a result of deregulation and people

doing things in a more commercial way. She was no longer required to adjudicate on matters that she had to previously. There used to be a lot of matters to adjudicate on. That no longer occurs. The position has almost dissolved. I wanted to place this on the record because I have a lot of colleagues who come from sugar cane growing electorates and have spoken highly of the work she has done.

There are two types of sugar access rights. They are the cane railway easements and the permits to pass. There are some 4,795 cane railway easements in the state and some 198 permits to pass. In the past access rights have been determined by consent. Where consent was not able to be negotiated then the matter went before the commissioner. Now there will be no commissioner. As set down in this legislation, any applications that involve nonconsent will go before the Land Court.

As I understand it, the access rights in place up until now have always been on a register. In the case of permits to pass, they have sometimes been a neighbourly arrangement. Under this legislation things will be formalised in a register. That register will become part of the lands department's system. Any new access rights in the case of easements will mean an amendment to the land title and in the case of permits to pass will need formalising in a register.

The system has been there, in a slightly different form, for decades. This system has been developed over many, many years. The cane industry has always worked on the basis of negotiation and agreement. That has been one of the trademarks of the cane industry. When we move to a system that involves the Land Court when we cannot get agreement there may be extra expense. The industry has always worked on trying to get an agreement and if no agreement was reached then there was a decision by the commissioner, but now those matters could go before the Land Court.

The other issue of concern to some growers is that these easements are a permanent encumbrance on the title. It was always the case that people could travel over them wherever they liked on the farm. Obviously they would travel over them where there was a track on either side of the easement. Also they have been able to grow cane close to the edge of the track. There is some concern that in the future if these matters go before the Land Court and are negotiated with the companies—it is the companies that actually own the tracks—those easements will be wider and there will be restriction as to where the farmers can cross the track and so forth.

This bill brings about the final aspect of deregulation. Many of us have a great deal of concern for the cane growing industry in the current climate. When we debated deregulation back in 2004 the price for cane was abysmal. It was about $200 to $210 a tonne. Back in the early 1990s the industry used to say that they needed to make about $300 a tonne for their cane to pay their costs and to pay a livable wage to their families. Since then they have developed even further efficiencies. Since the deregulation—and there was the major Commonwealth government assistance package—the prices have become slightly better. At the moment prices are hovering around the $300 mark. I am not sure exactly where they are at the moment but it is around $300 a tonne.

The Australian dollar is now around US94c whereas when we debated this issue back in 2004 it was in the mid-70s. We have seen the price of fuel nearly double in that time. Diesel has gone from about 89c to 90c a litre to around $1.50 to $1.60 a litre. Recently the price of many chemicals has gone through the roof due to the increased price of petroleum products. The price of fertiliser, particularly the main fertiliser used which is DAP, has gone from $400 a tonne to $1,600 a tonne.

It has been exceedingly difficult for the cane industry to obtain labour with the attraction of the mines to the west. Young people are going out to the mines to chase the big money for doing mechanical or trade work or for driving trucks and so forth.

At the same time they have had to withstand the vagaries of the weather which is always a part of life in tropical Queensland and many of the coastal areas of north Queensland. There has been Cyclone Larry and floods. Some parts of the coast after receiving an absolute deluge earlier in the season are now having it fairly dry for weeks on end. All of that adds up to very difficult circumstances for the cane industry.

It is important that they are able to obtain the very best price they can. That is why I think it is essential that QSL receives the support it needs in these processes such as changing the constitution for the board and putting in place a talented board as soon as possible and getting security of supply and the assets it needs as a marketer to go out confidently and sell the product.

I hope that the bill we are debating today, which we will be supporting, provides an opportunity for the sugar industry to get on with its business and to look towards the future. There is always one loser in deregulation and that is the initial producer. We saw it in the dairy industry where deregulation meant that producers lost their negotiating power. That negotiating power moved to the processors and the supermarkets. That has always concerned us on this side of the House. But, as I said, we have to deal with the reality of today. Deregulation has been in place for some 3½ to four years now. This bill contains the final aspect of deregulation.

We will be supporting this bill. I reiterate what I had to say about QRAA. I think it has been an outstanding organisation for the state. I also hope that the sugar industry is able to go through these final difficult stages of adjustment and that it can get some real certainty into how Queensland Sugar Ltd

operates so that, as a major exporter and income earner for this state, it can continue to provide the tens of thousands of jobs for this state and it can continue to be the backbone of coastal Queensland. Despite the changes that have occurred in agriculture, the sugar towns, the sugar mills and the associated industries of our coastal cities are the backbone of the coastal economy, along with tourism and the mining industry to the west.

Mr MALONE (Mirani—NPA) (3.00 pm): It is a pleasure to speak to the Primary Industries and Other Acts Amendment Bill 2008. Firstly, I support the shadow minister in terms of giving the coalition's support for the bill. It is certainly another important bill for primary industries in Queensland. It has a number of aspects to it.

As the shadow minister pointed out, QRAA is a longstanding and well-respected organisation in Queensland that deals with rural communities. I believe it has had an unblemished record in supporting rural communities. In conjunction with the shadow minister, I also raise concerns that QRAA maintains its focus on rural communities. The bill allows QRAA to administer a broader range of activities than it does currently. I know it has been successful in doing what it has done up until now, but I am fearful that the possibility of taking away QRAA's focus on rural communities will mean that the organisation will be less effective. We will only find that out over time, as we have in relation to a lot of other changes that have occurred with the passing of legislation through this House over the past 20 or so years.

QRAA administers a number of funds, particularly federal funding in relation to drought subsidies and interest rate subsidies and, as the shadow minister said, programs that support getting young people onto the land. Of course the bigger issue in recent times, as was highlighted particularly during the last federal election campaign, is people's concern about the cost of groceries. Obviously the cost of sugar is part of that but, more importantly, agriculture is a big part of the cost of groceries. Currently we are seeing an evaluation of the distance that produce is flown or driven in order to get to the market and then be put on the shelves. The real issue is going to be security of supply and security of cost. If we think people are going through a really tough time in terms of rising interest rates and all the rest of it and if we continue to denigrate our agricultural land or build houses on good agricultural land, sooner or later we will be faced with the issue of the security of supply of good, clean, agricultural product. It certainly behoves all governments to make sure that, through their planning and certainly through organisations such as QRAA, they support our agricultural industries.

As I said, security of supply is a big issue and trying to get our young people back on the land is a challenging endeavour. When young people move out of agriculture and go into the mining industry they then have the ability to earn up to $200,000 a year with less responsibility. They certainly do not have to fight droughts and floods or face high interest rates and increasing costs, as is occurring in our agricultural communities right now.

The other aspect of this bill deals directly with the sugar industry. As most members would know, my heart is very close to the sugar industry. I can recollect that before I came into this parliament there was a major bill before the House—I think it was in 1992, soon after the Goss government took power. That was the start of deregulation of the sugar industry. It is quite amazing really when we look at it because—and the minister will probably correct me on this—back in the 1920s the Labor government at that time regulated the sugar industry. At the time there were lots of millers who were dictating the price and the average farmer could not stand up to them. Quite frankly, since that 1992 legislation we have seen the situation basically return to where it was before that Labor government regulated the sugar industry.

The Queensland sugar industry and the Australian sugar industry are well recognised across the world—and, more particularly, by other industries in Australia—as the most organised and competitive industry in Australia. Certainly, it stands head and shoulders above its competitors throughout the world. It is really amazing to note that the beef industry and the horticultural industry would die to have the regulations and the organisation that the Queensland sugar industry had in place up until 1992. At that time it was a balanced industry. There were certainly disputes between millers and growers but they knew that they had to sort them out—and they did. Since that time, with the loss of single desk selling and a lot of other issues that I do not have time to go into today, we have seen a shift in power back to the multinationals of Bundaberg Sugar and CSR. Currently, they are pushing behind the scenes to tie up the full product from the fields to ensure their monopoly on the production of ethanol through their sugar industry contracts. The situation with QSL is similar in terms of the almost blackmailing of the industry to ensure that there is an organisation that is selling sugar on behalf of the mills rather than of the industry. Certainly, that has to be sorted out. We have to get that board in place quickly so that we do not lose the opportunities that are presented to us through the strength that QSL has in selling the sugar the Queensland industry makes.

In relation to Queensland Sugar Terminals Ltd, quite frankly I believe that when we put in place the two organisations—the marketing and the terminals—we should have made them one organisation so that we do not have the threat of the terminals being taken over by another organisation that may or may not have the same regard for the loading of sugar, as is currently the case. Be that as it may, the sugar industry is certainly facing some real challenges. It seems to go from one crisis to the next.

With the advent of smut throughout Queensland—it is now rampant right throughout the regions—farmers are facing huge costs for replanting. As the shadow minister pointed out, there has been a huge increase in the cost of fertiliser and chemicals—from about $400 a tonne to $1,600 a tonne for DAP and from about $120 to $300 for a 20-litre drum of Roundup. The increase in fuel prices represents an added burden that will result in real difficulty in terms of replanting huge amounts of land as a result of smut.

As I said, the costs of farming are becoming exorbitant. With the high Australian dollar, at US13c a pound for sugar we are lucky to make, depending on the c.c.s., $27 to $30 a tonne of cane. That compares to around $55 a tonne of cane in countries accessing the US free trade market—Mexico, Puerto Rico and so on. How much longer that will continue we do not know but certainly it puts cane farmers in a situation whereby they have to produce cane at low cost just to compete.

I guess the panacea for the sugar industry is the production of ethanol at low cost. I guess that is on the horizon in terms of being able to access the low-cost enzyme to actually produce ethanol out of the cellulose that is part of the by-product of the sugar industry and then to actually put that back through the boilers to produce green energy. There is hope on the horizon, but we have been talking about that for many years now.

The amendments proposed to be made to the Sugar Industry Act are not great in terms of dissolving the position of sugar commissioner. Rowena McNally has done a great job over a lot of years. Most of the current cane supply agreements are worked out at the local level. There have been issues throughout some areas in Queensland, in particular the CSR mills in the Burdekin. Those mills are having some hassles with that but, overall, the cane supply agreements are part and parcel of the deregulation and the dissolving of the position of commissioner is probably a step in the right direction. However, it does take away one of the opportunities the sugar industry has always had of being able to sort out its issues without actually going into a legalistic process which, as we all know, can cost a lot of money. Even though there has not been a lot of dispute in recent times, the commissioner represented an avenue whereby issues could be sorted.

The other main issue relates to rights of way and easements through properties for the cane railway. Rights of way are particular to the sugar industry. In some cases farmers have to haul cane through a number of properties to access the cane railway. Members can imagine that under certain circumstances, in the case of family disputes et cetera, that may create some difficulty. Rights of way are put in place to guarantee access to the tram line so that properties are not isolated in terms of supply of cane to the mill. Under the act they will continue. Obviously this is a step in the right direction. Maintaining those rights of way is imperative to the future of the sugar industry.

Another issue relates to the access through properties that currently exists and access for future rail lines if they ever become necessary. I know that they are currently registered. There is one major rail line that goes through our own property. As the shadow minister pointed out, we are able to gain access across that rail line at any point, provided we do not damage the line. I guess my underlying concern is that any registering on the title needs to be done fairly sensitively. Even though it relates to access through a property and in most cases that is not accessible by road, we need to ensure we do not have a situation whereby third parties are able to access that corridor and we need to ensure it is definitely linked to the mill that is being supplied. That is to ensure people do not have yahoos going through properties on motorbikes and so on.

We need to ensure access can be controlled. This land does become an easement on the land title and the government needs to be aware that once it is an easement it becomes very difficult for the property owner and possibly even the mill owner to actually control. Anybody who owns property knows the frustrations of having young blokes wandering around with motorbikes up and down easements et cetera. Certainly some of these easements go through fairly sensitive areas. I just implore the minister to make sure that when the regulations are formulated there are some strong stipulations regarding access to easements through properties. I am also concerned about the width of easements. If the mill insists on full ownership or use of the easement, perhaps with a road down the side et cetera, it could impact on the amount of land that can be devoted to cane.

As the shadow minister pointed out, we are probably getting close to the end of the deregulation of the sugar industry. I have to say that the passing of the regulated industry has not been a pretty sight. We are continuing to see a reduction in cane land. I think the challenges before the sugar industry are great. Even though there have been substantial support packages from the federal government, and the state government for that matter, I am not sure they were targeted properly in some ways. In some cases, giving with one hand and taking away with the other did not lead to a better sugar industry in the end. There are plenty of challenges in terms of maintaining production and trying to ensure the sugar industry remains viable.

The shadow minister indicated that one of the problems in the industry relates to the retention of trained staff. That is becoming a major problem in terms of harvest. The farmers are getting older, and the people available for hire have fewer skills and are quite often older as well. When there is only a five-month window of opportunity to harvest cane, under some fairly difficult conditions—24-hour harvesting

et cetera—it puts a huge strain on communities and on people who live in the community and work in the industry. As I said, there are some major challenges. We support the industry in its future and hope that we can move through these difficult times.

Mr WENDT (Ipswich West—ALP) (3.18 pm): I rise today to support the Primary Industries and Other Acts Amendment Bill 2008. This bill will provide another important step in the sugar reform process as what was a highly regulated industry in terms of production and marketing now moves to adopt more common commercial arrangements for the conduct of its operations. This bill will mean that the special purpose position of the Sugar Industry Commissioner is to be dissolved. As a result, the remaining functions of the office, which relate to access rights to land to facilitate the harvest and delivery of cane to a mill, are to be assumed by the Land Court and the Queensland Land Registry.

As members would know, the position of the Sugar Industry Commissioner was first created in 1999 with the passage of the Sugar Industry Act 1999. As such, this position was designed to separate a range of industry production related regulatory functions from statutory sugar marketing and commercial functions, all of which had been previously undertaken by the Queensland Sugar Corporation under the Sugar Industry Act 1991. As such, the commissioner's responsibilities at that time included: the ability to grant access rights and to keep the access rights register; to keep a central register of cane production areas; if asked by a cane production board, to help the board in the administration of its objectives; to facilitate the existence of an effective cane analysis system; to approve cane analysis programs; and to mediate in negotiations within the sugar industry in Queensland, other than in matters in which the commissioner was a decision maker and only if asked by all parties involved in the mediation process. Following the sugar industry reforms in 2004, 2005 and 2007, the major remaining statutory function has been the granting of access rights because all of the other matters are now addressed through the normal commercial operations within the management of the industry.

In recognition of the current situation, the commissioner has advised the industry that her office would no longer be sustainable and as such has been working with the industry to ensure that an orderly dissolution of the office can be achieved. I advise the House that this situation was confirmed by the combined industry-government access rights working group. In fact, this working group also found that the office of the commissioner was not sustainable and as such the government has supported its recommendation that the office be dissolved by 30 June this year.

Ongoing legislation to preserve existing and provide for future access rights was found to be warranted due in a large part to the significant contribution that cane railways make to state freight infrastructure. As such, new access rights under the bill will continue to be granted by consent and where consent is not available application may be made to the Land Court for the granting of an access right or to address other matters such as variation or cancellation. It should also be noted that other amendments in this bill will facilitate the direct recording of future access rights on land titles and as such enable the current access rights register to be discontinued. In this way future cane railway easements when surveyed will be able to be registered as easements under the Land Act 1994 and the Land Title Act 1994. However, a time period is to be specified in future for permits to pass.

I need to point out to the House that this bill is supported by the major industry representative organisations and as such is indicative of an industry responsibly focusing on a reform process which is squarely aimed at moving forward to more efficient operations. As such, I support the bill and I welcome my learned colleagues across the chamber who will also be supporting this bill today.

Mr CRIPPS (Hinchinbrook—NPA) (3.22 pm): I rise to make a contribution to the debate on the Primary Industries and Other Acts Amendment Bill 2008. The bill has two major policy objectives: to amend the Rural and Regional Adjustment Act 1994, principally to broaden the potential for QRAA's operations; and to amend the Sugar Industry Act 1999, the Land Act 1994 and the Land Title Act 1994 to dissolve the office of the Sugar Industry Commissioner and to provide an alternative approach for the future administration of sugar access rights.

The amendments to the Rural and Regional Adjustment Act 1994 propose to allow QRAA to administer approved assistance schemes for businesses and not-for-profit agencies in Queensland irrespective of their size and connection with the rural or regional sector when such administration is required by the Queensland government and allow QRAA to administer authorised interstate schemes for the benefit of the rural and regional sector and primary producers and small businesses when they are experiencing temporary difficulty in and for the Commonwealth and other states.

In relation to the first amendment to the Rural and Regional Adjustment Act 1994 allowing QRAA to administer approved assistance schemes for businesses and not-for-profit agencies in Queensland irrespective of their size and connection with the rural or regional sector, I would like to reiterate the concerns expressed earlier by the shadow minister for primary industries, the member for Toowoomba South, in respect of QRAA maintaining its core professional and operational focus on the administration of programs targeted at industries in rural and regional Queensland.

While I am not concerned about QRAA being engaged for the purposes of administering programs outside of the traditional rural and regional scope of programs handled by the authority, I would hope that responsibility for administering such programs will not compromise the focus of QRAA on regional and rural issues and industries. For example, I hope QRAA will not have to put on staff with expertise in non-regional and rural matters or spend money on resources that will allow it to handle those programs. It is important that the skill sets of QRAA staff and the resources of QRAA remain focused on its core responsibilities of administering rural and regional programs and remaining a specialist in this field.

In relation to the second amendment to the Rural and Regional Adjustment Act 1994, it is a measure—of which Queensland can be proud—of the professionalism, expertise and good reputation of QRAA that obviously interest has been expressed by governments outside of Queensland for QRAA to take responsibility for the administration of schemes designed to benefit the rural and regional sector in other states and indeed at a Commonwealth level. This amendment will allow this to occur. However, programs administered by QRAA will only ever be as good as the governments providing the programs make them. Despite the professionalism and expertise of QRAA, it faces substantial limitations to its effectiveness if it is handed assistance programs that have inappropriate criteria that do not adequately address the circumstances of the Queenslanders facing the difficulties that the program is designed to help.

For example, I have spoken before in this parliament about the difficulties faced by Mr Ian and Mrs Leah Thomson of Mystic Sands near Rollingstone regarding their application to QRAA for support under the NDRA Tropical Cyclone Larry program. In 2006 Tropical Cyclone Larry caused extensive damage to public and private property in far-north Queensland, including agricultural crops and business premises. The federal government of the day provided very generous financial support to affected farmers and small businesses which was administered by QRAA.

I raised this case with the minister and the CEO of QRAA on more than one occasion because the circumstances of this case presented an unfortunate limitation in relation to the assistance criteria that could have been solved by QRAA or the minister had they been willing to consider an alternative interpretation of the eligibility guidelines. The minister might recall that I made representations on behalf of the Thomsons who operated a refrigerated transport company which, although based in Rollingstone, primarily depended on business from the Tully, Innisfail and Mareeba districts for its southbound freight. The Thomsons made application for assistance in the wake of Cyclone Larry as their business had been seriously affected at the time. QRAA advised that their application had been declined as their business was not located in the defined disaster area, geographically speaking.

While the cyclone did not cause any damage to the Rollingstone area, the majority of the Thomsons' business was generated from the cyclone-affected area. The minister at the time was good enough to give me some advice that the Thomsons may be able to access some support along similar lines to changes in exceptional circumstances guidelines for businesses affected by the drought whereby if 70 per cent of someone's income was derived from a business in a drought-affected area they would be deemed eligible for assistance even if they were personally domiciled in another area. I tried that, but QRAA insisted that it could not accept the argument.

The Thomsons faced a very precarious financial situation. This was a family business that had obviously fallen through the cracks of the government's response to Cyclone Larry and despite the empathy and understanding expressed by QRAA it could not help because of the narrow and inflexible criteria provided to it for the distribution of assistance to those Queenslanders in need at the time. Substantial effort must be put into defining the criteria for assistance in these circumstances, in addition to the amount of assistance and the nature of that assistance in and of itself. Such careful consideration of these matters can be critical to providing much-needed assistance to those struggling in difficult circumstances like the Thomsons and this will be true for programs administered by QRAA on behalf of other jurisdictions approved by the minister following the passage of this bill.

The amendments to the Sugar Industry Act 1999, the Land Act 1994 and the Land Title Act 1994 will dissolve the Office of the Sugar Industry Commissioner, provide for the Land Court to assume jurisdiction for applications regarding non-consent sugar access rights matters previously overseen by the Sugar Industry Commissioner, preserve current sugar access rights and provide for future sugar access rights, and provide that future sugar access rights are recorded on land titles and allow cane railway easements to be registered as easements on titles. This bill comes as the last in a series of legislative amendments to the Sugar Industry Act 1999 that has staged the phase-out of the role of the Sugar Industry Commissioner.

The last such bill was the Primary Industries Acts Amendment and Repeal Bill, which was debated in this place in May 2007. That bill removed the functions of the Sugar Industry Commissioner as they related to the commissioner's role as a mediator and arbitrator of a range of issues, including new supply contracts, and discharged Queensland Sugar Ltd as a source of financial support for the Office of the Sugar Industry Commissioner. The passage of this bill will eliminate the two remaining functions of the Sugar Industry Commissioner, being the granting of access rights involving cane railway

easements and permits to pass over land to facilitate the harvesting of cane and supply of cane to a mill. Indeed, the Office of the Sugar Industry Commissioner will cease to exist with functions relating to the resolution of access rights disputes to be assumed by the Land Court.

The explanatory notes accompanying the bill indicate that the amendments to the Land Act 1994 and the Land Title Act 1994 will allow registration of future cane railway access rights as easements on affected titles by inserting a public utility provider category for sugarmill owners to allow the registration of an easement. A time period will need to be specified for future permits to pass. In preparation for the dissolution of the office of the commissioner, each current cane railway easement and permit to pass is being recorded by the titles office as a notice on the affected land title. The recording of notices is designed to ensure that all current access rights are recorded permanently and accurately as notices on Queensland's automated titles system and that searches can be conducted efficiently.

The explanatory notes accompanying the bill also indicate that as of 30 June 2007 there were 4,795 cane railway easements and 198 permits recorded in the access rights register. As such, the proper administration of those easements and permits is not insignificant to the effective and efficient management of the Queensland sugar industry. During the cane harvesting season, sugar growing communities are a hive of activity with harvester operators, haul-out tractors, cane trains and trucks operating throughout the day and night to maintain a supply of cane to various mills. It is absolutely essential that during the crushing season the industry can get on with the job of harvesting the crop. Time frames and other logistical matters are relevant to this activity.

Until now, under the Sugar Industry Act 1999, sugar access rights may be granted by consent—that is, with the agreement of the landholder of the affected land. Alternatively, in the absence of consent between the parties, sugar access rights have been granted by the commissioner. In such circumstances the commissioner had the ability to order the immediate grant or variation of an access right that is not necessarily agreed to by the affected landowner. While I certainly hope that at all times common sense and reasonableness have prevailed in the determination of these matters by the commissioner so as not to adversely or unfairly impact on the affected landowner, those powers have allowed for a timely and low-cost resolution to the problems and the progress of the sugarcane harvesting season.

I know that the access rights working group comprising representatives of the Department of Primary Industries and Fisheries, the Australian Sugar Milling Council, Canegrowers, Queensland Transport, the Department of Natural Resources and Water and the Department of Justice and Attorney-General has recommended that the Office of the Sugar Industry Commissioner be dissolved. Apparently the working group is satisfied that this legislation will preserve current sugar access rights and will provide for future sugar access rights to be recorded on land titles, including the accommodation of cane railway easements, and that the Land Court will assume jurisdiction for applications regarding non-consent sugar access rights matters and will effectively deal with those issues. While the legislation will continue to enable sugar access rights to be granted by consent between the affected parties, where there is no agreement the matter will now head to the Land Court.

Formal court proceedings have the potential to be both protracted and costly, which is in contrast to the present capacity of the Sugar Industry Commissioner to deal with matters in a timely way and with a minimum of cost. As I said earlier, timeliness is an important consideration for the sugar industry, particularly in the middle of the crushing season. I hope that the minister will be vigilant in observing the experiences of participants in the Queensland sugar industry required to go through the Land Court for non-consent sugar access matters in terms of timeliness and the costs associated with that process. It would be a retrograde step for the Queensland sugar industry to be lumped with a process for the resolution of sugar access rights disputes that is protracted and costly when the Sugar Industry Commissioner has previously been able to deal with such disputes quickly and without substantial costs being incurred by those in the sugar industry. If this does occur, we will not have taken a step forward for the Queensland sugar industry. I will leave that with the minister to consider in the hope that he will keep an eye on how the changes impact on people in the sugar industry. Having placed those few remarks on the record, I am pleased to support the bill.

Mr MESSENGER (Burnett—NPA) (3.35 pm): I rise to speak to the Primary Industries and Other Acts Amendment Bill 2008 which makes two major policy changes: firstly, amendments to the Rural and Regional Adjustment Act 1994 will broaden the potential for the Queensland Rural Adjustment Authority's operations; and, secondly, amendments to the Sugar Act 1999, the Land Act 1994 and the Land Title Act 1994 will dissolve the Office of the Sugar Industry Commissioner and ultimately provide an alternative approach for the future administration of sugar access rights. Today I will address my comments on this latter policy objective and focus on the sugar industry and will take the opportunity to comment on some issues raised by the peak body, Canegrowers. I request a little latitude with regard to the concerns of the Canegrowers organisation.

It comes as no surprise that the government plans to dissolve the Office of the Sugar Industry Commissioner. It is not a new concept and the government has previously announced that it intended to phase out the office due to reduced responsibilities as a result of industry deregulation. Since 2007 when amendments were made to the commissioner's responsibilities under the Primary Industries Acts

Amendment and Repeal Act 2007, the commissioner's remaining duties have included maintaining the access rights register, deciding the grant variation and cancellation of sugar access rights, and assisting with the mediation and settlement of disputes in relation to the supply contract process for three more years in circumstances where a cane supply contract had been referred to the commissioner in his capacity and that supply contract was on foot. This last duty has never been needed by the industry as parties used commercial dispute resolution outlets to deal with those issues.

In a media release from Canegrowers dated 16 April 2008, Ian Ballantyne, the CEO of Canegrowers, commented on the dissolving of the Office of the Sugar Industry Commissioner, which is due to occur on 30 June this year. He said that it is part of the process of normalising arrangements within the sugar industry. Mr Ballantyne said that the transfer arrangements within the bill have been broadly supported by Canegrowers, stating that growers will not be placed at any disadvantage by this move. Indeed, the changes tabled ensure that compensatory claims can be appropriately progressed under the new regime.

The Sugar Industry Act 1999 creates two types of statutory sugar access rights, including cane railway easements and permits to pass. Cane railway easements are sugar access rights that are granted to a mill owner to facilitate the harvest and supply of cane. As the explanatory notes state, they are essentially a permanent encumbrance on the subject land while the mill operates and the railway line remains in place. On the other hand, the permits to pass are sugar access rights granting the right to a cane grower or mill owner to pass over another person's land to facilitate the harvest and supply of cane or to service a cane railway easement. It is proposed that access rights are to be granted by consent between the parties and will transfer the commissioner's existing role regarding nonconsent to access right applications to the Land Court whereby the Land Court will be responsible for hearings, the determination of compensation and appeals. As the member for Hinchinbrook said, the sugar crushing season produces a hive of activity for five months. Therefore, I can only commend any new legislative process or streamlining of the bureaucracy that governs the sugar industry, allowing an owner to get their produce to the mill more quickly and easily.

With regard to QRAA amendments, consultation was undertaken with the major stakeholders, AgForce and the Queensland Farmers Federation, in which both supported the proposed amendments. In addition, I believe consultation was undertaken with Queensland Treasury, the Department of the Premier and Cabinet and QRAA. In relation to the sugar amendments, I am of the understanding that consultation was carried out with the major sugar milling and growing organisations, including the Australian Sugar Milling Council and Canegrowers. Canegrowers, which I have previously mentioned, and the Australian Sugar Milling Council endorse this proposal.

The Access Rights Working Group, chaired by DPIF and comprising representatives from Canegrowers, Queensland Transport, the Department of Natural Resources and Water and the Department of Justice and Attorney-General, was summoned to look at alternatives for the future administration of sugar cane access rights. Recommendations that came out of the working group included: that the office of the Sugar Industry Commissioner be dissolved by 30 June 2008; that there be ongoing legislation to preserve current sugar access rights and to provide for the future sugar access rights; that future sugar access rights are recorded on land titles and that legislation regarding land titles be amended to allow cane railway easements to be registered as easements on titles; and that the Land Court assumes jurisdiction for applications regarding non-consent sugar access rights matters.

In terms of the sugar industry, I have to question on an overall basis whether the government is doing enough to support the development of the sugar industry. There are a number of issues and a number of areas that the government would do well to look at, being biofuels, ethanol and the like.

Bundaberg Canegrowers have asked me to use this opportunity in parliament to raise a couple of issues and concerns they have. They have raised much concern over the Burnett resource operation plan, the ROP, which has an environmental release rule forcing SunWater to release thousands of megalitres of water. Bundaberg Canegrowers believe this is a huge mismanagement of water resources. They would like the minister to once again consult with the minister for natural resources and look at the management of this. It seems as though there is inflexibility in the bureaucrats' response over this. It will basically result in the release of something like at least 1½ to maybe two times the water supply to Bundaberg after a period of intense flow in the river. Canegrowers are very aware of environmental concerns and looking after the river and having the right environmental flows, but they would like the minister to look at this issue. In a situation where perhaps Fred Haigh Dam would be above 50 per cent or even above 60 per cent, you could understand why you would let seven per cent out. But the level in Fred Haigh Dam is effectively going from 37 per cent down to 30 per cent, and we are going into the dry time of year and there is no guarantee of rain next year.

Another important issue that Bundaberg Canegrowers have asked that I raise in the House today relates to the boundary changes to the urban fire levy. Mr Allan Dingle, the Chairman of Bundaberg Canegrowers; Mr Ian Ballantyne; Mr Kelvin Griffen; and Mrs Veronica Timm, the manager of administration and finance in Bundaberg, met with the emergency services minister. We were very happy that we were heard, and once again we look forward to the minister's support on that issue.

Much of the countryside and roads in the Wide Bay-Burnett are crisscrossed by cane tram lines mentioned in this bill in clause 27 and driven on those tracks are locomotives. My dad is a loco driver. He is about to retire. He has just had his 70th birthday but he still likes driving his trains. They are massive pieces of heavy equipment capable of transporting hundreds of tonnes of cut sugar cane to the mill, and they do not stop in a hurry if a car pulls out from an intersection or ignores flashing crossing lights. As a loco driver, you have to have your wits about you. It goes without saying that you would not want to be affected by drugs or alcohol.

From a mill owner's perspective, it is important both from a moral and ethical perspective that you have taken all reasonable steps to ensure that employees operating heavy machinery like sugarcane trains would not be affected by drugs or alcohol. Today I ask the primary industries minister in conjunction with the industrial relations minister to ensure that all cane train operators are subject to random drug and alcohol testing. It is my understanding that Bundaberg sugar train drivers have never been required to submit to random drug and alcohol tests. In the interests of public and workers' safety, I ask that this situation be examined.

In closing and on a lighter note, I would like to take this opportunity to mention that the Bundaberg Women in Sugar, who support the industry immensely, have produced an impressive little book titled *You Can't Eat the Dirt*. It is edited by Sandy Curtis. The book, which was officially launched on Friday, 18 April, features 91 pages of poems, anecdotes, recollections of family histories within the sugar industry and recipes. I will make sure that the minister gets a copy. I am sure that he would enjoy the read.

According to the editor, Sandy Curtis, the idea of the book came out of a bus trip. Members of Bundaberg Women in Sugar were on their way to an industry conference when a new member and newcomer to the industry was fascinated by the recollections being shared and it was realised that this history would be lost within a generation. Through this book, these women share their life experiences on the land, demonstrating that they were every bit involved in the sugar farming industry as their husbands and the pride that they have for the industry. I commend the bill to the House.

Mrs Sullivan: Present one to the Parliamentary Library.

Mr MESSENGER: I will. I take that interjection. I will make sure that the Parliamentary Library and the minister get a copy of this magnificent book.

Mr DEPUTY SPEAKER (Mr Wendt): Member for Burnett, you asked for some latitude and you certainly got some. I would ask that you stick to the bill next time.

Mrs MENKENS (Burdekin—NPA) (3.46 pm): I am very happy to speak on the Primary Industries and Other Acts Amendment Bill 2008 before the House, and I support the shadow minister and the other speakers in their comments this afternoon. This bill has a twofold purpose which is to, firstly, amend the Rural and Regional Adjustment Act 1994 to broaden the potential for QRAA's operations and, secondly, to amend the Sugar Industry Act 1999, the Land Act 1994 and the Land Title Act 1994 to dissolve the Office of the Sugar Industry Commissioner and to provide an alternative approach for the future administration of sugar access rights.

QRAA, the Queensland Rural Adjustment Authority, is a statutory body which was established under the Rural and Regional Adjustment Act 1994 with the aim to provide financial support to rural and regional Queensland through various programs that it administers. It does perform a very significant function, and the 2006-07 figures from QRAA certainly illustrate that. According to its annual report, the organisation administered more than $410 million to primary producers and small businesses on behalf of the Australian and Queensland governments. That is a significant amount and must be of assistance to primary producers, to small businesses and to those regional and rural areas, which are very important areas.

The best known programs within QRAA are those attached to drought assistance, rebates and loan schemes for primary producers and businesspeople. Sadly we have heard a great deal about droughts for far too many years. These programs of course are administered in drought declared areas. But recently we have seen a lot more in flood assistance grants and loans to victims in declared disaster areas and also exceptional circumstances, and there is a variety of other programs that come under QRAA.

Following the recent floods in the Burdekin area in February, I spoke about the need of many victims to access flood assistance grants because there was a great deal of damage in the Burdekin area. I would like to acknowledge the minister. We spoke about that in parliament and that has been granted. I would like to say to the minister that that is greatly appreciated by many, many people across the Burdekin area. I know that they are accessing those grants and there is quite a bit of work being done there. In the long term with these particular grants it is not the benefit so much to the individuals but it is the benefit to the community, to the area and to the industries. In the big picture that is the function that they perform.

Training was once a major focus within QRAA, but I would like to put on record how disappointing it is that many of the training programs available under the QRAA banner have diminished and in some cases virtually disappeared. FarmBis, which has traditionally been the umbrella organisation for training, has been a very widely accepted and well-utilised area that offered rebates on training in many areas. It

is particularly noticeable, with the increased demand on small businesspeople and rural producers to gain accreditation in so many areas, and disappointing that this is no longer available. I would like to acknowledge the enormous role that FarmBis played in upskilling members of the rural industry over a period of many years to the extent that rural producers on the whole are very competent and often very highly qualified academically as well. However, with the impost of the much greater level of accreditation that is now required right across the rural industry and other business industry sectors, FarmBis is sorely missed.

The earlier FarmBis programs worked extremely well under QRITC. I am personally very proud to say that I was involved in teaching quite a few courses that came under the FarmBis banner. I was one of the pioneers in the TAFE system in Queensland for the introduction of the CROP course—that is, the Certificate of Rural Office Practice—in around about the early 1990s. It was one of the very first courses that was on offer teaching office skills to rural people. I was part of the group that introduced this into Queensland. It was a South Australian course and it was written totally for rural producers. I was actually privileged to be the Queensland coordinator of this course for some years. It reached out to so many rural and regional families across Queensland and it gave them access to office management skills. Computers were just new at that stage, and they learnt computer skills and they learnt a lot of things that prior to that were somewhat unreachable. We were able to offer this via correspondence, and it really was a new process. As I say, that particular course came under FarmBis. It no longer exists. It has been superseded by various and probably upmarket diploma courses in rural management.

In earlier years many people were very reticent to access rural training. I think FarmBis was an encouragement to them. It was an encouragement because it was a financial incentive, but it also made them realise that this training was available for them personally. I believe it has been a major encouragement to help so many distant, isolated people to look for training that they probably would not have. However, FarmBis 3, administered by QRAA, did come out with some more difficult criteria to access and I do not believe it has had quite as much success. Final figures have not yet been released for a comparison, but as we know FarmBis 4 has ceased to exist as part of the Rudd razor gang, and of course it is the rural and regional areas again that will suffer.

The amendments to the Rural and Regional Adjustment Act 1994 will allow QRAA to oversee approved support schemes to benefit areas such as not-for-profit agencies in Queensland and businesses irrespective of their link with the rural areas when such administration is required by the government. I have no doubt that this is positive. I think it should have a positive outcome. Amendments will also allow QRAA to manage approved interstate schemes for the benefit of rural and regional sector groups such as primary producers and small business. While there are not likely to be many opportunities for QRAA to oversee schemes in other jurisdictions, QRAA could provide this service if it was found to be necessary. The authorisation may be subject to conditions that could be set in place to ensure that QRAA's performance of its functions in Queensland is not affected.

The legislation will allow chief executives of the Queensland Treasury and the DPIF to each nominate a senior executive to attend meetings of the QRAA board of directors and to act in the position of director. I note that these proposals are supported by the Queensland Farmers Federation and AgForce. Getting back to the original theme, I am aware of their disappointment at the discontinuance of FarmBis, which I will concede is not necessarily part of this legislation or perhaps the fault of the Queensland government.

In respect of the second part of this bill that applies to the amendments to the sugarcane industry, I understand also that major sugar milling and growing organisations have been consulted and both the Australian Sugar Milling Council and Canegrowers have endorsed this proposal. The amendments to the Sugar Industry Act 1999, the Land Act 1994 and the Land Title Act 1994 will bring about the dissolution of the Office of the Sugar Industry Commissioner and will preserve existing sugar access rights and allow for future sugar access rights.

One of the main changes is that future sugar access rights will be recorded on land titles and that legislation regarding land titles will be amended to allow cane railway easements to be registered as easements on titles. The Sugar Industry Act 1999 created two types of statutory sugar access rights. The first one was the cane railway easements. As members would no doubt understand, cane is cut in the paddocks by farmers and it is the farmers' responsibility to cut that cane. It is then transported to a siding at a railway point and from that point on the mill takes charge of that product. The cane lines are built and administered by the millers. It is huge infrastructure. It is absolutely enormous infrastructure at a very large cost. I do not have a figure on the cost of those tram lines, but it is a very sizeable part of the infrastructure owned by the mill.

The cane railway easements are granted to a mill owner to assist in making way for harvesting and supply of cane to the mill. They are classified as a permanent encumbrance on the specific land area while that mill is in operation and the railway line remains in place.

The other access right is a permit to pass. This permit allows a cane grower or mill owner to pass over another person's land. This is generally to facilitate the hauling out of sugar cane after it has been cut to a rail side where it is then put onto the cane loco for transport. This permit is to allow the contractor or the cane harvester to work and access those roads on that particular farm.

There are also other cases—quite a few cases—where neighbours have been granted the right to pass over another person's land, and this could be to facilitate easier access to a road or to a siding or other processes. Sometimes those have been worked out amenably between the parties, but sometimes this is not an amenable application. The changes that these amendments will bring about are because the Sugar Industry Commissioner will not be present. In the absence of the Sugar Industry Commissioner those access rights may be granted by consent, as I said earlier, between the existing parties or, in situations where approval is not granted, applications must now be made to the Land Court.

I believe that this is going to be a more involved process. It is another instance of where the autonomy of the sugar industry has been removed. This is due to deregulation. The Land Court will be in charge of hearings and the determination of compensation and appeals. As of 30 June 2007 there were 4,795 cane railway easements and 198 permits recorded in the access rights register.

In February of this year many areas in north Queensland had enormous amounts of rain. In the Burdekin area alone there were quite devastating circumstances. Some landowners lost a great deal in the floods. Homes and machinery were inundated by flood waters and fences and so forth were destroyed.

There are two specific issues I would like to mention. On two creeks on the Ayr Dalbeg Road—Expedition Pass and Landers Creek—CSR had recently built seemingly very strong railway bridges. These were built to take the cane across the river from the Dalbeg farming area to the mill in Giru. These two bridges have been totally destroyed. The cement pylons were washed away by the floods. The twisted metal railway tracks are left hanging there. I think many people would have seen pictures of them on TV. It has created a disastrous situation for growers and millers. It is going to make the delivery of cane extremely hard as it is over 60 kilometres to the mill. CSR is putting every effort into trying to get these bridges repaired. As everybody knows, the lack of contractors makes this very difficult. I know that it is putting every effort into repairing these bridges. It is going to cause major havoc in that area.

The cane will have to be hauled by semitrailers. They will be hauling it for very long distances on roads not designed for that purpose. The process of hauling the cane over such long distances to the mill will affect the haulage drivers and will impact severely on the industry as a whole. The cane railway system is an integral part of the sugar industry. I describe this scenario to members only to highlight how difficult this season is going to be for millers and farmers in the area where the cane rail system has fallen down.

At this point I would like to acknowledge the work of the outgoing Sugar Industry Commissioner, Rowena McNally. She has done marvellous work over the years. I know that she has been a great support for Canegrowers and has worked with the organisation and individual cane growers. I have worked with her in certain situations. I have really appreciated her support, her expertise, her competence across this area and her friendship. She will be missed within the sugar industry.

Certain aspects of this bill have become necessary only because of the deregulation of the sugar industry. At the end of the day it has still not been shown whether deregulation has been of any assistance to the sugar industry as a whole. We cannot hark back to the old days—and I have no intention of harking back to the good old days and saying that they were better—but the real impact of deregulation is just now starting to hit the sugar industry and bite the farmers. I have much pleasure in commending this bill to the House.

Mr JOHNSON (Gregory—NPA) (4.03 pm): I rise to speak in the debate on the Primary Industries and Other Acts Amendment Bill 2008. I only want to speak to one facet of this legislation—that is, the provisions related to the Queensland Rural Adjustment Authority. This authority is an integral and important structure that government has made available to primary producers across the state since about 1994. QRAA operates under the leadership of Colin Holden. I think we are very lucky to have a man of his calibre and his intellect and someone with his understanding of primary industries and related industries managing this area of government business.

There is one area that I want to emphasise today. I have spoken about this with one of the minister's senior executives. In the explanatory notes it states that this piece of legislation will—

> ... allow QRAA to administer approved assistance schemes for the benefit of businesses and not for profit agencies in Queensland, irrespective of their size and connection with the rural or regional sector, when such administration is required by the Queensland government ...

We talk about rural producers—whether they be graziers, farmers, horticulturists or whatever—but the important fact to remember is that all of these producers are governed by the seasons in rural Australia. We live in one of the driest continents on earth. Over the last 10 years we have experienced the worst drought in this country in living memory. The whole of Queensland and probably, for that matter, the whole of Australia has been affected.

When we talk about the effects of the drought and the ongoing loss of production in the primary producing sector we also need to think about the industries that rely on the primary producing sector—for example, the road transport industry and the livestock carriers that rely wholly and solely on the business of the primary producers. Operators such as earthmoving contractors rely on primary industries to put down tanks and develop water infrastructure.

For many operators there are no concessions in the long term like those that are applicable for the man on the land. I know that in recent times in western Queensland we have had transport operators who have been subject to the ongoing trauma of the drought. The road trains have just sat there; there has not been any business. Now we cannot get truck drivers let alone anybody else to do the work in some of these areas.

I call on the minister to look at the long-term policy of government in relation to how we can connect these industries in the same way that we connect the primary industries. They go hand in hand and work arm in arm. There are a lot of businesses in country areas that are virtually de facto banks to many of these primary producers. They extend credit for long periods—three months or six months in some cases. I know businesspeople who have been generous over long periods of time—grocery shop operators and fuel company operators.

As Mr Deputy Speaker would well know, fuel companies have no sympathy and no compassion for anybody but themselves. Most of the time it is small business operators who extend credit to some of these people. Members might think that the poor old bloke on the land cannot make an honest quid because he is waiting on the rain, but some places in western Queensland have had pretty substantial rain. Out in the north-west, in the honourable member for Mount Isa's electorate, and in the far west in places like Boulia and into the eastern end of the Barkly Tableland there are large shipments of cattle that are beyond the comprehension of most people. Some 140 or 150 decks a week are coming through Longreach. Those cattle have to go somewhere. Primary producers in those areas are being affected. When they were enjoying good seasons and no cattle were moving those operators were still affected.

I say to the minister today that we have to look at the policy and look at how it can be adjusted so that we can help those people during difficult times. During the slow period—the summer months of December, January and February—we have not been able to get funding for those people. I think that the government should be looking at how it can incorporate organisations such as QRAA in the same way as primary producers are incorporated so that we can get long-term outcomes.

The member for Burdekin touched on FarmBis. It saddens me somewhat to see that that has been removed. I think that has been a very integral and important player in agriculture over a long period. I call on the minister to continue to monitor QRAA, because from time to time the federal government thinks, 'The job is all right in that part of Queensland,' but a lot of people in Canberra have no damned idea at all of what is going on. I know the minister and his department rely on the stock inspectors, regional officers and other departmental officers in rural and regional Queensland to furnish them with the detail of seasonal conditions and what is happening. We have had eight or nine inches of rain in some places, but that is only a bandaid solution. With that level of rain, people who come under the banner of QRAA are certainly not going to be taken away from it and some places are still experiencing drought.

We have to look very closely at how the same concessions and the same policy can be applicable to people whose businesses are 100 per cent related to rural production. Those businesses rely wholly and solely on the agricultural industry and therefore fall within the same category. With those few words, it is with much pleasure that I support this legislation. I think legislation such as this always opens up opportunities to enhance and improve other areas.

Mr LAWLOR (Southport—ALP) (4.12 pm): This bill proposes a dissolution of the Office of the Sugar Industry Commissioner, as has been mentioned by several other speakers. This proposal follows amendments made in 2007 to the Sugar Industry Act 1999 to remove the legislative obligation on Queensland Sugar Ltd to fund the office. This was no longer justifiable following the removal in 2005 of statutory vesting of the Queensland sugar crop and the widening of the sugar authority which had the responsibility to oversight the statutory sugar vesting powers. Interim funding for the commissioner's 2007-08 budget is being provided by the Department of Primary Industries and Fisheries, with the costs shared jointly by the department, the Australian Sugar Milling Council and Canegrowers. The commissioner's current appointed term, which is on a part-time basis, expires on 30 June this year.

The Sugar Industry Act 1999 prescribes responsibility for the Sugar Industry Commissioner for two types of statutory access rights to facilitate the harvest and supply of cane to a mill—namely, cane railway easements and permits to pass over another person's land. The government announced in April 2007 that a process was being undertaken to phase out the office of the commissioner. Subsequently, the Minister for Primary Industries and Fisheries established the industry-government access rights working group to consider longer term alternatives for the future administration of access rights.

As at 30 June 2007, the commissioner reported that there were 4,993 registered access rights, comprising 4,795 cane railway easements and 198 permits to pass. Further legislation was found to be warranted for the administration of access rights. A major factor was the ability of the cane railway

system to transport a major part of Queensland's annual cane crush independent of state road and rail infrastructure. All but three of Queensland's 22 sugar mills operate cane railway systems. The Australian Sugar Milling Council has noted that there are in excess of 4,000 kilometres of track transporting cane during an annual crushing season of up to 26 weeks. In the 2006 crushing season, approximately 29 million tonnes, or 90 per cent, of cane harvested was transported directly to raw sugar mills on these mill owned cane railways. The tonnage of cane transported on the cane railway network is equivalent to keeping thousands of truck movements per day off the coastal road network during the crushing season. No other agricultural industry makes a similar contribution in reducing road traffic through the use of private transport infrastructure such as cane railways. The amendments in the bill recognise this situation and the fact that the normal process rights could continue to be afforded to an affected landholder. These rights included notice, objections, hearings and appeals, and compensation payable by the applicant to the landholder.

The working group has proposed, and the government has supported, the amendments to provide for the legislated future administration of access rights after the dissolution of the Office of the Sugar Industry Commissioner. The amendments to the Sugar Industry Act 1999, the Land Act 1994 and the Land Title Act 1994 will dissolve the office of the commissioner on 1 July 2008 and provide for the Land Court to assume jurisdiction for applications regarding non-consent sugar access rights matters, to preserve current sugar access rights and provide for future sugar access rights, to provide that future sugar access rights are recorded on land titles and to allow cane railway easements to be registered as easements on titles, and to deal with spent and expiring transitional provisions and relevant consequential amendments that flow from the dissolution of the commissioner's office. The bill will assist the industry to maintain the efficiency of the cane railway system in a cost-effective manner and assist with the operational efficiency and longer term competitiveness of the industry. I support the bill.

Hon. KW HAYWARD (Kallangur—ALP) (4.16 pm): This afternoon in my contribution to the Primary Industries and Other Acts Amendment Bill I intend to speak a little bit about the Queensland Rural Adjustment Authority and the amendments in this bill that affect the Queensland Rural Adjustment Authority. The amendments that this bill makes to the Rural and Regional Adjustment Act 1994 will allow QRAA to administer approved assistance schemes for the benefit of businesses and not-for-profit agencies in Queensland irrespective of their size and connection with the rural or regional sector when such administration is required by the Queensland government. The amendments will also allow QRAA to administer authorised interstate schemes for the benefit of the rural and regional sector and primary producers and small businesses when they are experiencing temporary difficulty and for the Commonwealth and other states. The amendments will also allow the chief executives of Queensland Treasury and the Department of Primary Industries and Fisheries to each nominate a senior executive, as defined in the Public Service Act 1996, to attend meetings of the QRAA board of directors and to act in the role of director. The amendments will also provide that the senior executive need not be from a chief executive's department and, I think importantly from the point of view of the board of directors, clarify that a quorum of the board includes the government directors.

Currently, QRAA's primary function is the administration of financial assistance schemes in the rural and regional sector of Queensland. Since its establishment in 1994, QRAA has achieved a high degree of expertise and has gained a reputation for efficiency in the administration of assistance schemes, particularly in the areas of application assessment and financial analysis. QRAA is highly regarded for its financial analysis skills and professional dealings with individuals, primary producer representative bodies and other lending organisations. The proposed amendments to the object of the Rural and Regional Adjustment Act will expand the scope of QRAA's activities. They will allow QRAA to further develop its skills base and to administer assistance schemes on behalf of governments or sectors of the economy. QRAA's activities are directed mainly at giving assistance to rural or regional producers and, I think importantly—and this is recognised by all members of this parliament—this will continue.

Since 1 July 2007 QRAA has received over 10,500 applications for assistance and has delivered over $221 million in assistance in the form of concessional loans and grants across all programs. Its primary concession lending program is the Primary Industry Productivity Enhancement Scheme, better known as PIPES. It has three programs—development, resource management and First Start—and it is expected that total PIPES lending in 2007-08 will be in the order of $25 million.

Currently, QRAA may also help small businesses other than those in the rural and regional sector and other elements of the state economy in periods when they are experiencing temporary difficulties, particularly resulting from natural disasters, drought and disease incursions. QRAA administers significant amounts of drought, natural disaster and disease incursion assistance, some of which occurs under joint funding arrangements.

Unfortunately, the impact of natural disasters has been severe in many regions across Queensland in the summer of 2008, and in recent months QRAA has administered a large number of requests for assistance under natural disaster relief and recovery arrangements. Part of the state and Commonwealth governments' response to these natural disasters was the activation of the Special

Disaster Flood Assistance Scheme arrangements in Queensland. The schemes administered by QRAA form an important part of the state government's response to issues affecting the rural and regional sector, in particular drought and the recent natural disasters and disease incursions.

The expansion of QRAA's activities into other sectors will assist QRAA to further develop its excellent reputation as a high-quality deliverer of services to the rural and regional sector. QRAA has been identified as an agency with the necessary expertise to deliver the loan components of these schemes on behalf of the government. Interestingly, recognition of QRAA's expertise has also come from other jurisdictions within Australia. These amendments will allow QRAA to tender for and enter into agreements with other jurisdictions to administer authorised interstate schemes in their rural and regional sectors. This will be done on a full cost pricing basis and will strengthen QRAA's skills base and potentially reduce overheads. QRAA's focus will remain on the rural and regional sector within Queensland. I think we would all recognise that is very important.

Operationally, QRAA focuses on effective communications with its clients through a number of activities it undertakes including an organised program of information seminars and the employment of client liaison officers. These officers are located in various parts of Queensland—Townsville, Innisfail, Kingaroy, Mackay, Roma, Longreach, Bundaberg and Rockhampton. Their purpose is to provide personalised assistance, guidance and support to regional clients. QRAA also issues a quarterly newsletter and maintains a freecall 1800 number.

QRAA is a statutory authority with a board of directors that reports to the Minister for Primary Industries and Fisheries on the performance of the authority's functions and exercise of its powers. The amendments relating to the formation of a quorum for the board will make explicit the common practice of counting the government directors when determining a quorum for the QRAA board. I think this is essential for the effective funding of the board, given the level of demands on the time of both senior executives and other members of the board and the likelihood that some members may not always be available for the meeting.

Mr Lawlor: Who runs QRAA?

Mr HAYWARD: It is an interesting question that the member for Southport raises. Importantly—we need to recognise it here in the parliament, of course—the chair of QRAA is a very successful Queensland farmer and businessman, Graham Davies. He is known to a lot of members on all sides of this parliament. He was interestingly described by the member for Southport's favourite newspaper, the *Queensland Country Life*, as 'a baron of the bush'—not something that he—

Mr Mulherin: Sought out.

Mr HAYWARD: He definitely did not seek it out. When he is referred to by that term, as created by the *Queensland Country Life*, he does not take to it too warmly. But that recognises—I think it is important to set it out in this debate—the sort of hold and sway he has within rural industry in Queensland. As I said earlier, he is one of the state's most successful farmers and is certainly a very successful businessperson. Along with that commitment to farming success and business, he really does have—I am sure the shadow minister will recognise this as well—a real commitment to public service and demonstrates that with his work within a number of organisations but particularly as chair of QRAA. I hope that he continues on in that role in the future. I recognise the great job Graham Davies does as the chair of QRAA. I conclude by saying that this bill deserves the support of the House.

Hon. TS MULHERIN (Mackay—ALP) (Minister for Primary Industries and Fisheries) (4.26 pm), in reply: Firstly, I would like to thank all members who have contributed to debate on the Primary Industries and Other Acts Amendment Bill 2008. Briefly, this bill proposes to amend the Rural and Regional Adjustment Act 1994 to broaden the potential for the Queensland Rural Adjustment Authority's operation and to amend the Sugar Act 1999, the Land Title Act 1994 and the Land Act 1994 to dissolve the office of the Sugar Industry Commissioner and to provide an alternative approach to the future administration of access rights.

I would like to briefly add to the comments made by my colleague the member for Kallangur with regard to QRAA. As members would be aware, the weather, from a prolonged drought to flooding, has resulted in an extremely hectic period for QRAA. It has performed more than credibly during this time. For example, just three months after the devastating floods that caused so much damage in central western Queensland, more than 1,000 special assistance grants totalling $10 million for affected farmers and small businesses have been approved. This is a significant milestone that demonstrates the Bligh government's commitment to rural Queensland and the competency of QRAA.

At the time of the floods I saw firsthand the impact of so much rain when I toured the Belyando area west of Emerald and then my home town of Mackay. The Queensland government was quick to respond to the plight of producers and business operators in these flooded areas. Through the Special Disaster Flood Assistance Scheme, administered by QRAA, special grants up to $25,000 were made available to those directly impacted by flooding to assist with the clean-up and recovery in those areas where the special assistance grants are available. QRAA handled 1,000-plus special assistance grants and there are more applications still coming in. This underlines just how many people were hard hit by the floods.

The Department of Primary Industries and Fisheries is an evolving portfolio, playing a key role as Queensland searches for the competitive edge of global markets. But we also remain very conscious of our grassroots responsibilities, such as extension and drought and flood assistance administered by QRAA.

QRAA is a statutory authority with a board of directors that reports to me as minister. I recognise the leadership of the current chair, Mr Graham Davies, and his board, and chief executive Colin Holden and his staff. I acknowledge the hard work and effort they put in. I think Graham and Colin are an excellent combination of chair and CEO—Graham with his vast experience of rural life and farming operations combined with his good corporate governance in previous board positions in the sugar industry and currently as the chair of the Mackay Port Authority and Colin with his good understanding of the sector. That has certainly assisted in having an organisation that has achieved extremely high levels of performance.

The proposed amendments to the Rural and Regional Adjustment Act 1994 will assist QRAA to further develop its already excellent reputation—as many members in this chamber said during this debate—as a high-quality deliverer of services to the rural and regional sector. I stress that the impact of these amendments on the delivery of QRAA's core business is expected to be minimal. QRAA's primary focus will continue to be Queensland's rural and regional producers and communities. It will, however, have the potential to deliver a wider range of government assistance measures.

Specifically relating to an issue raised by the honourable member for Toowoomba South, the proposed amendments will enable QRAA to broaden its service delivery within Queensland and to operate in rural and regional sectors in other jurisdictions. In Queensland QRAA's service delivery will expand to businesses and not-for-profit organisations irrespective of their size and connection with the rural and regional sector. Funding for any schemes that QRAA may be required to administer for Queensland would be considered by the government when the scheme was introduced. Opportunities to deliver authorised interstate schemes will not occur very often but when they do QRAA will deliver authorised interstate schemes on a full cost-recovery basis. QRAA will continue to administer drought, natural disaster and disease incursion schemes under existing funding arrangements. The impact on QRAA's core client group, the Queensland rural and regional sector, of the broadened scope will be minimal but the authority's overall financial and administrative position will be strengthened.

I would like to respond to an issue raised by the member for Hinchinbrook regarding Mr Ian and Mrs Leah Thomson of Mystic Sands, Rollingstone, regarding their application to QRAA for support under Natural Disaster Relief Assistance. I understand QRAA wrote directly to the honourable member and said that while it was sympathetic to the financial position Mr and Mrs Thomson find themselves in, Mr and Mrs Thomson, not being domiciled in the disaster declared area or suffering any physical damage to assets, do not satisfy the purpose of the support under the NDRA Tropical Cyclone Larry program. The purpose of the program is to provide assistance to owners of small businesses whose buildings, plant and equipment or stock have been significantly damaged by Tropical Cyclone Larry. QRAA was completely consistent with the decisions and advice given in relation to all applications and inquiries from businesses domiciled outside the declared area. I note that the member for Hinchinbrook mentioned that it was a joint Commonwealth-state government NDRA program. We were working within those guidelines.

In relation to amendments to the Sugar Industry Act 1999, the Land Act 1994 and the Land Title Act 1994, I want to touch on the government's previously announced intention to phase out the office of the Sugar Industry Commissioner. Following the industry deregulation, which formed part of the sugar industry reforms in 2004 and 2005, the responsibilities of the office of the commissioner have been considerably reduced. The future of the office has been subject to consideration between industry and the department during this period. Prior to these reforms the commissioner had a range of responsibilities including keeping a register of cane production agreements, being the sole member constituting the sugar authority and granting exceptions from statutory vesting, assisting cane production boards and registering cane analysis systems.

Following implementation of the 2004 and 2005 industry reforms, the commissioner's major remaining responsibilities involved the granting of access rights—that is, cane railway easements and permits to pass—over land to facilitate harvest and supply of cane to a mill. This is expected to involve, on average, around 10 non-consent matters annually and this volume of work does not sustainably support the continuation of a separate special purpose office.

In recognition of this situation the commissioner has been appointed on a part-time basis for the current financial year. This is expected to enable incoming issues to be properly dealt with and the office to be wound up. The commissioner has been in contact with mills in recent years to advise of the situation and request that any outstanding access rights matters receive attention. The amendments aim to essentially continue the currently existing system for the granting of access rights with the support of the Land Court and the Queensland Land Registry.

I now want to refer specifically to the report tabled by the Scrutiny of Legislation Committee seeking clarification regarding two issues in the bill. Firstly, the committee seeks information about the financial detriment the bill would cause to the commissioner. Clause 29 dissolves the office of the commissioner and clause 37 provides that no compensation will be payable to the commissioner upon dissolution of the statutory office. Secondly, the committee has drawn the offence provisions in new sections 70 and 71 of clause 24 of the bill to the attention of parliament. Firstly, during debate on the amendments to the Sugar Industry Act 1999 in the Primary Industries Acts Amendment and Repeal Act 2007 the government announced its intention to phase out the office of the Sugar Industry Commissioner by 30 June 2010. This was, as I have said, due to the reduction in responsibilities of the office of the commissioner following the deregulation associated with the sugar industry reforms in 2004 and 2005.

An industry-government working group was to be established to consider alternatives for the future administration of sugar access rights, the remaining responsibility of the commissioner, and further legislative amendments were foreshadowed. Following the expiry of the commissioner's then appointed term on a full-time basis on 30 June 2007 the commissioner was subsequently re-appointed for a further year. This appointment was on a part-time basis—that is, with remuneration arrangements based on 25 per cent of that for an officer appointed in the Queensland Public Service at the level of SES 2 package point 2.5 for a period expiring 30 June 2008. On 24 April 2008 the Governor in Council approved that this percentage be increased to 50 per cent to allow the commissioner more time to complete preparations for the dissolution of the office.

The working group found that the office was not sustainable and recommended that dissolution occur on 30 June 2008. The commissioner is supportive of this recommendation and has been in contact with mills to advise of the situation regarding the expected dissolution of the office and seeking the mills' input in dealing with any outstanding access rights matters. As the commissioner is appointed and remunerated on a fixed-term basis, the current appointed term expires on 30 June 2008 and as there has been prior notice of intended dissolution there would not appear to be a significant breach of a fundamental legislative principle.

Secondly, sections 70 and 71 continue the requirement in the current legislation that the grantee of an access right—that is a mill or a grower—must give notice to the registrar of the grant of an access right or its variation, cancellation or relinquishment, whether by consent or by order of the Land Court. A maximum penalty of 40 penalty units applies for failing to comply. The creation or removal of an access right under the Sugar Industry Act 1999 affects the way a landholder may use the land. It appears appropriate that a duty continue to be imposed on the grantee to make the registrar aware of the event so that government land registries might accurately disclose the nature of government-imposed restrictions on the use and enjoyment of the affected lands.

I think it also appropriate at this time to mention public comments from peak sugar group Canegrowers pertaining to the amendments, in particular the winding up of the office of the Sugar Industry Commissioner. Canegrowers CEO Ian Ballantyne said his group broadly supported transfer arrangements. Mr Ballantyne stated that growers will not be placed at any disadvantage by this move. I thank Canegrowers and the milling council for their support.

I also thank Sugar Industry Commissioner, Ms Rowena McNally. She has been an excellent commissioner. Through this extremely demanding period of sugar industry reform she has provided exceptional and independent service and leadership, balancing the expectations of government and industry and the requirements of the community.

I also want to speak briefly on the issue of cost. The new system will be operated on an essentially user-pays basis. In previous years the commissioner's budget was an industry-wide cost. Funding was by way of a pool deduction from the statutory single desk for sugar which vested all Queensland produced sugar in Queensland Sugar Ltd. The single desk was deregulated on 31 December 2005 and this approach was discontinued. For 2007-08 the commissioner's approved budget of about $250,000 is being provided by the Department of Primary Industries and Fisheries, with costs shared jointly by the DPIF, the Australian Sugar Milling Council and Canegrowers.

Following the dissolution of the office of the commissioner, applicants for grants of access rights will need to meet Land Court and Queensland Land Registry costs. There are no application costs to the Land Court and only nominal fees to lodge an appeal. Parties bear their own legal representation costs. The Land Court has indicated that it expects to be able to handle the anticipated volume of non-consent access rights applications within its existing resources. The normal fees set by regulation under the Land Act 1994 and the Land Title Act 1994 will apply to noting, recording and registration processes at the Queensland registry office. These administrative actions regarding access rights on affected land titles will be carried out within existing resources. These measures will essentially continue the currently existing system for the granting of access rights in a cost-effective manner and access right registration practices will be more in line with government land registration practices.

With regard to access rights, the bill will provide a far more reliable means of recording and maintaining up-to-date records. The existing method of recording in an access rights register has significant limitations due to the difficulties in obtaining information about changes in land description

and ownership over time. The Queensland Land Registry maintains up-to-date information on land description and ownership, with updates being recorded through its automated title system. The amendments will establish the ability to perform Queensland Land Registry searches for access rights concurrently with searches of other land details. This will significantly simplify search procedures. Previously, a separate search of the access rights register was required.

In addition, the creation of a 'public utility provider' category for cane railway easements will put beyond doubt the ability to register those easements on title when properly surveyed. The registrar must be advised within 28 days when a permit to pass or a cane railway easement is agreed or ordered and a notice recorded on the affected title. The registrar may register an easement under the Land Act 1994 or the Land Title Act 1994 in accordance with the requirements of those acts. Currently the type of easement created by a cane railway easement may not always be able to be properly registered as an easement under the Land Act 1994 and the Land Title Act 1994. Given that the presence of a cane railway easement on a piece of land forms essentially a permanent encumbrance, this gives rise to a policy imperative for government to provide for indefeasibility of title where registration requirements are met for the parties to such an easement. This will provide clarity for the parties to the access right and the community overall as to the extent and type of encumbrance created by a cane railway easement.

To put beyond doubt the ability for a properly surveyed cane railway easement to be registered on the affected land title, the land legislation is being amended to provide a classification for sugar mills to be 'public utility providers'. This will allow cane railway easements to be registered as an 'easement in gross', a category that does not require the presence of a dominant and servient tenement, to allow registration under the land legislation. The amendments provide that a cane railway easement may be registered when the requirements of land legislation, which include the submission of a survey plan, have been complied with. In relation to the issue of the transport operator that was raised by the member for Gregory, in that instance the applicant would be totally dependent on agriculture, in which case they could make an application under the small business exceptional circumstances program. I would encourage them to contact the regional client liaison officer to discuss their situation.

This legislation will make a very positive contribution to the conduct of Queensland's primary industries and, as such, deserves the support of all members in this House. I again express my appreciation to members on both sides of the House who have spoken during this debate and to the staff from the Department of Primary Industries and Fisheries and members of the access working group who have worked so hard on this comprehensive legislation. I commend the bill to the House.

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

Motion agreed to.

Bill read a second time.

Consideration in Detail

Clauses 1 to 3, as read, agreed to.

Clause 4—

Mr HORAN (4.46 pm): Clause 4 states—

> The object of this Act is to establish QRAA primarily to administer assistance schemes that foster the development of a more productive and sustainable rural and regional sector in Queensland.

That is supposed to be the prime charter of the organisation. During the debate we have talked about how this clause widens that charter to include other elements of the state's economy. I ask the minister to give some examples of those other elements. For instance, would it include granting assistance to the tourism industry following a cyclone? Would it extend to metropolitan areas? What assistance or incentive schemes would come under the ambit of QRAA?

I also note that the clause states that if a scheme from over the border is involved it is restricted purely to rural and regional schemes. That is good because it maintains the core and primary objectives of the organisation. As I said in my speech during the second reading debate, if QRAA has to be involved in various assistance schemes, its workload could be increased substantially. For example, it could be used to administer schemes for not-for-profit organisations. It is not beyond the realms of possibility that some form of grants could come up through the Department of Communities. It could end up doing all sorts of things for various charities, organisations and industries. Could the minister tell the House whether QRAA will be administering a broad range of schemes, or will that only happen in exceptional times?

Mr MULHERIN: I thank the honourable member for Toowoomba South for the question. As members in this chamber have rightfully identified, QRAA has achieved a high degree of expertise and has gained a reputation for efficiency in the administration of assistance schemes, particularly in the area of application assessment and financial analysis. The member's point relates to how far we will broaden it beyond rural and regional areas and into metropolitan areas. An example of that could be the government's recent announcement of the establishment of two new schemes to encourage investment

in energy-saving measures and technology. That will benefit the whole state, not just metropolitan areas. That is the sort of thing we have in mind. The member rightly identified that on occasions the government may feel that QRAA is the best body to deliver some form of assistance to other agencies. I think that deals with that point.

The member raised a concern in relation to employees. Increasing its volume of work, I believe, will enable QRAA to retain a greater number of permanent employees. But what we found during the likes of Cyclone Larry and the NDRA schemes as a result of the flooding that we had in Queensland during January and February is that we have a core group of experienced people who want only short-term or casual work. Doing other things within Queensland and interstate will give QRAA the ability to build up that core group of temporary workers. A lot of them are retired from financial institutions, so they find that it fits in with their retirement plans.

Clause 4, as read, agreed to.

Clause 5—

Mr HORAN (4.51 pm): Clause 5 deals with the definitions of 'authorised interstate scheme' and 'approved scheme'. I wanted to ask the minister this: what accountability systems will there be to show that by going over the border to administer schemes there will not be a cost to the Queensland budget? I note that the minister said in his speech that there was going to be cost recovery. I think there needs to be far more than cost recovery. It is a major step to work interstate for other state governments or for the Commonwealth. I do not think you want to do that unless you make some money for Queensland, otherwise why do it? Why shouldn't they do it? You are really not doing it just for the exercise of giving staff something to do. I think we want a lot more than cost recovery. There should be cost recovery plus a surplus. If the talent of an organisation from Queensland is being used to do something over the border, then there has to be a reason for that and that reason would be to use that expertise to generate some income for the state, otherwise there does not seem to be much purpose in doing it.

Mr MULHERIN: How this came about was that there were two incidents—in 2007 the Commonwealth put out a tender for the administration of the FarmBis scheme and also there was reform in the cod fishery in New South Wales. It was a Commonwealth scheme and they inquired if QRAA could administer that scheme on behalf of the Commonwealth because of the expertise that we have in relation to processing applications and financial analysis. We found that there were limitations and this is why we have the amendment here. I do not believe that there will be many occasions on which this will occur. It allows us to stick to the area in which we have expertise—the rural and regional sector. There are sufficient processes put in place in making a decision.

The bill provides that there will be ministerial authorisation for QRAA to tender for the administration of the interstate scheme and further that the minister may request any information about a tender or arrangements connected with the administration of an interstate scheme. However, any information provided should not contravene a commercial confidentiality agreement. The provision allowing exclusion of commercial information is necessary in order to protect the later negotiations of commercial terms—that is, post ministerial authorisation.

Before any negotiations are entered into by QRAA with a third party, the amendments empower the minister to decide whether to authorise QRAA to tender or administer a proposed interstate scheme. The member made the point during his address in the second reading debate that, if we had a cyclone situation where we are administering grants, would we have the capacity? This enables ministerial direction, on advice coming up through the board, to make those informed decisions. I believe that there are sufficient processes in place not to jeopardise QRAA's position.

Clause 5, as read, agreed to.

Clauses 6 to 9, as read, agreed to.

Clause 10—

Mr HORAN (4.56 pm): The minister has part answered this in his last answer. This clause, which is about authorisation, does again specify that it has to foster the development of the rural and regional sector in another state, so it is in keeping with the main objective of the organisation. It does go on to say that authorisation may be given on conditions the minister considers appropriate. That opens it up to be fairly broad I thought.

What gave me concern was that it says that the authority must give the minister any information he asks for about a tender or arrangement but it does not apply if that would contravene a confidentiality agreement to which the authority is a party. I would have thought that the minister should not be kept in the dark. Whatever the minister requires to know he should know. The minister should naturally be bound by the confidential arrangements. I think it is a weakness that things can be potentially hidden from the minister. The minister needs to be able to make these decisions with all of the information. I do not think matters like this should be hidden.

The minister at the end of the day has to be responsible for the decisions that he makes on authorisation, and there may be occasions when he needs information that could be said to be confidential. I think the minister should be trusted under his ministerial code that if something is confidential that that confidentiality is kept, and I believe it would. I think it is a potential weakness that confidential matters can be kept from the minister who has to make the final decisions on authorising these particular schemes.

Mr MULHERIN: Before any negotiations are entered into by QRAA with a third party the amendments empower the minister to decide whether to authorise QRAA to tender or administer a proposed interstate scheme in the first place. So QRAA would require that authorisation from the minister prior to tender or to administer a proposed scheme. The minister must be satisfied that any proposal for the delivery of an interstate scheme and associated tender and administration are consistent with QRAA's allowable interstate activities—that is, the rural and regional sector. To enable the minister to make an informed decision, QRAA must provide him with sufficient information on the draft tender and proposed administrative arrangements for the scheme. The minister would require that up-front.

An additional safeguard is that the minister may make the authorisation subject to certain conditions, and these include requests for regular updates on aspects of concern with either the tender or the subsequent administrative arrangements for an interstate scheme.

Mr HORAN: I just want to make the point, and I will not labour it, that I believe ministers should be told everything and there should be a 'no surprises' rule. In making these decisions and taking responsibility, the minister deserves to be told everything. I think that section is a weakness in the clause.

Mr MULHERIN: As I said before, QRAA can enter into any negotiations with a third party. The minister will decide whether to authorise QRAA. So there is a whole range of guidelines that the minister would have to be satisfied with before giving that permission. If they were successful and the minister put certain conditions on the authorisation, there would be regular updates so that control can be exercised in that way. Whilst I acknowledge the member's concerns, I think there is adequate protection there.

Clause 10, as read, agreed to.

Clauses 11 to 13, as read, agreed to.

Clause 14—

Mr HORAN (5.01 pm): I want to ask the minister if it is normal practice to delegate to other departments or other public services. This is for a director who is nominated. That would be the director-general of the minister's department. The two delegates from the government are theoretically the director-general from the minister's department and a similar position from Treasury. It would be normal to have someone else from the minister's department represent the director-general, but in this clause it could be any qualified senior executive in the Public Service. So it could be someone from the department of health or any department.

I think that moves away from the fundamental objects of the bill. The fundamental objects of the bill particularly concern the minister's department. It is primarily for rural and regional Queensland. Does it happen on any other statutory boards which are the responsibility of a particular department that delegation is widened to give it to representatives from other departments? It seems to me to be quite strange.

Mr MULHERIN: This is really what I would call an 'Alan Tesch amendment'. The member has correctly pointed out that the chief executive officers of Treasury and DPIF have the power to delegate their membership to the board. The Under Treasurer's representative on the board is Alan Tesch, who is now the Director-General of the Department of Main Roads. Mr Tesch had extensive experience with the operation of QRAA in his former position with Treasury. He was the Under Treasurer's nominee on QRAA and when he took up that position with Main Roads he continued to serve in this role. So this amendment is really about removing any ambiguity by explicitly empowering each of the chief executives of Queensland Treasury and the department of primary industries to nominate a senior executive to take their position who they believe has the appropriate qualifications to serve and exercise their functions and powers under the QRAA act. We have similar provisions within the safe food authority as well.

Mr HORAN: It concerns me a bit that because someone has gone from one department to another we have in the legislation a delegation of power shifting to virtually any department to cover that. The principle should be that this should be a senior person from Treasury and from DPIF. They are the two departments involved with the administration of these grants and QRAA itself. That someone retires, resigns or goes to another department should not mean that there is special legislation just to cover that.

I presume there may be other people from Treasury. Mr Tesch may well have had that experience from being there but other people can develop that experience. He might resign and go into private enterprise and we will have to find someone else then. It seems to me a weak principle. If you have a

person from Treasury, they would be contemporary in their understanding of what is happening with Treasury, the financial fundamentals and what policies they are running at the time, whereas the person the minister mentioned is probably rapidly becoming an expert within Main Roads.

I feel it is a weak principle to have legislation to allow for an individual, because it should be able to be a person regardless of who the individual is who represents those two departments that are involved.

Mr MULHERIN: As I said, Mr Tesch was a departmental employee of Queensland Treasury. He was the Under Treasurer's nominee. This provision allows us the flexibility to appoint senior executives within government that have the necessary qualifications, experience or standing to exercise the functions and powers of the QRAA director. It explicitly states under '16D Delegation by non-appointed directors'—

(2) In this section—

appropriately qualified includes having the qualifications, experience or standing appropriate to the exercise of the function.

The Under Treasurer, who is a chief executive officer in relation to this act, decided that Mr Tesch, even though he was not a departmental employee, could continue in that role because he had the necessary qualifications.

Clause 14, as read, agreed to.

Clause 15—

Mr HORAN (5.08 pm): Could the minister tell us how many directors there are on the board and what is the quorum required, because what this clause is doing is allowing those two delegates from government departments—and now they can be from any department—to be counted as part of the quorum.

Mr MULHERIN: There are seven on the board of QRAA including the two government appointees, and a quorum is four including two government appointees.

Mr HORAN: I take it from the notes that previously they were not counted as part of the quorum. Previously if they were not counted it would mean to get a quorum of four they would have to have a decent number of the board of seven people there. They would have to have more than 50 per cent there. Now to get a quorum of four they would have the two public servants there and they would need only two directors of the board there and they would have a quorum and away they could go. If that is the case, I think it is weakening the way it was designed, which was to provide that more than 50 per cent of the directors were to be there.

Mr MULHERIN: This particular clause really clears up the point that they could form part of the quorum. That was always the intent. It has been cleared up in this amendment.

Clause 15, as read, agreed to.

Clauses 16 to 22, as read, agreed to.

Clause 23—

Mr HORAN (5.10 pm): This clause concerns compensation on the grant of access rights. In the accompanying notes it talks about a new term 'grantee' and that grantee being either the mill owner or the landholder. In a dispute either can claim compensation. There is a little bit of concern in this area if mill owners were to try to ride roughshod over farmers to widen the easement or take other action and if they were not able to get it then seek compensation. As I understand it, the compensation can be sought by either party—that is, the one seeking the land or the one from whom the land is sought.

Mr MULHERIN: The amendment continues the previous arrangements where compensation in relation to access right matters may be agreed to by parties. Where initial grant of an access right cannot be agreed and an application for the grant is made to the Land Court the applicant must provide advice of the application to any person the applicant knows may be entitled to claim compensation. While the Sugar Industry Act 1999 does not provide a process to decide compensation for third parties, the notice is to assist a third party to consider what further action they may wish to take.

For a non-consent grant of access right the Land Court may, on application, decide the amount of compensation payable by the applicant to a landholder. To assist in this decision section 68(4) and (5) details a number of criteria to be taken into account in determining just compensation. These criteria relate to recognised common and statutory law principles dealing with severance, disturbance, special value enhancement, offsets or injurious affection.

Similar provisions are included for non-consent access right matters involving variations and cancellations. In addition, the amendments continue the recognition currently in the legislation that particular circumstances of an access right cancellation may give rise to a right of an applicant to receive compensation from a landholder. An example is where a cane railway might be moved following the request of a landholder. A series of property owners might say, 'We are not growing cane so we want to deviate this cane railway line.' The mill would seek compensation. Another example of a third party would be a Rotary park. It gives notice to assist a third party to determine what they would do. They are two examples.

Mr MALONE: Under this legislation there is a higher level of ownership or stature in terms of the easement being registered on the title. The current registration of access comes under the Queensland Sugar Industry Commissioner's jurisdiction and before that under the jurisdiction of the sugar board. With it being registered on the title there is certainly some implication in terms of the guaranteed width of the easement and in terms of compensation if the train line has to be removed. We have had instances in Queensland where sugar mills have closed down. Is there some mechanism for landholders, where access is through their property, to force the mill to remove the train line plus the ballast and return it back to its original state? Will the easement then be cancelled and returned back to the original landholders? It certainly raises a number of issues in this very fluid industry.

Mr MULHERIN: The proposed legislation will continue the ability of access rights to be granted by consent between parties and will transfer the commissioner's existing role regarding non-consent access right applications. The normal process will be that of rights afforded to affected landholders. There will be a notice and a hearing, and appeals and compensation are to continue. What was there in the past will continue.

I turn to the enforcement of Land Court decisions. I imagine that the member is referring to new section 74A and Land Court decisions. New section 74A provides that if the Land Court makes an order under this part the registrar of the Land Court must give a copy of the order to the registrar of the Supreme Court who must file it in the Supreme Court registry. On filing the order is as enforceable as if there was an order of the Supreme Court.

Section 75 refers to the construction of railways and obstruction of access rights for the supply of cane to a mill. A mill owner or a person authorised by the mill owner may construct and maintain, alter and use a railway or road and carry out any other necessary work on land of the mill owner or over which the mill owner holds an access right or use the railway for road vehicles or rolling stock and other machinery and equipment.

Mr DEPUTY SPEAKER (Mr English): Order! Minister, I know the member for Mirani made some comments that were slightly off the clause. You are continuing with that theme. I would like you to come back to clause 23 specifically.

Mr MULHERIN: With all due respect, he did not nominate the clause. I am trying to sort through which clause it was. He could help by nominating the clause.

Mr DEPUTY SPEAKER: Order! That clause has been called so I will put the question.

Clause 23, as read, agreed to.

Clauses 24 to 44, as read, agreed to.

Third Reading

Hon. TS MULHERIN (Mackay—ALP) (Minister for Primary Industries and Fisheries) (5.20 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. TS MULHERIN (Mackay—ALP) (Minister for Primary Industries and Fisheries) (5.20 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.

DISABILITY SERVICES AND OTHER LEGISLATION AMENDMENT BILL

Second Reading

Resumed from 15 April (see p. 965), on motion of Ms Nelson-Carr—

That the bill be now read a second time.

Mrs MENKENS (Burdekin—NPA) (5.20 pm): I am very happy to present the opposition's position on the Disability Services and Other Legislation Amendment Bill 2008. At this point I acknowledge that the opposition will be supporting this bill. Certainly, this legislation has as its major intent the protection of the most vulnerable people in our community. It follows the commissioning in 2006 by the then minister for disability services, the Hon. Warren Pitt, of an investigation by Mr Bill Carter QC to

investigate options for a legislative and service response to adults with an intellectual or cognitive disability who present with challenging behaviour. The Carter report—*Challenging behaviours and disability: a targeted response*—made 24 recommendations for legislative and service solutions. Mr Carter's report identified that there had been an overuse by service providers of restrictive practices in the disability sector. This legislation addresses in part some of those recommendations.

The bill is designed to safeguard the rights of adults who have an intellectual or cognitive disability who present with challenging behaviour. There is always the need to balance the rights of the adult with the disability with the protection of the rights of others when they are faced with violent or potentially damaging behaviour. The legislation that is currently in place does not account for those circumstances and to a great extent can leave service providers and their staff members exposed to civil or even criminal proceedings, including assault, while also not offering protections for the individual against potential abuse. This legislation applies only to adults with a cognitive or intellectual disability who receive disability services from non-government service providers funded by Disability Services Queensland.

The bill will amend the Disability Services Act 2006 and the Guardianship and Administration Act 2000. The main objectives of this bill are to drive service improvements to reduce or eliminate the use of restrictive practices, to promote positive behavioural support, to reduce the incidence of challenging behaviour and, most importantly, to improve the quality of life for adults with an intellectual or cognitive disability.

One of the most vulnerable groups in our community is those with intellectual or cognitive disabilities. These people are unable to process thoughts in the way in which our community expects. Sometimes these people need very intensive assistance to function in what is probably becoming for them an increasingly difficult world. One of the most dedicated groups in our community is the carers who are totally dedicated to looking after these people. Often their work is extremely stressful and is undertaken in very difficult conditions. Carers are also one of the most patient groups in our community. Carers are often family members who stand by their loved ones and sacrifice their own needs in order to make life better for their son or their daughter, their brother or their sister because they have to and because they need to. Often this sacrifice goes on for years and years. Often it covers these people's total life span, and that is particularly so in the case of young carers. I applaud those carers and I have no doubt that everybody in this House supports me when I say that. Those carers, be they staff members or family members, do a magnificent job. They truly are a group of very special people, because only special people are capable of performing this role.

Carers deserve the respect of our community and should be supported by the community and all levels of government, institutions and organisations. When making policy decisions, the views and the needs of carers must be taken into account along with the views, the needs and the best interests of those for whom they care. I have visited quite a few homes where carers are looking after disabled people. In some cases I—as I know many other people do—go away feeling profoundly moved. I have to admit that it is not a job I could do. I think many members would agree with me when I say that it is not a job that the majority of us feel we could do. Therefore, it is essential that any legislation that tackles the complex world of disability takes into account the needs of our disabled people, our carers and our service providers. It is essential that legislation makes the struggles, the dedication, the sacrifice and the achievement of carers—these good people—worthwhile and that it pays them due recognition because, as a community, we desperately need them. Their work is invaluable.

As I said, this legislation grew from the Carter report, which suggested a framework to provide legislative and service solutions for intellectually disabled adults in our community. The Carter report was based on the need to protect the intellectually disabled and to safeguard their rights. The report highlighted a very real need for collaboration, which had not existed previously, to get the best outcomes. The report also highlighted the need for specialist and dedicated workers to achieve the best for the disabled or impaired person. The report also highlighted—and this is probably the crux of this legislation—the need for positive behavioural support for the disabled person to allow them to reach their best.

The bill sets out to protect disabled adults against restrictive practices. The bill applies only to adults with a cognitive or intellectual disability who are in receipt of disability services provided by DSQ. That is an important point. The bill is designed to safeguard the rights of adults with a cognitive or intellectual disability in circumstances where restrictive practices may be required to manage their challenging behaviour.

I note that 'challenging behaviour' is left undefined in the legislation, but it is generally understood to mean violent and potentially damaging behaviour either to oneself or to others. It is understood to describe behaviour of such intensity, frequency or duration that the individual or other people are seriously threatened by the behaviour and the behaviour is characterised by physical violence. I understand that it is subjective and no doubt it is very difficult to actually define 'challenging behaviour' to its finest point. I think we all understand it. However, I question whether there is a point at which the term 'challenging behaviour' could be challenged in a legal proceeding. Defining this type of behaviour

is potentially difficult. I question whether the legislation could provide more clarity about what constitutes this type of behaviour, particularly as it does in relation to retrospectivity. I will be interested in the minister's comments relating to the challenge of defining 'challenging behaviour'.

The question then is: is a provider at fault because they employed restrictive practices in a one-off situation or because they did not document them to this bill's standard? The sentiment of the bill is right in that it fully recognises the need to uphold the rights of the adult with a disability and the need to protect the rights of others when faced with the consequences of that disability when they take the form of violence or harm. As I understand it, there is no specific legislation currently in place to deal with these circumstances. It is necessary legislation and we acknowledge the fact that this is an attempt to put legislation in place to protect those people.

In the current climate, service providers can be exposed to criminal or civil proceedings which could involve assault and other offences when these actions were not done deliberately. That is a difficulty and represents another of the major reasons for the implementation of this legislation—to protect service providers who may have been acting in all genuineness but whose actions may not be seen that way in a court of law. We see that the intellectually and cognitively disabled adult is not currently offered any protection, either. So there is no legislative protection of that individual against potential abuse. Alarm bells should ring, and it is good that this situation is being addressed.

This is very involved legislation. I have spent quite a lot of time studying the bill in great detail. This bill sets out a series of conditions that must apply to a person for the scheme to apply. They must be adult, they must have a disability and exhibit challenging behaviour and they must be receiving disability services from DSQ or a relevant service provider. This is a relatively broad definition in that people covered by the bill include adults who are living at home but who are receiving a DSQ funded community support service, an adult residing in a hostel with a DSQ residential support program, or an adult living in a residence that is supported by a service provider. It does not apply to Queensland Health or to non-DSQ funded services.

I turn to the identification of behaviour and the possible use of a restrictive practice. The service provider must first identify that they may have a need to use restrictive practices on an adult. 'Restrictive practice' has been analysed into various tiers. The first tier, the most serious level of restrictive practice, includes containment or seclusion of an adult. I would understand this to be perhaps locking the client in a room or locking them in a home—actually locking and secluding them away from others. Naturally, this is a fairly forceful thing to do. It is also brings into play a lot of other conditions that could impact upon the rights of the person. However, as we know, there are many times when this could be and is necessary.

The second tier relates to physical restraint, which, as I understand it, would mean the adult actually being held by a person; mechanical restraint, which would involve some form of apparatus; or chemical restraint, which would be the administration of medication to no doubt make the person more quiet or more docile.

The third tier of restrictive practice is restricted access to objects. The example is given in the legislation of a person who may have an inclination to use knives and the restrictive practice would involve locking up the knife cupboard. Another example given is of a person who has no ability to control their eating habits. So there could be certain areas blocked off and to which they are denied access which in another light could be seen as impacting on their rights.

As I said earlier, seclusion involves confining the adult alone to a room. It could be at any time of day and would involve the fact that there is no free exit. The intent of the legislation and one of the major intents of the Carter review is to attempt to diminish or even wipe out the use of restrictive practices.

The bill introduces four main components to be assessed before the use of restrictive practices is approved. These are documented to a great extent in the bill. Assessment involves identifying the behaviour that may cause harm, gaining a greater understanding of the person, developing a hypothesis for the behaviour, making recommendations for positive strategies, making recommendations for any restrictive behaviours and establishing a baseline measure for the adult's behaviour.

The second part is the positive behaviour support plan. The central focus of the implementation of this legislation is the positive behaviour support plan. This is the core feature of the legislation with a requirement that the plan be implemented in conjunction with restrictive practices should this be necessary. Strategies to reduce or eliminate the need for use of restrictive practices must be implemented. The plan must include observations and monitoring measures and intervals of review. Consent or approval must be independently approved. Most decisions will be approved by the Guardianship and Administration Tribunal. This, of course, comes under the amendments to the Guardianship and Administration Act. If not approved by the guardianship tribunal, they must be approved by a guardian who is appointed by it. Containment and seclusion consent will be from the tribunal. Chemical, physical and mechanical restraint, tier 2, will be by the appointed guardian and

restricted access would be by either the guardian or an informal decision maker, and that would be a family member or close friend. I note from the explanatory notes and the briefing that there must be consultation across all the areas of people who do have a responsibility for the disabled person.

The final part is the review and monitoring. Approvals have a time limit of 12 months. Monitoring and reviewing will be an essential component to ensure that this is working. There are some exceptions. One-off respite and community access services—it might be one day a week or two weeks every 12 months or whatever—may be the only disability services accessed by the adult. These are specific circumstances and they occur in many, many areas because, of course, there are so many wonderful families out there who are supporting their loved ones with a disability. Their need for respite is very real. The exemptions in relation to respite and community access services represent a very important area. Another reason that it is important is that in many cases where the person with the disability is relocated—which does happen in most cases if it is a respite situation because that person is moved away from the home where they are living—this can actually cause a disruption to their normal behaviour patterns. In fact, it nearly always does create a change to their behaviour patterns unless it is something that occurs on a regular basis such as once a week. These services are still required to prepare a respite and community access plan for the adult. However, I understand that this would be a less detailed version of the positive behaviour support plan. I certainly hope it is less detailed because the paperwork would become absolutely appalling. The increase in the amount of bureaucratic paperwork that will develop with this legislation is a concern.

Approval must be sought from the guardian for restrictive practice matters subject to a review by the tribunal for containment or chemical restraint et cetera for the emergency short-term approval. This, of course, will only occur where there is immediate and serious risk of harm to the adult or another person. This will be in place for up to three months and it can be given by the adult guardian for containment or seclusion and by the chief executive of DSQ for other restrictive practices. The notes actually outline a slight difference, as I understand it, in the legislation. There is also a note here that locking doors, gates, windows et cetera is not actually defined as restrictive. For normal safety purposes the front door of a house will be locked and that does not necessarily indicate seclusion; it just indicates normal safety procedures and processes that most people would undertake. Naturally a door or gate may be locked to stop a person who does not have the full capacity of understanding wandering because of the danger factors. However, the provider must still keep and implement a policy that is consistent with that of DSQ.

At this stage I acknowledge and thank the minister and her staff for giving us a very, very comprehensive briefing yesterday afternoon. The staff were particularly obliging and helpful and we did appreciate that. This legislation will hopefully be implemented by 1 July. Up to 18 months is provided from commencement to compliance. However, during this time is the transitional period. Transitional immunity is conditional. I raise some concerns in relation to this. Transitional immunity is conditional upon acting honestly and without negligence, if it is demonstrated it is necessary for safety and was the least restrictive option, the adult was assessed for behavioural causes and positive strategies before the practice was used, monitoring was conducted, the appointment of an authorised guardian or the provider carries out assessment and keeps a policy about the restricted practices consistent with DSQ's. In this initial time immunity of those people is important. As I understand it, acting honestly and without negligence are the two main tranches of, shall we say, the safety and immunity of staff involved in this situation.

Equally, retrospective immunity is conditional on acting honestly and without negligence, it was necessary for safety and was the least restrictive option, the adult was assessed for behavioural causes and positive strategies before the practice was used and monitoring was conducted. I will comment further on that later.

Short-term approvals are not to be given during the transitional period. I am a little concerned about the actual implementation of this—whether this will be strategic or could create complications. Proposed section 123ZZB notes that a relevant service provider is not criminally or civilly liable if they are seen to be acting honestly and without negligence if they should use the restrictive practice. Proposed section 123ZZC states that an individual acting on behalf of a relevant service provider is not liable if they act honestly and without negligence and comply with the various other parts of section 123. While these measures will go towards the aims of the legislation, which is to drive service improvements to reduce or eliminate the use of restrictive practices, promote positive behaviour support and reduce the incidence of challenging behaviour and improve the quality of life for adults with an intellectual or cognitive disability, their impact on families and providers is not so clear. These measures will help. They will go towards meeting the aims of the legislation. But I stress that the impact on families and providers is not as clearly spelt out.

Some providers have told me that they are concerned that the process will be bureaucratic and top heavy. Certainly on a cursory reading the legislation does appear to take a rather heavy-handed and perhaps unwieldy approach to the process. The onus is on the non-government DSQ funded services to prove that they have tried to restrict or eliminate restrictive practices, which obviously places an extra load on providers as does the threat of liability. In an already stressful field, this could be an added

pressure. While I would hate to think that community service providers could withdraw as a result of the introduction of this legislation, if the process is seen to be too onerous and stressful that potential certainly exists. At the end of the day, the losers will be the people they serve and their families. Service providers could apply their services to other community areas. I certainly hope that does not happen. I would be appalled if it did, because it would be a huge loss to the community which really needs those services. However, there is always the possibility that that could happen.

Clients not receiving DSQ support are not subject to this legislation. I am concerned that some of those clients could slip through the cracks. I understand that if people are the victims of unfortunate proceedings, the perpetrators would be liable to civil law and liability. The majority of people who look after seriously disabled relatives do a wonderful job, and provide loving and supportive homes. In relation to the recent news from Austria, I think that we are all appalled that there are in the world creatures who could do such things. However, I would like to think that that does not happen anywhere in Australia or Queensland.

I cannot find in the legislation provision for a situation where there is no time to jump on the phone before a threatening situation develops. I know that we cannot legislate for all circumstances. However, a person's behaviour can change radically and suddenly, possibly when something new has occurred or when there has been a total change to the environment. I seek the minister's assurance that a service provider's first experience of a client's behaviour pattern will not cause difficulties for the provider.

The legislation also takes decisions to the tribunal and guardian, which could be seen as a further removal of provider and family input into decisions. I note that the family is consulted, but there are many situations—and some particularly sad cases—where more than one family member is involved in caring and decision making. The appointment of one person ahead of another can increase the pressure on the whole family. I make that point because these issues raise many complicating factors for the people involved.

Concerns have been raised about the conditional retrospectivity and transitional immunity aspects of the bill. In the 2007-08 budget the government committed $113 million over four years to implement this legislation and to provide supporting bodies. That is certainly a good start, but we will need to be assiduous in reviewing the effects of the legislation and in ensuring that it is helping all of the groups involved. The relationship between families, service providers and the intellectually disabled is a mutually beneficial one. It should not ever be treated as competitive or exclusive. It would be fair to say that the legislation will work if all groups benefit from it. Similarly, it needs to be followed up with initiatives and investments that will improve conditions for each of the three groups, improve staff retention in service provision, create more opportunities for the disabled and provide support and assistance for the carers and the families.

I understand that across Queensland around 300 adults suffer from this type of disability. That number was outlined in the Carter report. I also understand that quite a lot of consultation has taken place across the sector and with many service providers. Of course, feedback always varies. It was put to me that this legislation presents the middle ground between the two opposing sides. There are always naturally opposing views because groups will promote or lobby for their particular area of interest. I certainly hope that the legislation has taken the middle ground and certainly the consultation that I have undertaken across-the-board has not turned up anything particularly detrimental.

However, I wish to quote a recently retired senior manager of a very large disability support service. He has outlined quite a few of his thoughts on this legislation, and I will share some of them with the House. The gentleman managed a large district with a significant number of service areas, and a large staff and client base. As such he certainly speaks with the benefit of broad experience in the area. He said that prior to their placement with a service provider a number of clients are identified by DSQ as having the potential to harm themselves, others or property, or are subject to forensic or other treatment orders. Currently when the service provider commences service a support plan is discussed with DSQ and restraint as and where necessary is included as a component of that plan. PRN medication may be administered or physical seclusion approved as being integral components of the plan. Least restrictive practice is applied and, in those cases, identification of the need for restraint is generally apparent to all parties involved in the client's support, who would be the most obvious recipients of this legislation.

The gentleman raised the issue of a client who has the potential to be violent as a result of attention seeking or frustration. He felt that difficulties can arise in relation to understanding why a client has become violent. He described to me a particular case study, and of course no names were used for obvious reasons. The client was a non-verbal, non-hearing client who can and has, on regular occasions, lashed out and injured support workers. However, the violence only manifests as a result of frustration or attention seeking, because of the disabilities of the client.

His feeling is that if support workers submitted critical incident or client initiated aggression reports for every occasion there could be three to five reports a day. On the face of it, this client would be an obvious candidate for restraint under the legislation. However, support workers and staff who know the client become aware of the triggers and by applying their professionalism minimise such outbursts. So to impose restraint would severely affect this client's quality of life. I am sure there would be many other clients to whom this same scenario would apply.

A positive support plan is an essential component when providing support for these clients, but by developing an appropriate plan and judiciously applying it such outbursts can be minimised but only if the support service and staff work at applying the plan. That was his concern. This presupposes that competent and effective staff training and development must occur. Fortunately, he also acknowledged that the process recently has been enhanced by the accreditation process which has been able to improve the level of competence of support workers. The accreditation process that support providers must now undergo has improved.

This gentleman had earlier voiced his concerns to me regarding staff who impose their own form of restraint on clients for their own ends. In this situation he was also drawing on previous incidents. He uses the example with the same client that we outlined earlier. A support worker had taken that client to a GP and stated that the client could be violent thereby securing a prescription for sedatives. The client may not have had the cognitive skills to understand the conversation between the GP and the support worker or the ability to object. Apparently this situation did occur and luckily it was something that was picked up. It resulted in the client being sedated so that the particular support worker could create an easy work period. Conversely, in another case the support worker may restrict the client to their bedroom thereby applying unofficial seclusion.

His concern is that sometimes it can be very difficult to truly identify how necessary the restrictive practices may be. It is also difficult to identify as other clients in the same premises may be subjected to pressure not to say anything. This is not difficult to achieve because clients generally want to please. The main way that these situations are discovered is generally by accident—for example, a slip of the tongue or other support workers seeing the client and their support worker at the doctor more often than would be expected. I outline that to ensure that there is no crack in this legislation that could allow—I am not criticising support workers, far from it—a tardy carer to slip through in the hope of having an easier life by using practices that that client really does not need.

Also, where there is a full-time support worker who has a vested interest in having a client restrained, it should be borne in mind that where there is no family—which is not unusual—the full-time support worker's opinion may be heavily relied upon thereby giving a false representation of the facts and perhaps obtaining a restraining permit when it is not necessary. The management of that service provider certainly needs to be constantly vigilant in this area and must ensure that the positive support plan is actively employed. A weeding out of staff not prepared to do their job does occur. Yet the other side of it is that, due to the pressures and workload placed on management—and I acknowledge that that pressure can be in all areas, in DSQ and service providers—it is not always possible for managers to spend time ferreting out the truth of how those services are actually carried out by certain staff. There would be various processes that could be put in place to check on services. No doubt there would be spot checks by management out of hours, but that is not a realistic solution because checking up on professional people can actually distress, disturb and naturally annoy many professional people.

Another person raised concerns about this application being made on the basis that 'just in case' restraint may be needed. Restraint could then be put in place when it may not be necessary and I would hate to think that that would be to the detriment of the client. When clients with the potential for violent outbursts are enjoying public access it may be that the outburst surprises the support worker and they have to act immediately for the safety of the client, themselves and others. Any response the support worker makes is an immediate decision and the outburst should not be considered in isolation as a need for restraint. This is an area that I mentioned earlier. Are there protective mechanisms and immunity that would be in place for that support worker should that situation occur—a violent outburst that is totally unexpected?

I note in the *Alert Digest* that a lot of concerns have been raised about this legislation, particularly with respect to the question: 'Does the legislation have sufficient regard to the rights and liberties of individuals?' As we are aware, section 4 of the Legislative Standards Act requires legislation to have sufficient regard to the rights and liberties of individuals. The committee does analyse in great detail, which I certainly will not repeat, quite a few concerns about rights and liberties. Paragraph 15 states—

The committee refers to Parliament the question whether clauses 7 and 8 of the bill have sufficient regard to the rights and liberties of adults with:

- intellectual or cognitive disability who have challenging behaviour; and
- a skills deficit.

I have no doubt that the minister will acknowledge that. Paragraph 18 states—

New section 80ZL of the *Guardianship and Administration Act* would allow the adult guardian to access information to decide whether to give approval under part 4 (short term approval of certain practices). The adult guardian would have the right to all information necessary to make an informed decision that the adult would be entitled to have if the adult had capacity. New section 80ZL would also require the person with custody or control of the requested information to provide it to the adult guardian (in the absence of a reasonable excuse, such as that the information might tend to incriminate the person). The adult guardian would be able to apply to the tribunal if the person refused to provide the information requested. The new section 80ZL(7) would provide that the adult guardian's right to information overrides any restriction in an Act or common law about disclosure of confidential information and claims of confidentiality or privilege, including legal professional privilege.

Paragraph 19 states—

Clearly, the proposed provisions would affect individuals' rights to the privacy of their personal information, including their medical information.

Paragraph 20 states—

The committee refers to Parliament the question whether new sections 123ZZG to 123ZZI of the *Disability Services Act* and new section 80ZL of the *Guardianship and Administration Act* have sufficient regard to the information privacy rights of individuals.

I think those are serious concerns that have been raised.

The other point, as I mentioned earlier, is the retrospectivity that is applicable through this bill. The explanatory notes to the bill do acknowledge that these provisions may affect rights and liberties or impose obligations retrospectively. The notes, I suppose one could say, provide justification for the retrospective operation of these proposed provisions. I quote again from the *Alert Digest No. 5 of 2008*—

It is proposed to provide appropriate legal protection for disability service providers who had applied restrictive practices prior to the commencement of the legislation in certain circumstances.

The immunity relates to the use of restrictive practices at any time before the amendment commences. The Minister for Disability Services provided public notice of the intention to provide appropriate legal protection in Parliament on 22 May 2007.

…

While the practice of making retrospectively validating or clarifying legislation is not endorsed by the committee, it is recognised that there are occasions where curative retrospective legislation, without significant effects on the rights and liberties of individuals, may be justified. The committee questions, however, whether such circumstances exist in respect of the proposed legislative scheme. The legislation does not 'cure' uncertainty or drafting error in existing legislation. And new sections 242 and 243 affect the rights and liberties of individuals, including individuals who may have been subject to 'restrictive practices' prior to the commencement of the provisions and individuals who used 'restrictive practices' prior to commencement.

This is an area of concern.

The committee notes also that the Carter Report did not recommend the legislative scheme regarding restrictive practices and adults with disability have any retrospective operation.

I bring those matters to the attention of the House because I think they are particularly important. This legislation implements several recommendations only from the 24 recommendations that are contained in Justice Carter's report—and I would say specifically recommendations 20 and 21 with reference to several others. The main focus of those recommendations was as encapsulated in this bill, which I will not repeat.

I note also that the recommendation from Mr Carter is that this legislation begins its rollout on 1 July, and from the departmental briefing I understand that that is the aim of the department. I also note from the government response that it hopes to have it fully operational in four years. I assume that this should include the many other recommendations that the government has acknowledged support of. I note that from the papers here. That would include the centre for excellence, the accommodation and facilities options and the early intervention proposals, which I believe are very important areas.

We will be looking to monitor the rollout of those recommendations. The success of this legislation can only be measured by its final outcome. This is significant legislation. Provided it does not create an impost or an onus on the various people involved and the various area groups involved, I certainly hope that it works. I commend the bill to the House.

Mrs STUCKEY (Currumbin—Lib) (6.14 pm): I rise to speak to the Disability Services and Other Legislation Amendment Bill 2008, which amends the Disability Services Act 2006 and the Guardianship and Administration Act 2000. This bill proposes a new legislative framework to ensure the rights of adults with an intellectual or cognitive disability where restrictive practices may be required to manage their challenging behaviour. In addition, it recognises the need to balance the rights of the adult with disability with the rights of others when faced with violent and potentially damaging behaviour.

As we have heard from my colleague the honourable member for Burdekin and shadow minister for communities, disabilities, multicultural affairs, seniors and youth, the opposition will be supporting this bill with some reservations. I fully support the honourable member's comments, in particular her praise of carers. Like many honourable members in this House, I have met many of them and I am in awe of their compassion, their resilience and their enthusiasm for this difficult task.

The overall aim of this legislation as stated in the explanatory notes is to drive service improvements; reduce or eliminate the use of restrictive practices; promote positive behavioural support; reduce the incidence of 'challenging behaviour'; and improve the quality of life for adults with an intellectual or cognitive disability. In particular, restrictive practices are regulated in a way that has regard to the human rights of the adult; is necessary for the safety of the adult or another and is the least restrictive option of ensuring their safety; is independently authorised and reviewed; and is used within a

broader context of a positive behaviour support system focused on the adult's individual needs. As stated by the minister in her second reading speech, this bill applies only to adults with an intellectual or cognitive disability and challenging behaviour who are in receipt of Disability Services Queensland provided or funded services.

I would like to provide the House with some history that preceded this bill which was borne out of a report by the honourable WJ Carter entitled *Challenging behaviours and disability: a targeted response*. Former Supreme Court Judge Bill Carter was commissioned in April 2006 by then Minister Warren Pitt to report on the range of legislative support that is currently available and which is needed to ensure the safety of intellectually disabled adults who exhibit severely challenging and threatening behaviour. Judge Carter was appointed to chair a panel to investigate and report on the options available for providing support and care to adults in this cohort.

Despite the government receiving this documented report from the diligent Mr Carter QC during the month of July 2006, the minister sat on this damning document and refused to make the contents public. On Anzac Day last year a *Courier-Mail* article informed us that then Premier Peter Beattie said that his government was yet to consider the nine-month-old report. It may well still be hidden if questions from the opposition in this parliament and intense media scrutiny had not forced them to divulge the former judge's findings.

In this parliament on 19 April 2007, former Minister Pitt in a response to a question without notice from me about the delays in tabling the report assured the House 'at a minimum, a summary of the findings of the Carter inquiry and the government response to the recommendations within the report will be publicly available once the report's implications have been given due consideration by government'. To add insult to injury, the honourable member for Mulgrave added that to release the full report would not be appropriate. He indicated that there were a number of privacy matters related to that report. By what yardstick was that assessment by the minister measured? I would submit that the public and certainly this parliament are entitled to the House's commissioned reports. Furthermore, the people of Queensland are entitled to fast and expedient action by the government, instead of waiting almost two years to bring these recommendations before the House.

The very same day the minister rose on a matter of privilege to clarify his earlier statements and stated, 'I certainly did not intend to misrepresent Mr Carter's position.' Then under considerable pressure from both the opposition and the media on 22 May 2007, just one month after saying that in coming months he would release the summary, both the Premier and the minister thankfully tabled the long-awaited Carter report.

I acknowledge the minister's comments with regard to the time line in which the new legislation was anticipated to come into effect from 1 July 2008. Yet here we are debating legislation of significant importance to some of the most vulnerable amongst us in the community with very little time to absorb and digest it since it was introduced into the House on 15 April, just two weeks ago. Why was there not a respectable amount of time given to the opposition and Independent members of this House to properly examine the contents of this legislation? Even another two weeks would have at least allowed for some deeper perusal. What is it the government is trying to hide this time? It has had this document since July 2006, finally tabled it in May 2007 and had almost a year to draft the legislation.

As was predicted, this report revealed major failures within the disability system for this group of individuals and identified that there was a general overreliance on the use of restrictive practices in this sector. In his executive summary, Justice Carter commented that challenging behaviour was a feature of institutional life until the late seventies in places like the Basil Stafford Centre and the Challinor Centre.

Currently, service delivery in relation to this problematic issue is largely crisis driven according to Justice Carter, who also concurred that, even though relevant disability and challenging behaviour emerged in numerous cases during the infancy/childhood years, a lack of early intervention and ongoing effective and relevant interventions by a variety of government agencies has demonstrated the urgent need for a whole-of-government approach to this issue. Further compounding these problems is a serious shortage of suitable experienced and well trained, proficiently developed professional and residential carers, not to mention a lack of emergency and appropriate accommodation. As I said earlier, it was a very damning report.

A large number of the recommendations—10 of the 24—from this report relate to accommodation and facilities. I ask the minister if she could in her reply inform the House when these will start to be implemented in this rollout. The present crisis-driven culture, which is essentially reactive and which now heavily infests the present DSQ experience, is unsustainable. It has to be replaced by a professionally driven proactive service modality which will reflect world's best practice. Carter concluded in the preliminary stage of his assignment that challenging behaviour was evident well before adulthood and that the person of concern at age 18 was the same person who had exhibited the same challenging behaviour in childhood and continued through his or her earlier teenage years. That fact has significant implications for this report.

This government's neglect of people with challenging behaviours and disabilities to date is a gross abrogation of its responsibility. Rather than face funding preventive programs, as highlighted by Justice Carter, and supports, it turned its back and pretended it was not happening. It is the same story with regard to early intervention and counselling services that are underresourced in the Department of Communities and the Department of Child Safety.

An article by Margaret Wenham and Rosemary Odgers in the *Courier-Mail* the day after the report was tabled in May last year entitled 'Law deserts disabled—report slams crisis-driven culture in state agency' stated—

Carers who lock up intellectually disabled people for indefinite periods are to be shielded from assault and deprivation of liberty charges. Queensland Advocacy Incorporated chief, Kevin Cocks, said "If the Government proceeds with that recommendation, they are saying to society: 'You can do anything to people with disability and we will protect you from prosecution".

In an accompanying article by Wenham it is stated—

... the fact is that the DSQ has for years been locking up people with intellectual disability without the legislative authority to do so and without any checks and balances. And now no one is going be called to account.

This is due to the fact that the government intends to quickly legislate to prevent all of those who were complicit in these practices from facing charges of assault, false imprisonment and the depravation of liberty.

The Scrutiny of Legislation Committee *Alert Digest No. 5* draws attention to a number of concerns. Many of these have been highlighted already by the honourable member for Burdekin. These include clauses 7 and 8 which relate to restrictive practices. The explanatory notes to the bill state that restrictive practices constitute an infringement of the rights and liberties of the individual concerned and acknowledge that, without statutory authority, restrictive practices are potentially unlawful. Nevertheless, the explanatory notes suggest that the bill has sufficient regard to the rights and liberties of the people who would be affected by saying—

Authorising restrictive practices under this scheme can be a significant intrusion on the rights of the adult.

However, it is considered the Bill contains measures to limit the circumstances when restrictive practices may be justified. It provides proper safeguards for the adult while taking into account the need to protect the rights of others to live and work free of violent or other potentially damaging behaviour.

Accordingly, the Carter report recommended—

A legislative framework which will 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.

I understand there are considerable provisions in this bill which will assist a more regulated process with assessments and a range of other measures. Despite these assurances advocates still have deep concerns, especially when one remembers the treatment administered in the bad old days to in-patients at Basil Stafford and Challinor. In general, people with disabilities are not only more exposed to crime than those without; they are also alleged to have committed crimes due to deeply rooted prejudices towards impairment and disability. The idea of crimes being committed against the disabled brings to the fore many human rights principles which must be respected and upheld.

The declaration of human rights applies with all of its force to persons with intellectual disability as well as to those without. On 10 December 1948 the General Assembly of the United Nations adopted and proclaimed the Universal Declaration of Human Rights to which Australia is a signatory. The opening paragraph of its preamble asserts that—

... recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world.

Further, the United Nations Declaration on the Rights of Persons with an Intellectual Disability of 20 December 1975 at clause 9 states—

Disabled persons have the right to live with their families or with foster parents and to participate in all social, creative or recreational activities. No disabled person shall be subjected, as far as his or her residence is concerned, to differential treatment other than that required by his or her condition or by the improvement which he or she may derive therefrom. If the stay of a disabled person in a specialized establishment is indispensable, the environment and living conditions therein shall be as close as possible to those of the normal life of a person of his or her age.

The government is not giving due regard to these principles. The report *Disabled justice: the barriers to justice for persons with disability in Queensland* of May 2007 advances the case that in these and other circumstances the law is often seen as a blunt instrument incapable of dealing appropriately with the nuances of a particular situation. Law enforcement agencies may be reluctant to become involved in such a situation even if approached to do so, viewing crimes against persons with a disability as welfare problems for social services to resolve.

Illustrated within the Carter report is a litany of tragic incidents that amount to lives being spent in abject misery and, further, the notion that this particular ideal of restrictive practices needs to be acted on. The former minister estimated that 72,290 Queenslanders have an intellectual or cognitive disability and that a very small number of these have challenging behaviours. Some 300 people in Queensland

was the figure quoted by the former minister. Is this all that DSQ assists? It begs the question as to the accuracy of this data. Has the government rationed service provision as it has in mental health and numerous other critical areas? I find it hard to believe there are so few people with these severely challenging behaviours receiving funding or services from DSQ. What a disgraceful admission if this is true. How many really needy families are out there caring for their grown-up kids that DSQ turns its back on? Thousands, it would appear, if one looks at the overall statistics. Countless young children with autism present with challenging behaviours, but their parents can manage them because they are not fully grown. It is still an exhausting and heartbreaking task to care for severely autistic children, many of whom cannot communicate their feelings or basic needs.

A three-year study commissioned by the Australian Advisory Board on Autism Spectrum Disorders has concluded that one in 160 Australian children aged between six and 12 years has an autism spectrum disorder—an ASD. This totals over 10,000 children in that age group. These statistics should frighten the education department, the Department of Communities, the department of health and DSQ, not to mention the thousands of families who will need to make major lifestyle adjustments to care for their beloved children. Six out of 12 of the case studies in the Carter report involved autism in some form, so already we are witnessing the major problems presented by those who are severely affected.

Sitting suspended from 6.28 pm to 7.30 pm.

Mrs STUCKEY: Only yesterday I was told of a mother with a young child with Asperger's syndrome who works with more severely affected youth, taking them on outings to parks and shopping, while her child attends school. In a completely unprovoked attack she was badly beaten by one of her charges, who attacked her on a recent visit to a park, leaving her covered in bruises. If you listened to parents, even those at their wit's end and ragged from sleepless nights, they will tell you they dread the day their child grows up and becomes too strong for them to cope with. Recently I invited one amazingly dedicated father to bring his severely autistic teenage son into my office for morning tea. It was a particularly memorable event, with this handsome young man jumping about like a kangaroo and making strange hooting noises. His father told me he often had to restrain his son to stop him from walking out on to the street and on one occasion he received a detached retina in his eye for his efforts.

As the honourable minister confirmed in her second reading speech, the term 'challenging behaviour' is not defined in the bill. I am puzzled how this government intends to legislate on an undefined term such as this as it provides an opportunity to discard an entire group of individuals who, together with their families, desperately need our help. Justice Carter notes—

The term 'challenging behaviour' itself provokes considerable comment and there are those who will argue its appropriateness or otherwise. It has, however, become a fixture in the disability language and literature and is now so entrenched that any theoretical discussion about its use, meaning or content is a pointless exercise. Those with experience of intellectual disability know what it means, have witnessed it, have at times been the victim of it and spend a significant amount of time and effort in seeking to properly manage it.

He continues—

Such behaviours include aggression, destructiveness, self-injury, consuming inedible objects, non compliance, persistent screaming, regurgitating food and smearing faeces on property or person.

Numerous health professionals with whom I have spoken agree with the minister's comments that challenging behaviour is a clinical term to describe behaviour of such intensity, frequency or duration that it places the adult or another person at serious risk of harm. It is often characterised by physical violence and/or serious property damage. But countless health professionals and constituents alike have spoken of their utter frustration at the lack of assistance that is available from DSQ for a vast number of patients and their families who cannot access any services. If this is a method being used by this government to restrict the diagnosis of people with complex issues and therefore preventing them from being classified as having challenging behaviour, then it is indeed cold and heartless.

The honourable minister outlined in her second reading speech that $113 million had been allocated for the implementation of these projects over four years. I ask the minister to respond in her reply as to just how much the government has spent in the implementation of these recommendations to date. As I have addressed in a variety of media releases, there are two glaring problems with the resources allocated in the government's response to the report. They lie in funding and staffing. Whilst $113 million sounds a robust amount, it will not be anywhere near enough to address the growing number of people with complex issues who would fit the definition of 'challenging behaviour'.

The former minister said his government would move quickly to start implementing the 24 recommendations contained in this landmark report and immediately start recruiting a team of specialists to provide expert advice and support. Two hundred new staff were to be employed: 188 front-line service delivery staff across the state and 12 specialist mental health experts. Would the minister inform the House how many of those positions have been filled and how many specialist mental health experts have been employed?

I want to close my speech by referring further to comments contained in Justice Carter's report. It has had a profound impact on me. It states—

The real significance of challenging behaviour lies in the impact which it has in the life of the very person with intellectual disability. At best, that person's access to community living and its facilities is restricted and limited; at worst, such access—

as we hear all so often—

is denied. Exclusion from its facilities and rejection by the community of the particular person must surely represent the most destructive and damaging affront to the human dignity of that person. Such exclusion is wholly inconsistent with Section 27 of the DSA 2006 which promotes competency, positive image and the self-esteem of the person with that disability.

Their collective mixed emotions—

of parents—

range from an obvious and deep seated love for a seriously disabled child on the one hand to, on the other, an equally deep seated sense of anger and frustration and fear based on an apparent inability by the relevant 'support' government based agencies to effectively respond to their needs.

There is no doubt this legislation is a step in the right direction, which is why the opposition is supporting it. It is to be hoped that people who exhibit challenging behaviours will receive the care they so justly deserve and are treated with dignity during the process. Additionally, those dedicated souls who provide the personal, physical and financial support for these individuals must be able to fulfil their task in an effective, protected atmosphere.

Ms NOLAN (Ipswich—ALP) (7.35 pm): In the introduction to her definitive history of Ipswich's Challinor Centre, Elizabeth McRobert writes—

The challenge for future and present societies will be to provide services to people who are vulnerable in whatever respect in such a way that future judgements will not give rise to concern or criticism.

The introduction of the Disability Services and Other Legislation Amendment Bill marks a significant milestone in the evolution of care for one particularly vulnerable group: those with severe intellectual disabilities. I am grateful for the privilege of being parliamentary secretary for disability services at the time of the passage of this bill.

As the minister outlined in her second reading speech, the bill for the first time establishes a mechanism to regulate the application of restraint to people with disabilities. At its heart is a human rights principle: that any restraint used on a person must be the least restrictive practice possible and that it must be used as part of a positive behaviour support plan which aims over time to curb the behaviour necessitating the restraint.

The bill is the legislative response to the honourable Justice Carter's 2007 inquiry into the use of restrictive practices on people with disabilities. It is accompanied by a $113 million funding package which provides for the establishment of highly professional specialist response services, for better accommodation for people with disabilities, and for the creation of a centre of excellence in behaviour support at the University of Queensland Ipswich campus, which is in my electorate. Ipswich, more than any other place in Queensland, has borne a responsibility for caring for those most vulnerable members of the community who have intellectual disabilities. As the member for Ipswich—one of the few remaining foundation seats—I have always had a strong sense of the history of the place and of the continuity of my work with the members who have come before me, particularly the two surviving members, the Hon. Dr David Hamill and Dr, later Sir, Llew Edwards.

In speaking to this bill today I wish to tell the story of disability services in Queensland as they have been played out in Ipswich. After telling this story I will draw some brief conclusions regarding our future direction. The Sandy Gallop lunatic asylum was established on a site one or two miles from central Ipswich and 200 yards from the town boundary in 1878. Its formal name was the Ipswich Branch of the Woogaroo Lunatic Asylum, which was later called Wolston Park, and it commenced as a temporary facility with this parliament, having approved its construction in 1877, then changing its collective mind. After the Sandy Gallop facilities were constructed the parliament passed, by a majority of 19 to nine, a motion stating 'that the buildings recently erected for a benevolent asylum at Ipswich shall not be used for that purpose'.

The common name of the place, Sandy Gallop, derives from the fact that Ipswich's first horserace was held on the site. Sandy Gallop initially operated not as a home for those whom we now describe as having intellectual disabilities but as an institution for men who were found to be mentally ill. In the early years there were a few dozen inmates. At first they were interned under New South Wales law, with Queensland not having passed its own legislation. At first, admission was by one of two processes: either two justices of the peace could commit a person to an asylum following certification by two medical practitioners that a person was a 'dangerous lunatic', or the Governor, having received an application from a relative or a guardian, could give an order to commit with the consent of a Supreme Court judge. A judge could discharge a person if they were subsequently found to be sane.

The supposed causes of insanity recorded in the admission book at Sandy Gallop between 1878 and 1887 included solitude, intemperance, poverty, debility, masturbation, injury to the head, softening of the brain and disappointment in love. In 1885, Queensland for the first time passed its own legislation, the Insanity Act. Its provisions included replacing the term 'lunatic asylum' with 'hospital for the insane', formalising arrangements already functioning in relation to the asylums and detailing the responsibilities of the inspector of asylums in relation to inspection, transfer and discharge of patients. The act also established a system whereby those inmates who had deposits in the government savings bank should

contribute to their support in the asylum. The previous practice, whereby the funds of inmates were managed by friends and not necessarily put towards their own care or the care of their families, was described in the parliament with the words 'the law in that respect is as bad as it can be'.

Like this bill, the 1885 Insanity Act established a system of official visitors and established provisions by which, in the words of the act, 'persons of unsound mind can be placed under restraint'. Importantly, until the 1960s no effort was made at Sandy Gallop to separate people with intellectual disabilities from those who were mentally ill.

From its earliest days, Sandy Gallop admitted children born with disabilities. Their reason for admission was described in the admissions book as either idiocy or imbecility. The first child, William Legge, was admitted aged 14 in 1878 and a full children's ward was opened in 1934. This was around the time that the idea arose that children born with disabilities should be immediately and permanently institutionalised.

The evolution of this thinking is clear in departmental correspondence surrounding the first girl sent to Sandy Gallop as a child. The girl was sent to the institution in 1940 at 20 days of age with 'microcephaly—defective development of the head at birth especially in the regions of the frontal bones and cranial vault'. Hospital records show that the hospital fed the baby and she gained weight, but when the medical superintendent intended to contact the parents to return her to them the minister for health intervened, determining that 'no good purpose is served by returning it deformed and defective to its parents'.

This standardised removal became policy, and at one point in the early 1950s the hospital had 25 babies being bottle fed. Many of these babies had Down syndrome and it was common at the time for them to die. Of the 144 babies under 12 months admitted to what was then called the Ipswich Mental Hospital between 1950 and 1962, 83 did not survive their first year and 51 were discharged or transferred to other institutions. Those who did survive and those who were transferred in from outside formed an increasing cohort of people with disabilities living in what remained a mental hospital.

By the late 1960s, a number of serious concerns were emerging. Patients were routinely being restrained without proper oversight. The first female Labor member of this House, the member for Ipswich West, Vi Jordan, was investigating allegations of abuse in Karrala House, a closed section of the institution reserved for so-called wayward girls, and there was increasing community disquiet around the continued mixing of people with mental illnesses alongside those who had intellectual disabilities. In response to those concerns major reforms were undertaken.

In 1968 the Ipswich Mental Hospital was renamed the Challinor Centre, Henry Challinor having been a doctor and foundation member for West Ipswich, and the institution's function was officially changed to be a training centre for people who had an intellectual disability. In reality, though, this change took years to effect. The move to open the institution included the establishment of a network of local community volunteers such as the Red Cross and the CWA who came on site. It also included the development of a new professional approach to caring for clients. While in the past patients had been thought of first as inmates and then as patients, as I said, and a purely nursing model of care had been applied, at this time an approach referred to as the 'new caring profession' was adopted. This involved much greater involvement by allied health staff such as occupational therapists and social workers as well as the development of what later came to be known as residential care officers.

The shift from a nursing to a caring model was a highly contentious industrial and political issue. In 1973 there was a major strike at Challinor, with residents being cared for by an army of volunteers including 372 individual volunteers—people who just fronted up and offered—and 101 people from local churches and schools who chipped in. The nearly 500 volunteers totally eclipsed the 55 paid staff who remained at work for a period of many weeks, and by the end of the strike the volunteers were even being rostered on to shifts. The ongoing impact of the strike and the volunteer mobilisation was profound. The Friends of Challinor Assistance League—a community organisation set up at the time by people including Jim and Carol Cummings and Betty and Tom McCrindle—continues to operate in Ipswich and continues to be a major disability service provider in the sector. Crucially, those volunteers who came on site and saw conditions at the centre became the nexus of a strong community based movement which called for better care.

The then member for Ipswich and by the late 1970s Minister for Health, Llew Edwards, responded to that call. In the face of strong opposition, including, as you might imagine, within the Bjelke-Petersen cabinet, Llew finally separated people with disabilities from those who were mentally ill. I know from many conversations with Sir Llew that this remains one of his contributions to public life of which he is the most proud. The health paper Llew put out in 1976 set out the goal of that separation and read in part 'the primary needs of the intellectually handicapped are for active education, occupational and social training aimed at achieving the full potential of the individual'.

The next member of Ipswich, David Hamill, similarly oversaw a major change in this field. In 1993, with David as member for Ipswich and in the cabinet, the Goss government signalled its intent to deinstitutionalise, and in the years to 1998 Challinor was finally closed down. Many good people were

involved in that massive change. In particular, I would like to recognise Leanne Roberts as well as Carol Bemi, who now works as the regional executive director of Disability Services Queensland in Ipswich and who currently is not well.

Despite the earlier community push for better care for those with disabilities, deinstitutionalisation was at times bitterly opposed in the community and indeed by conservative members of this House. Through that period in Ipswich's history there was a great deal of resistance to the integration of people with disabilities into the community, and for every NIMBY group there was a populist political champion, often a councillor, waiting to latch on to their cause. One of my lasting memories of David's tenure as local member was his resolve when it came to the rights of people with disabilities to live in the community. It is hard in politics to defend the voiceless and the vulnerable in the face of public resistance and sometimes public anger, but it should not be forgotten who took which side in these debates, and David's integrity was, as ever, beyond reproach. David Hamill also, of course, championed the establishment of the University of Queensland Ipswich campus, which in 1999 opened on the former Challinor site.

In light, then, of my predecessors' contributions, I do have a real sense of historical continuity with the new Centre of Excellence for Behaviour Support being now established at the UQ Ipswich campus—particularly, I note, given that both David and Llew, like me, are graduates of the university and Sir Llew currently serves as its chancellor. A sum of $10.5 million has been allocated for the establishment of the centre, which will produce cutting-edge research and policy into the care of people who have intellectual disabilities and challenging behaviour, as well as provide hands-on training to those people, once called 'the new caring profession', who provide such day-to-day care.

It is my very strong view that locating the Centre at UQ Ipswich brings us full circle from a place which provided care but also sometimes great hurt to these vulnerable people to a place entirely and permanently dedicated to the development of world-leading care. As a government, we are currently in the midst of an international recruiting exercise and hope to announce the appointment of a foundation centre director soon.

As an Ipswich girl, the story of Challinor is one which is very familiar to me. In researching it in further detail there are, I think, some lessons which are clear. If we are to accept Elizabeth McRobert's proposition at the start of her history of Challinor—on which I have relied—that there is no doubt that we should treat the vulnerable in a manner that does not cause future generations concern, then it is clear that in the past the failures have been both spectacular and sad. This bill, with human rights principles at its heart and a series of regulatory mechanisms to ensure that restraint is used on people with disabilities as a last resort, is a significant step in ensuring that our generation is judged for its progress in disability services.

There are a couple of other points I take from this history. It is clear to me from this story that the community scrutiny that came with opening up Challinor led substantially to better care for those who lived there. I fear that a generation later that community enthusiasm for caring for people with disabilities has quite simply been lost. Disability Services Queensland runs a great Friendship Program for volunteers looking to contribute to better lives for people with disabilities and I would strongly encourage those in the community who have the time and who believe passionately in this to get involved.

My second observation is that disability has always quite clearly and quite properly been at the forefront of political debate. Just as Challinor was named for a member for West Ipswich and a later member, Vi Jordan, fought for the civil liberties of the Karrala House girls, both Llew Edwards and David Hamill faced staunch community resistance in their efforts to ensure the protection of human rights in our community for those who are most vulnerable. As the policy of community integration continues, we will continue to see neighbourhoods that oppose the idea that people with disabilities should live in their street. As this bill is implemented we will certainly see staff who oppose the cultural change which it embodies. This has happened before. At Challinor it happened when we moved from the nursing model of care and in Ipswich it happened very vocally when we deinstitutionalised.

Reading the history that I have shared today, however, has confirmed my resolve that in these debates the position of human rights is always the side to be on. As we move forward in disability services, we will face enormous challenges. For the first time medical advances are giving us an ageing population of people with disabilities and a growing cohort of people with challenging behaviours. Finding appropriate resources to provide care will continue to be hard and will inevitably require policy shifts.

The Carter legislation that we are debating is a major step in preparing us to deal with those challenges. It establishes a human rights framework for the application of restrictive practices in relation to people with disabilities and the parallel establishment of the Centre of Excellence in Behaviour Support at UQ Ipswich will ensure that this time we remain on the cutting edge in this field. It will, I hope, put to bed some of the ghosts of past policy failings at Challinor. I commend the bill to the House.

Mrs ATTWOOD (Mount Ommaney—ALP) (7.53 pm): Some of the most common issues cropping up in my area are matters concerning people with disabilities and their carers. Adults with an intellectual or cognitive disability and challenging behaviour who pose a risk of harm to themselves or others are one of the most vulnerable groups in our society. There are a number of organisations in my area that

seek to support those people, namely Carers Connecting, Anxiety Support Group, Westside Community Services, Centenary Flexible Support Services, MontroseAccess, Youngcare, Sherwood Respite Service, Endeavour Foundation, the Mount Ommaney Special School and the special education units in all of our local schools. I commend them for the great work that they do.

In recognition of the need to safeguard the legal rights of those most vulnerable and to provide appropriate support, in April 2006 the government appointed Mr Bill Carter QC as chair of a panel to investigate options for providing a legislative framework and tailored service response to adults in the cohort. In conducting this investigation Mr Carter consulted widely and in July 2006 provided a report detailing the findings of this investigation to the then minister for disability services. The Carter report recommendations focused strongly on protecting the human rights of this group of people through a legislative response for regulating the use of restrictive practices that may be considered necessary to manage the behaviours exhibited by some people in this group and to protect them and others from harm.

The report recommendations also called for the development of a comprehensive positive behaviour support system comprising well-trained staff and supported by a research evidence base and professional development delivered by a centre of excellence and positive living environments. Mr Carter had identified that for real reform to take place service delivery needs to be driven by innovative thinking, best practice, critical analysis and the drive for continual improvement. He emphasised in his report the role of the new centre of excellence to drive that process of fundamental reform, review and improvement.

In the 2007-08 budget $113 million was allocated over four years to implement the government's response to the Carter recommendations through the delivery of a groundbreaking set of initiatives that will uphold the human rights of adults with an intellectual or cognitive disability who exhibit challenging behaviour and provide them with a positive model of care. This initiative will place over four years some 180 new front-line staff in the disability services sector to support adults in this target group to achieve a quality of life. This means that those who are most vulnerable have access to qualified help when they need it.

During the course of my work in Mount Ommaney I have met many dedicated carers who do a wonderful job protecting and caring for people with disabilities. Some of the carers I have met through local group Carers Connecting, others I have come to know when they have asked me for my help. A number of older carers in their late 70s and early 80s who are determined to care for their severely disabled children until they are no longer around to do this talk to me about getting some respite or other assistance.

I am pleased to say as part of this initiative to provide services to adults in this target group there will be capital work programs over the coming four years to establish purpose-designed environments for approximately 50 adults in newly designed units as part of the new specialist response service. Designs will be informed by international research and positive environments in which to provide emergency or crisis support or secure care when this is approved as part of a positive behaviour support plan as part of a forensic order under the Mental Health Act 2000. There will be accommodation for 27 to 41 adults at Disability Services Queensland's Wacol site and other accommodation options will be developed in regional centres. It is important to note that many of the estimated 300 or more adults who fall into the group targeted by this bill are and will continue to be supported in their existing community living arrangements and through their existing accommodation and community support services. I commend the minister and the bill to the House and these major inroads being made to improve the quality of life for all disabled people.

Ms PALASZCZUK (Inala—ALP) (7.58 pm): I rise to support the Disability Services and Other Legislation Amendment Bill 2008. This amendment bill to the Disability Services Act is a groundbreaking piece of legislation. Not only is it reformist, it addresses a complex legal issue and now recommends a targeted service response. The bill is a result of discussions at senior levels of government, discussions with families, the non-government sector and unions. In fact, over 800 stakeholders have been consulted in relation to this bill. It protects the fundamental human rights of the person and provides a continuum line of care and support backed up by a research facility that will look at world's best practice. Underpinning the legislation is also a range of accommodation options for people with an intellectual disability who present with challenging behaviour.

At its core, the purpose of the bill is to amend the Disability Services Act 2006 and the Guardianship and Administration Act 2000 to create a legislative scheme to safeguard the rights of adults with an intellectual or cognitive disability who have challenging behaviour and where restrictive practices may be required to manage their behaviour. The bill aims to balance the rights of the adult with the need to protect the rights of others to live and work free of violent or other potentially damaging behaviour.

Prior to the commissioning of the honourable Bill Carter QC, Disability Services had been grappling with the very concept of how we should look after people who have an intellectual disability and present with challenging behaviour. Over the years I have met with families that have struggled to

meet the demands of their family members who periodically may present a danger not only to themselves but also to their families and carers. I have seen the anguish of parents who, after long years of struggle, have had to say, 'Enough is enough' and place their son or daughter in the care of Disability Services Queensland. This by no means diminishes their love for or commitment to their loved one, but merely recognises that they do not have the specialist skill to manage their son's or daughter's escalating behaviour. Essentially it means that more supports are now needed.

A couple of years ago Australian Workers Union organisers John van Leent and Wayne Mills took then minister Warren Pitt and me to look at purpose-built accommodation at Loganlea. This is otherwise known as cluster accommodation. The centre mirrors a retirement village in layout, but provides a time-out room for staff. The union representatives highlighted the fact that their workers were dealing with clients who have high needs and were putting themselves and the staff at risk. I heard how a client sometimes lashed out, punched walls, threw objects at carers and also threw objects through windows. This behaviour put the client in harm, as well as the workers.

Then minister Warren Pitt, director-general Linda Apelt and I visited Wellington to examine how the New Zealand government was dealing with this very complex issue. They have secure care legislation and purpose-built accommodation where specialist staff are housed upstairs and the clients are downstairs. If there is an incident, the support staff are immediately available to come down and assist. Although this model may suit the New Zealand experience, I believe that the Carter model is better as it addresses the ongoing care of the individual and provides a means whereby the individual could transition back to the community.

From the outset it is important to outline the fundamental concepts that we are discussing in relation to this bill. The bill is very narrow and essentially deals with a very small proportion of clients that comes to the notice of the courts, Disability Services and mental health. It is probably best to describe it in terms of a pyramid. At the bottom of the pyramid is the majority of people with a disability who live with their families in the community. At the next level is people with a disability who need ongoing support, so the non-government sector comes in and assists. The next level of clients with a disability comes to the attention of Disability Services and Disability Services provides them with accommodation, care and funding packages. At the very apex of the pyramid is a very small cohort where the person presents with complex and challenging behaviour. The legislation specifically addresses this area.

The member for Currumbin was completely wrong when she said that Disability Services only funds the apex. That is totally incorrect. Over the course of the dinner break I did a bit of homework. I point out to the member for Currumbin that last year the budget for Disability Services was $717 million, which is a 13 per cent increase on the previous year.

A government member: She's not even here. She doesn't want to hear the debate.

Ms PALASZCZUK: No, she is not here. If she obtained a copy of the state budget, she would see a graph on the back that shows how much the state government is putting into funding for disability services. Let us compare that with how little the Howard government put into disability services over the years. It is disgraceful. In the last financial year the Howard government put only $121 million into disability services. I draw the attention of the member for Currumbin to that report.

In his report *Challenging behaviours and disability: a targeted response*, Carter clearly defines 'intellectual disability' as—

> ... a person with a score of approximately two standard deviations below the mean on an individually administered intelligence test and displaying a lack of competency in at least two of the following skill areas before the age of 18 years: communication, self-care, home living, social/interpersonal skills, use of community resources, self-direction, functional academic skills, work, leisure, health and safety.

He defines 'challenging behaviour' as—

> ... culturally abnormal behaviours of such intensity, frequency or duration that the physical safety of the person or others is likely to be placed in serious jeopardy, or behaviour which is likely to seriously limit the use of, or result in the person being denied access to, ordinary community facilities.

I am sure that the courts will be able to interpret the term 'challenging behaviour' by the common dictionary definition. Bill Carter was asked to examine the small group of adults with an intellectual cognitive disability who exhibit severely challenging behaviour that presents a significant risk of harm to themselves, others or to the community. He was asked to come up with a range of options for intensive support whilst at the same time ensuring that the person's fundamental human rights are indeed protected. What was needed was a legislative framework backed up by continuum support for the individual, which would include specialist teams to work with the individual and suitable accommodation options that would provide a secure and safe environment.

In his report Carter addressed the history of the 1970s and early 1980s period of deinstitutionalisation, which took place not only within Australia but elsewhere in the world. However, some people were placed back into the community without the necessary supports. I think that if we had the opportunity to turn back the clock, as governments we may have addressed that issue differently. In the 1990s this issue was sought to be addressed by the establishment of intensive behaviour support teams to deal with people with a disability in the community. However, they were contained to particular

areas and I understand it was incredibly difficult for Disability Services to recruit specialist staff. In 1992 the Queensland government established the first Disability Services Act and a separate department was established in 1999.

Over recent years funding to Disability Services has increased, as I outlined earlier. Recent budgets have also sought to address the anomaly that we have not been spending enough money on capital works and more money has been allocated for innovative support and housing in various locations around the state, including Wacol in my own electorate and Morayfield.

I will address briefly the Carter report, the legislation and its implementation. In 2006, as stated by other speakers to this bill, Bill Carter was appointed to investigate options for a legislative and service response to adults with an intellectual cognitive disability and challenging behaviour. On page 9 of his report Carter states—

What is proposed involves a fundamental process of reform, renewal and regeneration of the DSQ and disability sector's response, which will provide an efficient, cost effective and financially sustainable outcome for the proper care and support of persons with intellectual disability and challenging behaviour across Queensland. Its adoption and development by DSQ will have the capacity to place DSQ and the Queensland sector in a position of leadership, both nationally and internationally, in ensuring the proper support and care for such persons.

The Carter report outlines many examples that clearly explains the apex of the pyramid which I was speaking about earlier. I will share a couple of those examples with the House. In our minds we all have a picture of the sorts of people with a disability who present these challenging behaviours and what Disability Services staff and carers are faced with each and every day. At page 43 the report states—

Case Study A:

A with autism spectrum disorder, moderate intellectual disability, complex behaviour disorder. A also has a diagnosed mental illness, namely schizophrenia. Has difficulties in processing information, problem solving, reasoning and impulse control. A engages in sexual aggression towards females triggered by auditory hallucinations, absconding, and physical aggression towards others, which includes the use of knives.

Whilst at the Basil Stafford Centre A attacked others on four occasions over two months and continued to demonstrate inappropriate sexual behaviour and sexual assaults upon staff and co-tenants.

Another case study involves D. The report states—

While on a walk with a support worker D found a plank of wood and attempted to attack the staff member. D then broke into a house in the community. The police were called and escorted D to the watch-house where was charged with attempted unlawful entering.

Another case study involves G. The report states—

G assaulted staff on numerous occasions from this period. Incurred major property damage which led to living environment becoming very bare. All walls were covered with thick plywood and glass panels were replaced with lexcen. All kitchen appliances were removed ... G also engaged in major vehicle damage. This happened at times when the vehicle was moving, putting those in the vehicle and members of the public at risk.

So there are clearly examples of where restrictive practices may be needed to be used. As the former speaker said, it needs to be used only as a last resort.

The member for Burdekin talked in depth about restrictive practices, so I do not plan to expand on that any further. Also at the core of the legislation is the multidisciplinary assessment and development of a positive support plan. It is a core feature of the model and it considers triggers for behaviour, skills deficits and quality of life factors. It is key to support the positive behaviour plan and therefore reduce the need for restrictive practices.

The government last year committed $130 million over four years to implement the new service and implementation model. As the Minister for Disability Services said in her second reading speech, the new model will create a new Centre of Excellence for Behaviour Support; a specialist response service to develop multidisciplinary assessments and positive support plans; a mental health assessment and outreach team; development and recruitment of specialist staff; and construction of purpose-built dwellings.

I am proud that $46.6 million will be allocated and nearly half of which will be spent over four years for capital works and $12.67 million for the development of the specialist response service direct support to service those arrangements that will be developed on Disability Services Queensland's Wacol site, which is wholly within the Inala electorate. Approximately $5.2 million will be spent on converting 12 houses into two bedrooms each.

Significantly in 2008-09, $8.5 million will be spent on the construction of 10 purpose-designed forensic secure beds at Wacol and the office accommodation for the specialist response professional teams and mental health assessment and outreach team of $1.5 million. In 2009-10 there will be the construction of five purpose-designed variable secure beds at Wacol at a cost of $4.25 million. Last week the parliamentary secretary, Rachel Nolan, and I visited the site and were able to see firsthand the refurbishment of the 10 villas that is already underway. I also understand that the clearing of the site near Wacol Station Road is underway for the construction of more purpose-built accommodation. These units will be state of the art. It is across the road from the highly successful innovative support and housing option already at Wacol.

In conclusion, I would like to thank Bill Carter for his compassion and understanding in undertaking this major work. Having met Bill on several occasions in relation to this study, I can think of no better person suited to the examination of this complex work. As the Minister for Disability Services stated in her second reading speech, the introduction of this bill marks the beginning of a positive future for disability services in Queensland. I commend the bill to the House.

Mr WELLINGTON (Nicklin—Ind) (8.12 pm): I also rise to speak in support of the Disability Services and Other Legislation Amendment Bill 2008. Like the member for Inala, I too would like to start my contribution by reflecting on the consultation the minister and the government have undertaken prior to introducing this bill. I would like to use this opportunity to thank the minister for her willingness to meet with some of my constituents after the first draft bill was released for comment by members of the community. In particular, both Kerrie Green and Jean Prentis, who attended that meeting with the minister a number of months ago, are very sensible and practical people on the Sunshine Coast. They are very strong advocates and sensible advocates for people with disabilities in the region. By way of background, both of these women were instrumental in the steering committee which lobbied a former member of the Beattie government for recurrent funding for the Sunshine Coast Family Networks Association, which has continued to receive ongoing state government recurrent funding and is growing from strength to strength.

I note the member for Inala spoke about the regional specialist centres. Can I say that if the minister has not chosen a site on the Sunshine Coast I know of a wonderful location in the geographical heart of the Sunshine Coast in the electorate of Nicklin and that is Nambour, where the Sunshine Coast Regional Council chambers are located. If the minister has not already chosen a site, I would love to take the minister or her departmental staff on a tour of my electorate. I am certain that we can find a wonderful location close to public transport services and in close proximity to the railway station.

Ms Grace interjected.

Mr WELLINGTON: I feel certain that my colleague the member for Noosa would support my passion for the location of the new Sunshine Coast regional specialist centre. So we will work together. I will get back to the bill. I thank the minister for her willingness to meet with my constituents. I understand that Kerrie even travelled to Redcliffe for the community cabinet meeting on Saturday. She knows the minister is very busy. She has emailed a letter to the minister and she has asked if I could read it out. She has one question, so I will take a few minutes to read the email. It states—

Dear Minister,

Thank you for speaking with me today at the Community Cabinet Meeting Luncheon at Redcliffe. You suggested that I email you my concerns regarding the Restrictive Practice Legislation contained in the Bill to be discussed tomorrow.

In the original draft of the Bill, any approval for 'containment and seclusion' Restrictive Practice would need to go to the Guardianship and Administration Tribunal. This applied to all adults who received a Disability Services Qld funded service, whether it be Accommodation Support, Respite Services or Community Access. The current Bill has now divided that group of adults into two groups. The first group, those who receive DSQ funded Accommodation Support will have 'containment and seclusion' Restrictive Practice approved by the Tribunal. The second group, which is made up of adults who access either or both Respite and Community Access services will now have 'containment and seclusion' Restrictive Practice approved by a Guardian for Restrictive Practice matter. This could be a family member should they choose to apply, although decisions by the Guardian will be subject to review by the Tribunal. Chemical, Mechanical and Physical restraint will still be approved for all adults by the Guardian for Restrictive Practice Matters.

What this means is that for the majority of adults affected by this Bill (that is, those who still live with their families), parents will continue to give approval and consent for all Restrictive Practice matters but will be subject to review by the Tribunal. That still leaves all those that are receiving Accommodation Support. There is no doubt that there are adults, who are receiving Accommodation Support from a DSQ funded service, who have little or no family input in their lives and therefore will benefit from the safeguard of the Tribunal involvement. However, those families who remain active in the child's life, despite the fact that they no longer live in the family home, are not happy with the diminished role they will play under this Bill.

It seems that strategies have been developed to address the concerns around Restrictive Practice for those adults accessing Respite Service and Community Access services without the need to go through the Tribunal process. Given that many adults have a five day a week Community Access service and that people using Respite Services have been shown to be extremely vulnerable to inappropriate Restrictive Practice in the past, you would assume that these new strategies will effectively safeguard the best interests of these adults. My question is: Why can't those same strategies be used just as effectively with the group of adults who use Accommodation Services? That way, the Tribunal could be used in a reviewing capacity and as a last resort when other strategies fail or a dispute occurs between the Decision Maker and the Service Provider.

I really do appreciate your willingness to give my concerns your full consideration.

Regards,

Kerrie Green

I note that the minister is proposing in the bill for there to be an 18-month transition period. I was wondering whether the minister would consider that 12 months after the bill receives assent perhaps the minister or a future minister responsible for this area might report back to this House on how it has progressed, whether it has achieved the minister's expectations with the level of upgrading and training or whether there is still a long way to go. I do believe that it is important that prior to the close of that 18-month period we do have a report back to the House on how things are progressing. One of my

concerns is that unless we have these recognised report back periods, because of the pressure that the minister will be under, it may fall off the horizon and the department may not keep focusing on the need to make sure that the minister is fully briefed about what is happening.

I note that there are some significant changes in the bill with the regional specialist centres, the new mental health assessment and outreach teams, the new centre for excellence for positive behaviour support and the specialist response service. I really hope that the people responsible for recruiting these very important staff will offer whatever is required to make sure that they come to Queensland, because I think it will be a challenge to fill all of the vacancies that will need to be filled.

I just hope that we can achieve the high expectations that the government and all members of the House have regarding this bill. I would hate to see it fall over simply because we have not been able to access the level of specialist staff that I believe is required. What I would hope is that the successful applicants for these very important positions do not have just the qualifications but some real-life skills in dealing with the sorts of clients that are envisaged under this bill. I have had experiences in the past where family members have been in contact with specialists either through the hospital mental health unit or through Disability Services, and unfortunately they feel that the people who are responding to their calls simply do not have the life skills when they as parents have spent their lives dealing with their son or their daughter. I am just hoping that we can get the best staff possible. If it means we have to pay more than the award or we have to pay the highest salary in Australia, then so be it. Let us make sure that we have the best that is available.

One of the sections in the bill that I want to touch on is section 233A, which again deals with the review of how things are progressed. I note that the explanatory notes state—

Additionally, section 233A of the Bill requires the legislative scheme as a whole to be reviewed after 1 July 2011, in order to review the efficacy and efficiency of the new provisions.

Would the minister consider when the bill progresses to the consideration in detail stage changing the wording to say that the bill will be reviewed within two years of its enactment? I think that would put some clear responsibility on senior department staff to know that there is a due date for a report back. There is nothing worse than a minister saying, 'We are looking after this,' but because of the pressures of the portfolio sometimes the urgency may abate and departmental staff who are required to action a lot of these endeavours may not provide the priority or the importance to the review that is necessary. I believe that, if the minister were prepared to change the wording from not having a review after 1 July 2011 but having a review by 1 July 2011, that would send a very clear message to all senior department staff that they will have to take some responsibility to make sure that everything is ready for that due date, otherwise I worry that it might blow out—

Ms Nelson-Carr interjected.

Mr WELLINGTON: I am keen that we do have some reporting mechanism, whatever route the minister proposes to go down. I thank the minister's staff for the briefing that they provided to me and the other Independents this morning. Their frankness and the way they were prepared to discuss some of the issues were certainly appreciated. I am looking forward to the bill progressing through the consideration in detail stage. I just remind the minister of the strategic importance of Nambour—the geographical heart of the Sunshine Coast region. If the minister is looking for a site, I would love to take the minister or her staff for a tour. I commend the bill to the House.

Ms GRACE (Brisbane Central—ALP) (8.23 pm): I rise to support the Disability Services and Other Legislation Amendment Bill 2008 and, in particular, I wish to refer to the process to be implemented before being able to use a restrictive practice. The legislative scheme applies to adults who have an intellectual or cognitive disability and challenging behaviours and who are receiving disability services from a relevant service provider. The legislation provides that, prior to the use of a restrictive practice—which is defined in legislation to mean containing or secluding using chemical, mechanical or physical restraint on a person or restricting access to objects—the relevant service provider must firstly assess the adult and secondly develop a positive behaviour support plan for the adult. Family involvement is an essential part of this process, and the bill encourages and supports the important role of family members to remain involved throughout the assessment, planning and decision-making process—an essential part that I fully support. Family members can play a very supportive, protective and caring role for their family adult member who is being assessed and for whom a positive behavioural support plan is being developed.

I also take this opportunity to commend the work of carers in our community. It is a hard job that is often not highly valued, often taken for granted and often requiring extremely long hours particularly when care is required 24/7. I have also always been in awe of those who give of their time, work and care for little payback other than knowing they are undertaking the most humane job one can fulfil in our community. We should wherever possible recognise the service that carers and service providers undertake and extol their work whenever the opportunity arises. I pay tribute to all of the carers and service providers, of which there are many, in my electorate.

The involvement of families and significant others in the adult support network is important for an informed decision about the use of any restrictive practice. Under the main scheme, families and significant others must be consulted and their views considered at all of the critical planning and decision points. For example, the bill requires that relevant parties such as the guardian, informal decision maker or family member must be consulted during the adult's assessment and during the development of a positive behaviour support plan. The positive behaviour support plan itself must also include details about who was consulted and their views about the proposed use of a restrictive practice. These views will then be taken into account in any decision about whether or not to approve the restrictive practice.

For decisions made by the Guardianship and Administration Tribunal, the family member will also be able to participate and put forward their views at the hearing. They can also apply to the tribunal for a review of the tribunal's decision at any time. I think these provisions give great comfort to those family members who will be involved in these particular hearings. Similarly, where decisions around restrictive practices are made by guardians, a family member can apply to the tribunal to review the guardian's decision. A family member could also apply to the tribunal to be the guardian for the adult around restrictive practice matters.

A new provision is also made under the Guardianship and Administration Act 2000 for family and others to apply to the tribunal to be appointed as a guardian to seek help and make representations for an adult where a containment or seclusion approval is made. This makes sure families have a voice around the use of those restrictive practices that are decided by the tribunal. For other restrictive practices, families are able to make these decisions if they are appointed by the tribunal as a guardian for restrictive practice matters or in their capacity as an informal decision maker depending on the type of restrictive practice proposed. So there are many avenues for families to be heard in these cases.

Under the current provisions of the Guardianship and Administration Act 2000, any decision by the tribunal can be appealed to the Supreme Court. I believe that the process for use of a restrictive practice outlined in this bill together with the important involvement of family members and significant others in the process ensures that those we need to hear from have a voice and that the best interests of the adult involved are protected at all times. This provides a great comfort for concerned families giving their loved ones every opportunity to participate in their community. Safeguards are as important for every member of our community as are the protection of their rights. I commend the bill to the House.

Ms van LITSENBURG (Redcliffe—ALP) (8.30 pm): I rise to support the Disability Services and Other Legislation Amendment Bill 2008. This bill will amend the Disability Services Act 2006 and the Guardianship and Administration Act 2000. It will safeguard the small percentage of adults with an intellectual or cognitive disability who have challenging behaviours and where restrictive practices may be required to manage their behaviour.

This bill looks to balance the rights of adults with challenging behaviours with the need to protect the rights of others to live and work free of violent and other potentially damaging behaviour. The bill applies only to adults with intellectual and cognitive disabilities who are in receipt of disability services provided or funded by Disability Services Queensland.

The restrictive practices are regulated within this bill so that there is regard for the rights of the adult, the safety of the adult and others around them are protected with the least restrictive option to ensure their safety, they are independently authorised and reviewed, and they are used within a broader context of a positive behaviour support plan focused on the adult's individual needs. There are also provisions that apply to adults who are supported to live in their community and special provisions dealing with the use of restrictive practices in a respite and community setting or in a short-term or emergency setting where there is an immediate and serious risk of harm. This is vital because an individual with no prior need for restrictive management techniques may enter a new situation and react violently and in a way that requires immediate action to be taken for the individual's safety or the safety of people around.

Transitional provisions are included to allow relevant service providers up to 18 months to comply with the new requirements of the bill. The provisions of the bill allow for a progression of incrementally restrictive practices on a three-tier basis to have incrementally broader independent authorisation. The authorisation, for example, for the use of mittens for an individual who self-harms has a different level of authorisation from the use of chemical restraint for an individual who has regular or constant violent episodes.

I believe the provisions of this bill will be positive for the small number of adults to whom these restrictive practices are currently applied because prior to this bill there has been no independent authorisation or review of the management of restrictive practices. For example, an adult who has been managed with a particular restrictive practice since childhood because it was found to work at that stage of that person's development may never have had a review so there is no knowing whether there are other management practices that are less restrictive and could be trialled for that person and give them a better quality of life.

In cases where the restrictive practice is to ensure the safety of others this practice will be part of a whole supportive behaviour management plan, not just the total plan. It is important that the total management program is positive and supports positive behaviour and behaviour change where this is possible. With independent panels reviewing restrictive behaviour practices a wider range of practices may be available to the services.

I have several strong organisations in Redcliffe that will be affected by this bill. I have confidence that they will manage the transition process. This bill supports their current management programs. Breakaway Inc. is a respite organisation that offers residential respite and a variety of outreach programs. ROPE, the Endeavour Foundation and Cascade Place all have a variety of day programs and they work closely with parents and carers so a joint management plan can easily be developed.

I am certain all of these organisations have the capability and will use these provisions to their advantage to improve the outcomes of the small group of clients who are affected by restrictive management practices and ensure that the rights of all of their clients and workers are upheld. I believe these provisions will ensure that our disability services will attain best practice outcomes in developing management plans for clients requiring restrictive practices.

I would like to thank the minister for her insight in putting this bill together. I know many workers in the industry will be happy to see the independent review system set up because it ensures that workers and organisations as well as clients are better protected. I commend the bill to House.

Mr GIBSON (Gympie—NPA) (8.35 pm): I rise to contribute to the debate on the Disability Services and Other Legislation Amendment Bill. As many in this parliament would know, I am the child of disabled parents and as such have a keen interest in the legislation that impacts on the disabled. Whilst my parents do not suffer from an intellectual or cognitive disability, I understand the need to safeguard the rights of people with disabilities.

I note that this bill implements key recommendations from the Carter report—*Challenging behaviours and disability: a targeted response*—and it is about strengthening the rights of the disabled. I commend the minister and the government for this approach. I will be supporting this bill and acknowledge the overall aim of the bill which is to drive service improvements and to reduce or eliminate the use of restrictive practices in an environment that is underpinned by positive behaviour support.

The aim of reducing the incidence of challenging behaviour while also improving the quality of life for adults with an intellectual or cognitive disability is important and it is something that we should all strive towards. I note in her second reading speech the minister stated—

The term 'challenging behaviour' is not defined in the bill. It is a clinical term to describe behaviour of such intensity, frequency or duration it places the adult or another person at serious risk of harm. It's often characterised by physical violence and/or serious property damage.

One of my early jobs was working as a carer in a hostel where children with intellectual disabilities were accommodated. I used to work the night shift from 10 pm to 6 am. I have a small understanding of what some people call challenging behaviour. There were many times that I would find those youths engaging in what are challenging behaviours. It would involve a whole range of things. The most challenging for me was when one youth would consistently take his faeces and wipe them around the room, particularly after he had a visit from a family member. It was always difficult but I understood that it was, in one way, his method of trying to communicate his concerns to others.

People who sometimes do things such as hurting themselves or hurting others are often given the label of having challenging behaviour. In my experience I would say that some people who live in institutions or other accommodation arrangements get upset because their living circumstances make them unhappy or the challenging behaviour is the only way that they can express themselves to the broader world.

I am not overly impressed with the use of the words 'challenging behaviour' because I do fear that it labels people. For many years my parents were labelled as deaf and dumb, with the later word meaning, to most people in the community, stupid and not its intended meaning, mute. There is always difficulty whenever we label people in our community. I think we must be very careful when we do this.

I would prefer to talk about people who have ongoing needs, people who need more support from staff, family and friends. I acknowledge the need within this bill to create a legislative framework to safeguard the rights of adults with an intellectual or cognitive disability and use of restrictive practices which may be required to manage their behaviour.

As I look at the significant elements of the restrictive practices I note that they have been broken down into tiers. Tier 1 is containment or seclusion, tier 2 is physical, mechanical or chemical constraint and tier 3 is restricted access to objects. As I look at the various approval processes I am comforted in the knowledge that appropriate checks and balances have been put in place but I do worry that we are not looking to those people who often have the best interests of those with disabilities at heart. We need to ensure that their voices are included in the whole process. They are the ones who will have to carry this through particularly when it comes to tier 1 and tier 2. The carers' voices need to be heard within

that process. I appreciate the role of the tribunal, and I think it is a very important role, but there must be that opportunity for carers and those other people who are directly involved to have input into that feedback.

The safeguards in the bill in terms of the role of the Guardianship and Administration Tribunal are really important. I believe that the annual reviews of the restrictive practices are really important elements. I do not want to suggest that we create more work, but I wonder if in some cases it may be more appropriate to have those reviews after six months rather than 12 months, because often these challenging behaviours are driven by an incident and once the circumstances that caused that incident have gone the behaviour tends to drop away. I appreciate that 12 months is an important time, but perhaps having a review a bit earlier might be worth looking at.

I also want to pick up on a point that the member for Nicklin made that I think is really important, and that relates to the reporting back to the House of the progress of the implementation. Often we hear about projects being started and then they seem to fall into a bureaucratic abyss. As the member for Nicklin pointed out, although there would be no reason to hide it, it would be great if we could have a reporting back of how this process is occurring within the time frame.

I think it is important that we remember that all behaviour has a purpose and it is the responsibility of people who support those people with disabilities to try to find out the purpose for what we have termed 'challenging behaviour'. Whenever we want to help a person it is important to understand the different purposes of behaviour. It is important to find out whether this challenging behaviour is because the person is upset about something. Are they sick? Is where they live upsetting them? Do they have problems communicating or even doing simple things? I appreciate the need to balance the rights of an adult with the need to protect their rights and the rights of others to live and work free of violent and other potentially damaging behaviour. But I would hate to think that, as a society, we are reverting to an approach that is formed on the basis of intervention. We must always be willing to communicate. I take great comfort from the proposal in the bill for a positive behaviour support plan. I think it is critical. Often it is easy to just deal with the behaviour when it occurs. I am sure these behaviour support plans will bring about some real lasting change and I commend the minister for them, because I think they are such an important element of the bill.

Often one of the best ways to help a person with ongoing needs is to find out what the person wants and feels. If the person is unhappy, it is important for us to find out why and then to make the changes that are necessary to make the person happy. People with intellectual or cognitive disabilities need to be able to communicate how they are feeling. Staff need to find out why these people are upset. Often different approaches must be undertaken to help people when spoken words are not their first language of communication. I appreciate that that can be challenging for those who work in the industry and that it takes more time and effort to undertake those different approaches, but from my own experience it is critical. If you can make the effort to understand, often that challenging behaviour that we have been referring to will dissipate, because those people recognise that someone is trying to connect with them. In my experience, many people exhibit this behaviour because often family, friends and staff do not take the time to listen to them or to give them the things they want. When that happens, people get desperate and often they get upset. They then revert to exhibiting those behaviours that will bring them the attention and, hopefully, the changes they are desiring.

I encourage the minister and her department to continue the work they are doing—to shift the thinking in the broader community with regard to people who have these types of challenging behaviours and who may put others at risk of harm, to address the issue of communication and to address the issue of understanding their wants and needs. As non-disabled people, often it is easy for us. We have the ability to communicate. We often have the freedoms that these people do not have. We are able to simply go to the fridge when we are hungry, to take a trip, or to enjoy some of the leisure activities that we desire to undertake. For people with these disabilities, those options are not always available to them. We have a responsibility to ensure that we address their concerns before we take intervention action. Often such behaviour is acquired as a consequence of prolonged frustration rather than something inherent in an individual's disability. For some people, their responses that have been labelled as challenging behaviour may be the only effective form of communication that is available to them.

I have concerns about the retrospective elements of this bill. Personally, I feel that retrospectivity should be the last course of action and that we should look at other ways of dealing with things. I appreciate that sometimes legislatively we need to do that, but I would be very keen to hear the basis of the perceived need to introduce the retrospective elements of this legislation. I genuinely hope that this bill not only provides a legislative framework by which to regulate restrictive practices but also, and more importantly, encourages and supports individual service providers and the broader community to change and develop their practices when dealing with these people within our community so that they can feel that they are valued and that they are understood. I commend the bill to the House.

Mr WETTENHALL (Barron River—ALP) (8.46 pm): I rise to speak in support of the Disability Services and Other Legislation Amendment Bill. I will touch briefly on the consultation that took place with the bill and I will avoid commenting on the technical features of bill, because they have been covered very adequately and comprehensively in this debate.

Firstly, I want to comment on the question posed by the member for Gympie in connection with the application of the retrospective provisions of this bill. One of the key features of this bill is the protection that it henceforth will give those who work with people with challenging behaviours. In the past that protection has not been afforded to those people. Over the years the various practices that have been used and developed arguably could have bordered on unlawful behaviour. When you introduce legislation such as this, which clarifies the practices that can be used and provides a legal process by which they can be used and monitored, that throws into perspective what has happened in the past. It is very important for people who in the past have worked with people with disabilities and who for various reasons have had to use restrictive practices without the benefit of the protection of legislation are protected retrospectively from legal action. For that reason, although the principle of retrospectivity always has to be approached with caution, I fully support its inclusion in this bill.

I have found the contributions to the debate quite fascinating, in particular the history that we were given by the member for Ipswich. It reminded us all how far we have come in the way we consider people with disabilities and the way they are cared for now as opposed to how they were cared for in the last century or so. I want to pay tribute to the member for Ipswich for enlightening us of that history and showing us that journey in her area of Ipswich.

We have made great strides, and it is with great pride, I think, that every member of this parliament, particularly the members of this government, can look back on those initiatives that were pioneered with great courage by Labor members. This bill is a great and very important piece of legislation and another significant step forward in the way we understand the needs of people with disabilities, their carers and their families. At its core it is human rights legislation. It is about promoting the reduction and ultimately the elimination of the very practices it regulates, and that is a very worthwhile goal that has attracted a lot of support in this House this evening.

I take this opportunity to commend the former minister for communities, the Hon. Warren Pitt, for commencing the process of drafting this legislation and overseeing the very extensive consultation that went with it. About 800 people participated in the consultations, 15 written submissions were provided, and peak bodies, key government agencies, statutory bodies, unions, Disability Services Queensland staff, service providers, families and their advocates were all consulted and took the opportunity generously to share their understanding and experiences so that we have a very thoroughly worked out and thought through piece of legislation. A summary report of the contributions is now available on the Disability Services Queensland web site and is well worth a read. A full report, I understand, will be released. All of that feedback was considered and helped shape the bill now before the parliament.

I also take the opportunity to acknowledge and thank the Disability Services Queensland staff and all of the workers and carers who work in a range of non-government organisations under the auspices of Disability Services Queensland. I acknowledge not only the workers and the carers but also the people who serve on the boards of management and all the other people who share a common goal and a great humane goal of looking after these most vulnerable members of our community. I acknowledge also, of course, the families, who bear always the greatest burden in caring for people who exhibit these challenging behaviours, whether they are in professional care or not.

I think this is an opportune time to acknowledge the great commitment that all of those people show. None of them do it for the money. As the member for Inala mentioned earlier, often the work that they do is undervalued and poorly understood. One of the great aspects of this bill and the schema that goes with it is that I think it will promote a much greater understanding in our community about the needs of these most vulnerable people. I commend the bill to the House.

Mr GRAY (Gaven—ALP) (8.53 pm): As has been said many times tonight, people in our society with an intellectual or cognitive disability are amongst our most vulnerable. Where cognitive or intellectual disability is complicated by challenging behaviour, life options are even more limited. The high support needs of these people are heightened, and their care and support are vital with respect to safeguarding and strengthening their rights.

The honourable WJ Carter QC in his May 2007 report, about which we have heard much tonight, *Challenging behaviours and disability: a targeted response*, recognised these additional needs and the required safeguards. This government supports in principle all 24 recommendations of the report based on the fundamental process of reform, renewal and regeneration and has committed some $113 million over a period of four years to implement the new service and legislative model that is required. This bill, then, will amend both the Disability Services Act 2006 and the Guardianship and Administration Act 2000 to create a legislative scheme to safeguard the rights of these adults and set out where restrictive practices may be required to manage their behaviour. This bill aims to balance the rights of such an adult with the very real need to protect the rights of others to work free from violence and other potentially damaging behaviour.

Achieving this fair balance, then, is the intent of the bill, and it is a tough task. In doing this, the bill is also intending to drive service improvements to reduce or eliminate the use of restrictive practices, promote positive behavioural support to reduce the incidence of challenging behaviour and thus improve the overall quality of life of such adults. It must be noted that the scheme applies only to adults with an intellectual or cognitive disability who are in receipt of disability services provided or funded by Disability Services Queensland.

This bill underpins a new service model and implements those recommendations of the Carter report. The bill is based on the key principles of the report. The new part, part 10A, is placed in the Disability Services Act 2006 for the purposes of this scheme. These amendments do a number of things—namely, define 'restrictive practice' and provide other important definitions for the scheme, state who can apply to use such restrictive practices, and outline the circumstances in which restrictive practices can be applied and to whom.

It is these matters to which I wish to direct the remainder of my remarks, for they are the matters about which families and friends of the person being provided with a DSQ service who fits the description under the act are most likely to be concerned or which can be misconstrued by those less understanding of the intent of the act.

Having spent a number of years in Education Queensland as an officer responsible for the provision of programs and services to students with disabilities of which a subset would likely meet the definition under the current act, I am acutely aware of the difficulties of achieving the balance which the act attempts to achieve. Wisely, definitions in the act are tight enough to provide the ability to act but not so tight as to be overly restrictive and thus miss the opportunity for learning or for protection of the client, carer or both.

The definitions in the act are set out clearly in part 10A and cover such vexed areas as physical restraint, restricted access, seclusion, chemical restraint, containment and mechanical restraint. Excellent examples are provided in the explanatory notes to the act which illustrate clearly the circumstances under which the measures could or should be applied. The salient point here is the prevention of self-injury or injury to others. Having witnessed the damage done to students, teachers, teacher aides, other professionals and indeed parents, I note that these examples have been constructed by people with a high degree of knowledge working in the area of disability. My gratitude goes to the minister and to the professionals and other staff of DSQ for the care they have taken in constructing the examples that have been given to us.

Finally, I wish to speak about another area of strength of the bill, namely, its focus on positive behavioural support. A plan is constructed for each adult based on assessment, behavioural concerns, the environment and the interaction of these. I am pleased to see that a new Centre of Excellence for Behaviour Support is being established to lead the way in further research and the development of specialist knowledge in positive behaviour support.

The development of the specialist response service, mental health assessment and outreach team and the construction of purpose-built dwellings which others have spoken highly about tonight add further strength to a strong response to the Carter report. Sound legislation to manage an area of difficulty in caring for a select group of intellectually impaired or cognitively disabled adults is vital. With those words I commend the bill to the House.

Mrs CUNNINGHAM (Gladstone—Ind) (8.59 pm): I rise to speak to the Disability Services and Other Legislation Amendment Bill and to thank Helen, Moira, Grazia, Susan and Heidi—I apologise for not having their surnames—for the briefing this morning. I appreciated very much the opportunity to listen to the information that they passed on. I also put on the record my appreciation of all of those who give care to people with intellectual and physical disabilities. We all have groups in our electorates that do an incredible job of caring for people whose needs are at times very challenging and are often high care. In my electorate we have the Endeavour Foundation, the Gladstone Community Linking Agency, Education Queensland has a cohort of young ones it looks after, Disability Services Queensland and Rosella Park, which is the supported education school in my electorate. I have been to all of those places and others in the electorate that give support organisationally and I am impressed and in awe of the people who work there and the compassion that they have for their clients, the dignity with which they treat the folk whom they care for and the intention that they have to give quality of life to those people whose care they are charged with. I find it humbling to watch the manner in which they care for and endeavour to enhance their quality of life.

This bill, however, addresses issues in relation to regulating the use of restrictive practices. I notice that the term 'challenging behaviour' is not defined in the bill but it is a term to describe behaviour of such intensity, frequency or duration that it places the adult or another person at serious risk of harm and is often characterised by physical violence and/or serious property damage. Definitions which describe this term include culturally abnormal behaviours of such intensity, frequency and duration that the physical safety of the person or persons is likely to be placed in serious jeopardy or behaviour which is likely to seriously limit the use of or result in the person being denied access to ordinary community facilities.

Individuals who demonstrate those behaviours are particularly difficult to take care of. There is one young man in my electorate who physically is a heavily-built boy who has some significant behavioural difficulties. I am very appreciative of the fact that DSQ, Education Queensland, Rosella Park and Queensland Health got together to develop a program of support for this young man. Without it he has no prospects. He is only in his mid-teens. His behaviour was so unpredictable and violent that anyone who was going to support him had to have their wits about them constantly, and even then they could be taken by surprise. Whilst extreme behaviours are not a common thing, where they are present it is a particularly difficult area to administer. I pay tribute to those people who do put themselves in that area of work and support these young and not-so-young individuals. Having said that, people with difficulties in terms of behaviour and intellectual impairment also have an appropriate expectation to be able to reach their best potential. I believe that the intention of this legislation, perhaps with a different perspective, is to achieve that.

There are three tiers of behaviour and possible practice. Tier 1 is containment or seclusion which requires an assessment by at least two qualified or experienced persons. The Guardianship and Administration Tribunal is the approving body. Tier 2 relates to physical, mechanical or chemical restraints, and that includes holding, the use of devices—in the briefing even mittens that are placed on certain individual's hands to stop them harming themselves were mentioned—body suits and chemical restraints, including medication. The approval again is a guardian appointed by the Guardianship and Administration Tribunal. Tier 3 is restricted access to objects. These in some ways could be viewed as less restrictive than chemical or mechanical restraints but are a very difficult area. One of the examples in either the briefing notes or the explanatory notes was access to the fridge or the pantry for those with compulsive eating disorders but with an intellectual disability as well. I am sure members have seen TV shows where parents are trying to administer some restraint to young boys and girls and they literally have to padlock the cupboards so that the young children cannot access them. I believe that they do it with the best of intentions.

There were a number of issues raised by the consultation group, and I want to put these on the record. The consultation included 58 targeted consultation sessions. Up to 800 individuals participated in the consultations which occurred between October 2007 and January 2008. Some of the issues that the practitioners raised are particularly important. They raised the issue of needing time to get ready for their reporting and plan preparation obligations. That is critically important because we are talking about people who are already overcommitted in terms of the amount of work that they have to do, the individuals that they are caring for and the physical demands on their time and their person to be able to provide care. They have asked for time to get ready for these new behavioural practices. They want access to specialist teams in the long term.

There are 70 specialist positions that will be provided over three years with five to eight positions in each team. We have been advised that the teams are in Brisbane, Ipswich, Gold Coast, Sunshine Coast, Rockhampton, Townsville, Mackay and Maryborough. It would be remiss of me not to say that it is disappointing that there is not a team or part of a team based in Gladstone. They will be an outreach, I am sure, from Rockhampton. We have a significant number of people who receive a high level of care in the Gladstone region. I know that the community that I represent would have loved to have seen some specialists actually located in Gladstone. I put that to the minister for her consideration. Rosella Park has a cohort of students with very high needs and I am sure that it would appreciate a direct physical contact within a short time frame with those specialists.

Another issue that was raised by those people at the consultation was access to training for staff in relation to positive training. When it comes to training for staff, there is also the issue of replacement while those staff are offline undertaking the training. It is a very specialised area and one that I do not think everyone is suited to participate in, and those who do have my greatest respect. In the briefing I expressed some concern at retrospective immunity. However, the advisers stated that those involved in the care of people with physical and intellectual disabilities were appreciative of that retrospectivity and the fact that it gave them some peace of mind. I acknowledge that on that basis.

Another issue that I wish to raise, which also came up earlier, is that of purpose-built accommodation. A few years ago precincts were developed for people with physical and intellectual disabilities. Very sadly and tragically, and I think that this is an indictment on humans, terrible abuses occurred within the walls of those institutions. The staff were charged with looking after people with high-care needs in terms of both intellectual and physical disabilities. When those institutions were closed in the late 1990s, some of the parents of the children and young adults with high-care needs were significantly disadvantaged. When those people were released their parents did not know what was going to happen to them. I certainly have not kept track of all of the people who contacted me.

An ability to live in the community in an environment that is specifically designed for people with disabilities and that provides appropriate protections through the proper construction and configuration of the home will enhance those people's quality of life, and deservedly so. Certainly I would put my oar in the water and ask for purpose-built accommodation for the Gladstone region. In a number of instances Gladstone families have had to be broken up so that individuals with high-care needs could be appropriately housed. A number of parents have contacted me about their children, and some of

them are not so young, who have intellectual impairments or mental illness. Those parents are at their wits' end because they do not know what will happen to their children. They are ageing and their ability to manage and look after their ageing children is diminishing. They suffer significant disquiet about their children's futures. Therefore, I put in my bid for purpose-built accommodation in Gladstone, as a significant percentage of our population does need high-level support. Certainly, it would be welcomed by all of the parents who access services.

I trust that the intent of this legislation can be achieved and that its aims and objectives can be implemented in a practical way. It is easy for me to stand up and talk about this, but I am not taking care of somebody with a significant disability. Whatever we talk about and implement has to be practical for those who give of themselves to look after people in agencies that access DSQ funding. It has to be practical so that staff can do the work of as well as embrace the theory of taking care of those people.

I commend the minister. This is a difficult area. I wish the best for each and every family—although I know that they are not covered by this legislation—that looks after a child, a partner or a parent with a disability. I wish them well in their endeavours. To those who work with people with high-care needs through government agencies and funded agencies I give my greatest appreciation and respect. They do a wonderful job.

Mr WEIGHTMAN (Cleveland—ALP) (9.13 pm): I rise to contribute to the Disability Services and Other Legislation Amendment Bill 2008. As has been said a number of times today and again tonight, this legislation is all about providing a higher level of protection and service to a section of our community that is considered most vulnerable. Providing an improved service for people living with disabilities and their carers is something I am passionate about. To this end I am very pleased to see the inception of the Centre of Excellence for Behaviour Support. This initiative was one of 24 recommendations put forward by the honourable Bill Carter QC in his July 2006 report *Challenging behaviours and disability: a targeted response*. I found the report interesting reading, even though it was hard going, and I commend Mr Carter for the comprehensive and descriptive nature of his report with an underpinning theme of fundamental process of reform, renewal and regeneration.

The centre will be established at the Ipswich campus of the University of Queensland, in partnership with Disability Services Queensland and the university. Its charter will be to provide access to research, training and support to establish firm foundations for a positive behaviour support system that is accessible across the disability services sector. The centre will lead research and policy to guide innovative programs for the care and support of people with intellectual or cognitive disability and challenging behaviour across the broader disability sector, both government and non-government.

There are people in my electorate who will benefit from this research as they will also benefit from the centre performing a role in the development of workforce capacity for disability services. This will be achieved by forming partnerships with the tertiary education sector to inform tertiary curriculum for a range of undergraduate and postgraduate programs, including behaviour support in disability services. I think that that is very important.

The centre will be guided by a highly skilled person who will have skills as a practitioner as well as being a capable academic—a very good mixture. They will be supported by a research team that will gather, interpret and disseminate evidence based research. They will also provide ongoing support to regional teams that will be responsible for direct service delivery.

Another of the centre's functions will be to provide training and development programs for specialist response service teams and direct support workers in government and non-government services. This training will be essential if the centre is to build a level of professional integrity and to achieve its mission. With regard to training for professions and support staff, the centre will have a training team led by the director of learning and development to provide a program of initial and ongoing training. Again this is essential to building a level of integrity and service standard which is consummate with the community's expectations.

The Bligh government has committed $113 million over four years to implement the new service and legislative model. There will be a proposed period of 18 months during which time only transitional provisions will apply to enable services providers to undertake education and training. Workshops will be held from July 2008 for service providers to understand and implement the draft transitional policies and procedures. It will also enable the building of the capacity of the disability services sector in order to comply with the provisions of the bill.

This bill also treads the fine line of balancing the need to protect the rights of adults with an intellectual or cognitive disability and the rights of others who live and work with them. These rights will be safeguarded during the transitional period. Additional clinical services for assessment and planning, as well as specialist training programs, will become available from July 2008. The target of these services will be service providers who are supporting adults who may be subjected to or remain at risk of containment or seclusion, or who have very complex support needs and are subject to a range of other restrictive practices. I know of people in my electorate who fall into that category and I am pleased they will benefit in this regard.

There will be a range of communication strategies implemented at the commencement of the legislation aimed at adults with intellectual or cognitive disabilities who are exhibiting challenging behaviours and their families. This will be an important initiative because of the comprehensive nature of this legislation. These people need to be informed. There are many more aspects of this legislation that I will not mention now that will provide a whole-of-government response to a service that supports some of the most vulnerable people in our community. I congratulate the ministers both past and present for the introduction of this legislation and I commend the bill to the House.

Mrs SCOTT (Woodridge—ALP) (9.18 pm): For the many people who have a family member with a severe mental disability or dual diagnosis leading to challenging behaviour, the Disability Services and Other Legislation Amendment Bill 2008 holds the promise of far-improved treatment and improved quality of life. It moves the attitude and practice of those who work with people with disabilities from negative reactive practice to what is termed in the bill as positive behaviour support. To families who have a loved one living with severe and challenging behaviour in a DSQ funded home or facility, this will be very welcome legislation and will hold out the hope of a far better case management tool leading to a far improved and happier quality of life.

There are many aspects of this bill which enhance outcomes for this sector of our community such as the new Centre of Excellence for Behaviour Support, a specialist response service, a mental health assessment and outreach team, the development and recruitment of specialist staff and the construction of purpose-built dwellings. Some $113 million has been allocated to implement these measures over a period of four years. A couple of years ago the mother of a young man came to see me. She was at the end of her tether. Her teenage son, Chris, who has a mental disability, was so violent that he had been barred from every school in the district and the family members were often the brunt of his unpredictable behaviour. He was a tall, solid young man, strong and often out of control. I remember discussing his case with school principals and Kerry Holtz, our then district director of education. It was difficult to see how he might be able to engage in any kind of education or skills training.

The next time I met Chris was in early December 2007. I was at a graduation dinner for the Logan City Special School. I was called to the front to give out two very special awards—the supreme awards of the night. I shook hands and spoke to the recipients and then returned to my seat next to Jill Innes, the school principal. She leaned over and said, 'You know who you've just given that award to?' It was Chris. He had become an exemplary student, cooperative and eager to please. And while a student in a special school would not fit into the category to be assisted by this legislation, it is a fine example of what would have been positive behaviour support and is testament to dedicated, caring teachers. Chris had found his niche. He felt safe, he had developed a feeling of self-worth and self-confidence and at his own level was able to progress at school. It was an amazing transformation, and I hope Chris has been able to find a place in the post-school options that will continue his development.

This positive behaviour support is at the very heart of this legislation and introduces a whole new way of caring for people with challenging behaviour. It recommends that the service provider must develop a positive behaviour support plan according to the needs of the individual that will improve their skills and quality of life, thus making it less likely that restrictive practices will be required. However, should restrictive practices be required to either protect the person themselves or someone else such as their carer or family member, there are strict guidelines to be followed. These include ensuring that the least possible restrictive practice is used and that it is approved and that family members and guardians be consulted and protections be provided to service providers who follow the strict requirements. It is also the aim to reduce the restrictive practices by recognising the need for a cultural change.

Within this regime, the importance of acting in consultation with family members, guardians and healthcare providers has been stressed, as has the importance of the Guardianship and Administration Tribunal, the Office of the Adult Guardian and the Community Visitor Program. It is hoped through this more positive approach that the need for chemical, mechanical or physical restraint will be reduced and that other restrictive practices will also be required far less frequently. The efforts of the honourable Bill Carter QC in producing his report *Challenging behaviours and disability: a targeted response* must be acknowledged, because it has been responsible for this fresh approach to something which causes such concern for so many families. Minister Lindy Nelson-Carr and her department should be congratulated for accepting all 24 recommendations in the report, and all who have been involved in bringing this legislation before the House should be recognised for what I am sure will make a difference in the lives of so many. I wholeheartedly support the bill.

Mr CRIPPS (Hinchinbrook—NPA) (9.24 pm): I rise to make a contribution to the debate on the Disability Services and Other Legislation Amendment Bill. The bill amends the Disability Services Act 2006 and the Guardianship and Administration Act 2000 to create a legislative scheme designed to safeguard the rights of adults with an intellectual or cognitive disability who demonstrate challenging behaviour and to put in place a mechanism providing for restrictive practices to be utilised to manage their behaviour. The bill proposes to try to achieve a balance between the rights of the adult with a disability and the need to protect the rights of others to live and work in a safe environment. The amendments relate only to adults with an intellectual or cognitive disability who are in receipt of disability support services provided or funded by Disability Services Queensland.

The overall aim of the bill is to achieve service improvements to reduce or eliminate the use of restrictive practices, promote positive behavioural support, reduce the incidence of challenging behaviour and improve the quality of life for adults with an intellectual or cognitive disability. In particular, restrictive practices are regulated in a way that has regard to the human rights of the disabled adult and are necessary for the safety of the disabled adult, their service provider or indeed others who may be affected and are the least restrictive option of ensuring their safety.

The term 'challenging behaviour' is not defined in this bill, and this is an interesting aspect of the proposed legislation. It is asserted by the explanatory notes that 'challenging behaviour' will be taken to mean behaviour of such intensity, frequency or duration that it places the adult or another person at serious risk of harm and is often characterised by physical violence and/or serious property damage, which on the face of it seems general enough to provide protection to disability support workers in a range of different circumstances. No doubt there are concerns in some quarters about a lack of definition of 'challenging behaviour' in the bill. I can imagine that the range of circumstances in which carers and support workers might find themselves in the course of attending individuals with intellectual or cognitive disabilities would be vast and, as such, the range of appropriate responses and degrees of responses in those circumstances would be equally vast. As such, proscriptive legislation may be unhelpful and indeed unworkable in this area of disability support. There is obviously great difficulty in achieving an appropriate balance between protecting the rights and liberties of individuals with disabilities and extending appropriate protection to carers and support workers.

Restrictive practices, however, are defined in this bill. A relatively small proportion of adults with an intellectual or cognitive disability receiving disability services from a relevant service provider exhibit challenging behaviour. In the course of caring for these adults, restrictive practices may be used from time to time to prevent them harm or a risk of harm to the adult or another such as support workers, family members, co-tenants and members of the public. These adults generally do not have the capacity to consent to decisions around their care or treatment. Restrictive practices are defined in the bill to mean containing or secluding a disabled adult; using chemical, mechanical or physical restraint on the disabled adult; and restricting access of the adult most likely to an environment which may trigger a behaviour pattern when other restrictive practices are likely to be required. Examples provided in the explanatory notes include confining the adult to their room during a period of aggression to prevent them from hitting members of staff or co-tenants or administering medication prescribed to prevent the escalation of aggressive behaviour by the disabled adult.

There are some key principles which underpin the proposed legislation and must be considered before a decision can be made about whether or not to use a restrictive practice. These are preventing harm or a serious risk of harm to an adult or another; using the least restrictive option for ensuring the safety of the adult or another as is possible in the circumstances; considering the human rights principle including preventing abuse, neglect or exploitation of the disabled adult; and focusing on development of the individual and enhancing their quality of life. The bill includes special provisions for respite and community access services where either or both are the only disability service accessed by the adult and short-term approval—for example, in emergency situations—where there is immediate and serious risk of harm to the adult or another.

I sincerely hope that the amendments to this bill provide an improved framework for the management and delivery of disability support services in Queensland, which face very substantial challenges as far as staff and resourcing are concerned. I really hope that these amendments improve the workplace environment for carers and disability support staff who work in a sector where compassion, love, patience and understanding are a non-negotiable prerequisite. I also really hope that the amendments can improve the quality of life for those Queenslanders with an intellectual or cognitive disability who are amongst the most vulnerable people in our society and who should be supported to live their lives with dignity.

Debate, on motion of Mr Cripps, adjourned.

ADJOURNMENT

Hon. RE SCHWARTEN (Rockhampton—ALP) (Leader of the House) (9.30 pm): I move—

That the House do now adjourn.

Picnic Bay Recreation Centre

Mr CRIPPS (Hinchinbrook—NPA) (9.30 pm): Tonight I want to express my concern about plans by the Bligh Labor government to possibly sell the Picnic Bay Recreation Centre on Magnetic Island. A decision to sell this important facility would be to the detriment of many north Queenslanders, particularly school students, community groups and charities, some of whom travel huge distances to access this affordable recreational facility.

This morning I placed a question on notice to the Minister for Police, Corrective Services and Sport, who is responsible for the administration of the 12 recreation facilities currently managed by the department of sport and recreation throughout Queensland. A Service Delivery and Performance Commission report from July 2007 indicates that the state government has resolved to sell off five of these centres including two in north Queensland—in Mount Isa and at Seaforth near Mackay—while the Picnic Bay Recreation Centre facility on Magnetic Island is also being considered for sale.

I have asked Minister Spence, in relation to the report by the Service Delivery and Performance Commission review regarding the Magnetic Island Recreation Centre and the options listed for the future management of the centre, to provide a guarantee that the state government will continue to operate the centre or that ownership of the centre will be transferred to Education Queensland, the Townsville City Council or another not-for-profit community organisation to ensure it continues to offer affordable services to the community and will not be sold to a private commercial operator.

Three different options are floated in the July 2007 report by the Service Delivery and Performance Commission for the future management of the Magnetic Island Recreation Centre including transferring the centre to Education Queensland or another state government department, transferring the asset to local government or a community group, or, as is to be the fate of five other recreational centres across Queensland, divestment of the asset which is code for selling the recreational centre to commercial interests.

Schools in my electorate and servicing communities in my electorate such as Ingham State High School, Gilroy Santa Maria College, St Anthony's Catholic College Deeragun, and Northern Beaches State High School use the Picnic Bay Recreation Centre. Schools from all over north Queensland including from the Burdekin, Charters Towers, Longreach, Mount Isa, Mackay, Burketown, Emerald and Collinsville also use the centre.

Community based organisations and charities including the Australian Red Cross, Camp Quality cancer kids, the Deaf Society, the Diabetes Family Group and the Smith Family also utilise this facility. I call on the minister to disclose what negotiations with Education Queensland, with Townsville City Council or with other not-for-profit community organisations have been pursued for the future management of the Picnic Bay Recreation Centre as discussed in the report to demonstrate that these options are not just window-dressing. If the facility on Magnetic Island is sold to a commercial interest, there will be no similar facility between Yeppoon and Lake Tinaroo on the Atherton Tableland. Such a decision would be a dreadful betrayal of north Queenslanders by the Bligh government.

Anzac Day

Ms DARLING (Sandgate—ALP) (9.33 pm): Last week Australians and New Zealanders around the world recognised Anzac Day in a variety of ways but all with solemn, respectful services that acknowledged the great sacrifice of service men and women. Sandgate RSL subbranch organised two special commemorative services and marches that attracted record crowds to Sandgate. Hundreds of people lined the streets to watch both the dawn service and march and the later mid-morning march and service.

Pipe bands, police, school students, youth groups and armed services personnel joined the veterans and their families and friends in this year's march. I was honoured to march with Sandgate police, lay a wreath at the memorial service and listen to talented local musician Claye Middleton as he sang the song *The Anzac*. It was a very moving service and I congratulate Russell Backen, Norm Murdoch and the other organisers from Sandgate RSL subbranch for a special day.

In the afternoon of Anzac Day I joined the sunset service at the waterfront at Eventide, Brighton, organised by the RAAF Association (Queensland), Sandgate branch. Mr Michael Bryce AM AE gave another moving tribute to those who served to keep our country safe and free. Mr Bryce has been the RAAF Association patron for several years and will be missed by the Queensland personnel. I would like to congratulate Malcolm Bool and Roy Lincoln and the RAAF personnel who contributed to the moving sunset service.

Many members may not be aware that the Eventide site at Brighton was a RAAF station established in December 1940 and disbanded in November 1944. A monument was erected in December 1998 and dedicated in January 1999 to all who had served at or passed through RAAF station Sandgate during World War II. It actually stands at the site of the old Guard House, situated at the junction of 19th Avenue and Flinders Parade, Brighton, in the grounds of the now Eventide Nursing Home.

The RAAF Association (Queensland), Sandgate branch holds the sunset service at the memorial on Anzac Day each year and is assisted by cadets from 212 AAFC, based at nearby Redcliffe. This year's Anzac services were particularly moving, perhaps because we remember the sacrifice of veterans who served in so many conflicts over the last century and we remember those new veterans just returned from their first service offshore. Sadly, we also remember those who lost their lives on recent service in Iraq and Afghanistan, and we remember the thousands of innocent men, women and children who die unnecessarily in conflicts around the world. We remember all who die and we must continue to remember until we see peace across the globe. Lest we forget.

Anti-Discrimination Act

Mr HOPPER (Darling Downs—NPA) (9.36 pm): I wish to bring to the attention of the House my concerns with respect to abuse of the Anti-Discrimination Act 1991. I have recently received a complaint from a constituent who has been referred to the Anti-Discrimination Commission Queensland as a result of a racial complaint. The scenario of events occurred when the complainant approached the shop counter to make a purchase. The shop assistant served one customer who the complainant was standing beside with his purchase. The assistant served the first customer and turned to serve a customer on the other side of the service desk as she had believed this customer was waiting prior to the complainant. A videotape indicated that it took no longer than 35 seconds to serve the complainant. The complainant made everyone in the immediate vicinity aware of his dissatisfaction by raising his voice, waving his arms and talking in an intimidating and derogatory manner to all service staff.

The complainant could not be reasoned with and continued to talk over the store manager and stated that he would be taking the matter to the media due to their racial discrimination. At no time did any staff member make any remarks pertaining to the complainant's cultural background. The store prides itself on being a multicultural employer. The store owners resolved this matter informally through consultation in a bid to avoid a costly court case. This particular claim was initially rejected by the Anti-Discrimination Commission Queensland. However, following the provision of additional information by the complainant, the commission considered that the claim satisfied the criteria under section 135 of the act.

One of the most concerning aspects of this case is that business owners are exposed to complaints sometimes without any real justification, subsequently forcing them into the conciliation process. Unfortunately, both the conciliation process and the fear of expensive court costs are placing a great financial burden on businesses throughout this country. Can anyone in this House honestly say that a 35-second wait for service warrants thousands of dollars to be provided by the respondent to the complainant? I am certain that the majority of people have been overlooked by service staff whilst waiting in a queue, particularly when there are no customer service cards provided. Even then people are not always served in order as they forget to grab a number upon their arrival to a service desk. This is a fact of life and mistakes are made every day by many shops and their customers. However, this situation should not leave the shop owners exposed to litigation at the whim of customers.

All claims must be proved beyond doubt. If there is a legitimate claim then the shop owner should be held accountable. I believe that the rights of the shop owner as well as those of the customers must be protected at all times. However, I am of the view that common sense must prevail in all cases with a view to avoiding unnecessary litigation for the benefit of all concerned. Someone walked into a situation, made a claim and took a lot of money.

Higher Education

Mr LEE (Indooroopilly—ALP) (9.39 pm): Australia has been responsible for some of the world's greatest inventions and innovations, from medical breakthroughs to the development of things like more efficient solar panels. Our education and research institutions have the potential to be the best in the world, but to unlock this potential we need to make it easier for people to learn.

My electorate includes Queensland's largest and one of the world's most prestigious universities—the University of Queensland. I have met many bright young students, many of whom could be the next Ian Frazer or Peter Doherty. These students embrace hard work and have a commitment to achievement but many are faced with a staggering financial burden. These students understood that higher education was not going to be easy, but it should not be as hard as having to toss up between buying food or study notes.

Until 1998 students receiving payments under the Student Assistance Act, such as Austudy or Abstudy, were eligible through Australian Taxation Office ruling 92/8 to claim self-education expenses. However, in 1998 Australian Taxation Office ruling 98/9 rescinded the right of students receiving payments under the Student Assistance Act to claim self-education expenses as a tax deduction. This ruling made it just that little bit more difficult for students to make ends meet at the end of the year.

Regardless of whether a student is receiving a Commonwealth payment, like Youth Allowance, or working 20 hours a week stacking shelves or delivering pizzas, education expenses, including tuition fees, student union fees, textbooks and study notes, should be tax deductible. Higher education should always be challenging, whether it is a course undertaken at university or TAFE or another institution. Students need to learn life skills like household budgeting as well as learn about their chosen profession. But in today's climate things are getting just a little bit too hard.

If we are serious about an education revolution in Australia we need to lighten the financial burden on Australian students and we can do this by making education expenses tax deductible. When Prime Minister Kevin Rudd calls for reform of the Australian taxation system, this is the first place that he should start. Making education more affordable for Australians is crucial for our nation's future. Because the vast majority of those affected will not pay much tax anyway this idea does not have to cost the government much in lost revenue. I think it is an idea worth genuine consideration by the federal government. I ask our wonderful Prime Minister Kevin Rudd to consider it.

Neurofeedback

Mr FOLEY (Maryborough—Ind) (9.42 pm): I rise to bring to the attention of the House a very innovative treatment method called neurofeedback, which is also known as EEG biofeedback or neurotherapy. It is a technique that utilises computer technology to enable a person to alter certain aspects of their own brainwaves. Neurofeedback is used to help many conditions in which the brain is not working as well as it might.

Historically, it has been used as an effective treatment for epilepsy, attention deficit hyperactivity disorder and alcoholism. But recent clinical evidence suggests a much broader application. Mood disorders such as anxiety and depression generally respond well as do central nervous system regulatory problems such as insomnia and uncontrolled anger. Even sportspeople and musicians are now using neurofeedback as a form of optimum performance training.

Sensors are placed on a person's scalp to measure their brain's electrical signal or EEG. The EEG is then presented back to the person in the form of a computer game that lets them know when they are producing appropriate brainwave patterns and when they are not. As the brain picks up these cues and begins to function more appropriately, improvements are often seen in a number of areas, including sleep, behaviour, attention, communication and emotions.

Why does it work? It appears that if the brain is provided with appropriate information about how to improve its performance, it is able to do so. With neurofeedback we are taking brainwave activity that normally occurs subconsciously, bringing it up into conscious awareness and then providing visual and auditory rewards each time desired changes are achieved. Over time the brain incorporates these changes permanently.

Although specific outcomes cannot be predicted, improvements are seen about 80 per cent of the time. Depending on the problem, these changes may include, but are not limited to, normalisation of the sleep/wake cycle, improved attention and many of the other things that I previously mentioned.

I have recently learned from my sister and her husband on the Sunshine Coast about the tremendous success that a friend of theirs named Mark Darling has had working with children with challenging behaviours through his neurotherapy practice. For the information of members of the House, Mark happens to be the brother of the member for Sandgate.

In 2004 Mark established a pilot project providing a remote neurofeedback program for children with ASD at the Hervey Bay Special School. The project won the following awards: regional winner of the Showcase Award for Excellence (Education Queensland) and also a $20,000 award for quality schooling from the federal Department of Education and Training.

It is a great shame that the Queensland government has stopped schools from being able to do neurofeedback. I urge the minister to reconsider. Mark believes that these results are very rewarding and it is his vision to reproduce his neurofeedback programs throughout Australia and make them available to as many people as possible.

Windsor and Districts Historical Society, Anzac Day Service

Ms GRACE (Brisbane Central—ALP) (9.45 pm): The fallen were well and truly honoured and remembered at the Windsor and Districts Historical Society's Anzac Day service held at Windsor War Memorial Park. The historic Windsor War Memorial was restored in time for Anzac Day this year thanks to a total of $18,000 provided by the state government under the Community Memorials Restoration Program, which is now in its fourth year and has provided more than $2 million to councils and community organisations on a dollar-for-dollar basis to help restore historic monuments and other local icons throughout Queensland.

The heritage listed Windsor War Memorial is an iconic landmark in Brisbane and thousands of motorists see it every day as they drive along busy Lutwyche Road. The government realises the deep importance the community places on preserving such community memorials and works with local councils and community organisations to subsidise the cost of restoration work.

The octagonal pavilion is rare among Queensland's First World War memorials—opened on Anzac Day 1925 and designed by prominent Brisbane architects Francis Hall and W Alan Devereux. The Windsor War Memorial Park was originally the site of the Bowen Bridge State School which burnt down in 1914. After this it became a park and the memorial erected in 1925 to honour local residents who had served in the First World War.

The pavilion is built with brown Helidon sandstone and rests on a wide podium of locally quarried Brisbane tuff which, I believe, actually came from the old Windsor quarry. The restoration carried out by the Brisbane City Council involved conservation of the lead cover to the dome and cornices, electrical work, stonework and painstaking restoration of the deteriorated gold leaf of more than 1,500 letters inscribing the names of our brave diggers.

On inspecting the Windsor War Memorial last week I can honestly say that an excellent job was done and the pavilion is back to its former glory. The newly restored memorial was enjoyed by more than 300 residents and friends who attended the moving Anzac Day service last week organised by Mr Alan Webster, subcommittee chairperson of the Windsor and Districts Historical Society and digger Jack Mann. The Windsor State School choir, the speeches and band playing were all excellent and added greatly to the community spirit at this year's Windsor Anzac Day service. Many of the floral wreaths laid during the ceremony, including my own, were made by local Windsor florist Mary Casey, who did a wonderful and artistic job.

I thank the Windsor and Districts Historical Society for organising a great Anzac Day service, which was enjoyed by all who attended. We especially enjoyed the cup of tea or coffee and homemade Anzac biscuits which were available across the road at the historic old Windsor Town Council Chambers which is home to the Windsor and Districts Historical Society. All volunteers did an excellent job and it was a truly moving and most pleasurable way to spend a beautiful Anzac Day morning. Lest we forget.

Anzac Day Service, Kenmore-Moggill RSL

Dr FLEGG (Moggill—Lib) (9.48 pm): On the morning of Anzac Day I stood in the dark on the banks of the Brisbane River for the dawn service at the memorial at Bellbowrie. It was a moving service held on the banks of the Brisbane River, with the sun rising through the gum trees and a kookaburra making a sound, which it seems to do during each dawn service. This is one of the commemorative activities that are conducted by the Kenmore-Moggill RSL. This RSL has no poker machines. It is an RSL that is dedicated to the service of particularly the veterans community in the western suburbs of Brisbane. That RSL also conducts a large parade through Kenmore on Anzac Day. This year the Kenmore-Moggill RSL's dawn service was attended by Lord Mayor Campbell Newman. There were some 500 people who attended that service out at Bellbowrie on the banks of the Brisbane River.

RSL President Stewart Cameron and his team, Jack Vintner, Kevin Daly, Laurie Hall, the immediate past president, Max Lockwood, and others have devoted themselves to serving their community in a wide variety of ways. This RSL club has no clubhouse. It raises its funds predominantly from the sale of Anzac Day badges, with which I had the privilege on two occasions in the lead-up to this Anzac Day of assisting. Recently the Kenmore-Moggill RSL has instituted a men's shed program where older men are brought together to discuss matters of importance to them. At one stage I was privileged to address the men's shed in relation to prostate cancer. The RSL conducts a very active program in the local schools. It also conducts an active pastoral program.

Currently, the Kenmore-Moggill RSL is seeking some premises—not for the purpose of poker machines or alcohol sales but simply to administer and conduct its sales. An approach has been made to the Police Service, which I believe is under consideration, for the now disused Kenmore Police Station. Hundreds and hundreds of people attend the Kenmore-Moggill RSL's commemorative services. Others benefit by the pastoral care that it offers. Our schools benefit as our children are taught about those who made sacrifices in the war by these very dedicated groups of people whom I am very proud to be able to support. The Kenmore-Moggill RSL also conducts an Anzac Day service at RSL Care's Fairview home on Moggill Road at Pinjarra Hills.

Anzac Day Service; Eather, Mr A

Mr MOORHEAD (Waterford—ALP) (9.52 pm): In 2008 the people of Beenleigh again came out in greater numbers to commemorate Anzac Day. The Beenleigh RSL should be congratulated on its stunning effort to commemorate Anzac Day and the growing crowds of people who each year attend that service. This year's Anzac Day was particularly sad, being the first of many without Arthur Eather. Arthur was born in Narrabri on 23 April 1940. Arthur left Narrabri for Tamworth in 1957 where he met his future wife, Janice. Arthur married Janice on 2 December 1961 and there are two children of the marriage, Peter and Wendy.

Arthur had a proud history of distinguished military service. He joined the Australian Army in September 1958. He served with 1st Battalion in Malaya from September 1959 to November 1961 where he was trained by the British Army to be part of its tracking crew. In 1963 Arthur was transferred to the Infantry Centre at Ingleburn. In 1966 the Tracking Wing was formed, with Arthur appointed as an instructor. Arthur volunteered for Vietnam and was deployed to Vietnam with the 1 ARU in September 1967. After 8½ months service, Arthur was medically evacuated from Vietnam. Arthur trained his last recruits at Canungra in 1972. Those whom he trained speak very highly of him. Arthur was regarded as firm but understanding and fair. When Arthur left Canungra in 1972 after 21 years of service with the Army, he settled into civilian life in Beenleigh.

Arthur joined the Beenleigh RSL in 1982, serving his fellow veterans in many positions, including president, trustee, vice-president and welfare officer. In 1985 Arthur was a founding member and a life member of the Vietnam Veterans' Association of Australia, Logan and Albert subbranch, serving as president in 1988 and 1989. Arthur was also a member of the Beenleigh TPI Association and has always been a highly regarded member of the returned services community.

Arthur was a fighter to the end. Sixteen years ago he was told that he had only three months to live. Arthur survived lung cancer and a brain tumour, but he succumbed after a return of lung cancer in November 2007. Arthur did his country, his community and his family proud. I am sure all members of this House join with me to extend our sympathy to Arthur's family, particularly his wife, Janice, and children Peter and Wendy. It was great to see the Beenleigh RSL provide a tribute to Arthur by allowing his son, Peter, and his granddaughter, Amanda, the honour of placing the first wreath at the dawn service at Beenleigh. That was a fitting tribute to Arthur's great service to his country. Vale Arthur Eather.

Ashmore Amcal Pharmacy; Smith Family Learning for Life Scholarships

Mr LANGBROEK (Surfers Paradise—Lib) (9.55 pm): It is my pleasure to speak this evening about a constituent of mine, Carlene Vincent, who is a registered nurse, midwife and expert in antenatal care. In fact, when my children were born Carlene was head of maternity at Allamanda Hospital. She now provides postnatal care at Ashmore pharmacy at Ashmore City and invited me to see how the pharmacy is providing services to postnatal mothers and their babies. Carlene pointed out the following in her letter to me—

Mothers with their babies come along and have weighs and measures done and physical checks done and get advice on breast feeding and how to progress to educational diets.

They are given advice on the need for immunisation and any other queries or concerns they may have encountered ...

Some items that were reviewed by Carlene included cord healing, breastfeeding information and support, birthmarks, infections such as thrush, simple colds, urinary tract infections, sticky eyes and management, the prevention of flat heads, reflux and management, information about immunisation, unsettled periods and management, sleep and management, teething, minor skin problems, and diarrhoea and vomiting. There is also regular weighing and the measurement of head circumference and length as well as information about formulas, how to make them and the sterilisation of teats and bottles. Carlene sees about 1,500 babies a year. This is a very valuable service. As Carlene said in her letter to me, it fills the gaps left by busy government clinics.

The point of my speech this evening is to point out that this is something that Queensland Health should be considering. Peter Forster, in his review of health services, said that we should be trying to access private services more to help the public services that are overrun. I note that the health minister, in response to a recent petition, mentioned that there was increasing access to the range of therapies being provided by allied health professionals within the private sector in terms of mental health. I think it is something that would be commendable to consider for other aspects of health services, such as caring for babies. We know that mothers, especially those who have their second child, really experience a lot of difficulty accessing the clinics for any sort of advice because the health department is so overrun.

The other issue I want to speak about relates to a graduation ceremony that I attended recently. I note that the member for Burleigh is in the House. She was also at this function. It was a graduation ceremony from the Smith Family Learning for Life Scholarship which was held at the Surfers Paradise Transit Centre. Something that I did not know about the Smith Family is that it is the vision of the Smith Family to unlock opportunities for disadvantaged families to participate more fully in society. Sole parenting and a lack of employment choices are the sorts of circumstances that challenge many families.

The Bureau of Statistics says that in 2006 there were over 717,000 children living in jobless households. Since its inception in 1988, the Smith Family Learning for Life Scholarships have helped more than 46,000 students. Through these scholarships students are able to explore their potential, overcome the barrier of social isolation and increase their self-esteem and motivation to succeed. The four program streams are financial scholarships, personal support, personal development and literacy skills.

Hope Vale and Cooktown Communities, Visit by Premier

Mr O'BRIEN (Cook—ALP) (9.58 pm): Last week it was a great pleasure to accompany the Premier to Cooktown and Hope Vale to participate in a range of meetings, forums and discussions that were held there over the day that the Premier was in that area. In Cooktown we met with newly elected mayor—and my old political sparring partner—Peter Scott and the shire CEO, Steve Wilton. The mayor was given a good hearing from the Premier and she was able to give him a number of commitments, including that the government will continue to guarantee the $3 million that it has committed to the community events centre while council acquires its preferred site from the Australian government.

In Hope Vale the next day the Premier met with the council and the community justice group to discuss the possible changes to the alcohol management plan. The mayor, Councillor Greg McLean, put forward a proposal which would require drinkers to obtain a permit to bring alcohol into the community. Obviously certain people would not be allowed to get a permit, such as those with domestic violence orders or those who had recently come into contact with the criminal justice system. It was an innovative suggestion and one that has not been considered previously. Clearly, we need to hear from the police to see how difficult it would be for them to administer the scheme before it could be implemented.

Following these meetings the Premier inspected the school and met with some of the schoolkids and their teachers. It was very pleasing to hear the Premier say that she thought the standard of work she saw there was equal to what she has seen in other parts of the state. This has not always been the case in Hope Vale. I congratulate Leanne Rayner and her staff on what they have achieved in recent years. Following the school visit we inspected the nearly completed $15 million new hospital. The facility was tantalisingly close to completion and I look forward to attending the official opening in the near future.

Before lunch a community forum was held with a large crowd present. A number of issues were discussed including the alcohol management plan, the family reform commission and land tenure reform. There is always one in every crowd, and the sole detractor present at the forum probably did more to demonstrate the need for alcohol management than he probably intended. The family reform commissioner, David Glasgow, was also introduced to the community at this time.

Following lunch we met with Noel Pearson from the Cape York institute in the presence of the council and the justice group. Noel was his usual compelling self and easily put the argument why the government and more importantly the community and its leadership needed to re-establish positive behavioural norms that existed in Hope Vale not that long ago.

Later that afternoon we visited the Hope Vale Lutheran Church, which was recently the recipient of a Q150 grant to assist in its restoration. I think the grant was $150,000 and the local builder, Alf Pearson, has done a magnificent job. I think Alf has stretched the $150,000 further than any other money the government has granted before. Thanks also to Cook Shire Council's citizen of the year, successful businessman and president of the church council, Willie Gordon, for organising the choir during our visit to the school.

Finally we visited the busy and crowded Hope Vale arts centre, where the Premier made one artist's day. I think it is a day that Evelyn Green will not forget for a long time. I thank the Premier for coming to Hope Vale. There was a real feeling of excitement there on the day. It made me feel for the first time in a long time that there is a sense of hope in Hope Vale.

Question put—That the House do now adjourn.

Motion agreed to.

The House adjourned at 10.02 pm.

ATTENDANCE

Attwood, Barry, Bligh, Bombolas, Boyle, Choi, Copeland, Cripps, Cunningham, Darling, Dempsey, Dickson, Elmes, English, Fenlon, Finn, Flegg, Foley, Fraser, Gibson, Grace, Gray, Hayward, Hinchliffe, Hobbs, Hoolihan, Hopper, Horan, Jarratt, Johnson, Jones, Keech, Kiernan, Knuth, Langbroek, Lavarch, Lawlor, Lee Long, Lee, Lingard, Lucas, McArdle, McNamara, Male, Malone, Menkens, Messenger, Mickel, Miller, Moorhead, Mulherin, Nelson-Carr, Nicholls, Nolan, O'Brien, Palaszczuk, Pitt, Pratt, Purcell, Reeves, Reilly, Reynolds, Rickuss, Roberts, Robertson, Schwarten, Scott, Seeney, Shine, Simpson, Smith, Spence, Springborg, Stevens, Struthers, Stuckey, Sullivan, van Litsenburg, Wallace, Weightman, Welford, Wellington, Wells, Wendt, Wettenhall, Wilson