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

Thursday, 24 March 2011

J MICKEL
SPEAKER

N J LAURIE
CLERK OF THE PARLIAMENT

L J OSMOND
CHIEF HANSARD REPORTER

THURSDAY, 24 MARCH 2011

The Legislative Assembly met at 9.30 am.

Mr Speaker (Hon. John Mickel, Logan) read prayers and took the chair.

SPEAKER'S STATEMENTS

Opposition Resignations and Appointments

Mr SPEAKER: Honourable members, I table letters notifying me of the resignation of the honourable member for Surfers Paradise as the Leader of the Opposition and leader of the LNP and the honourable member for Southern Downs as the Deputy Leader of the Opposition. Both letters are dated 22 March 2011. Honourable members, I wish to place on record my thanks and appreciation to the two honourable members for the courtesy that they always extended to me in my role and for the roles they played in the orderly running of parliament both here in the chamber and in terms of the parliament more broadly.

It falls to me also to congratulate the opposition leader and the deputy on their new roles and also the leader of opposition business. I say that because the smooth running of the parliament depends on the cooperation of both sides of the parliament. It needs the leadership of both sides. Already I thank the member for Gympie for the courtesy that he has extended to me in the requests that I have made of him. That is all as Speaker I can ask and I thank you already for the role that you are playing.

Tabled paper: Letter, dated 22 March 2011, to the Speaker from Mr John-Paul Langbroek advising of his resignation as Leader of the Opposition [4163].

Tabled paper: Letter, dated 22 March 2011, to the Speaker from Mr Lawrence Springborg advising of his resignation as Deputy Leader of the Opposition [4164].

Photograph in Chamber

Mr SPEAKER: Honourable members, I wish to advise that an official photograph of all members in the chamber will be taken during our next sitting week on Wednesday, 6 April. The sitting will be suspended briefly at 10.20 am on this day to allow the photograph to be taken.

PETITIONS

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

High Density Development, Rural Estate

Mr Rickuss, from 436 petitioners, requesting the House to place a moratorium on the proposed sub-division and high density development of a parcel of land in a rural estate pending a review of the development application [4165].

Warrego Highway, Hazardous Junction

Mr Hopper, from 1,829 petitioners, requesting the House to rectify the hazardous junction of the Warrego Highway, Kingsthorpe-Goombungee Road and Gowrie Mountain School Road by constructing the entrance for the new Sale Yards at this location [4166].

Cats and Dogs, Registration

Mrs Menkens, from 294 petitioners, requesting the House to remove the requirement for cats and dogs in rural areas to be registered [4167].

Petitions received.

TABLED PAPER

MEMBER'S PAPER TABLED BY THE CLERK

The following member's paper was tabled by the Clerk—

Member for Lockyer (Mr Rickuss)—

4168 Non-conforming petition from 6,730 petitioners requesting that a moratorium be placed on a proposed subdivision (DEV2010/095) and development under the Urban Land Development Authority Act 2007 that allows for a high density development within a rural estate pending review of the development application

MINISTERIAL STATEMENTS

Natural Disasters, Recovery Assistance

Hon. AM BLIGH (South Brisbane—ALP) (Premier and Minister for Reconstruction) (9.34 am): The priority of our government is absolutely clear and it is to rebuild our state. We will be doing that region by region, town by town and, as we do so, we will be concerned to make sure that locals get as much of the work as possible. That is why today I am pleased to announce that we will see five roadshows across regional Queensland to give regional Queensland companies and their workers information about how they can be part of the repair work on our substantial road network. We have around 12½ thousand road repair jobs that we expect to be available over the next two years or more. Companies and workers are needed for around $2.5 billion worth of Main Roads work after our summer of unprecedented natural disasters.

Seminars will be held in Mackay this Friday, in Rockhampton on Monday, in Toowoomba on 4 April, in Bundaberg in mid-April and in Roma in May. More than 180 people attended the first roadshow held in Cairns earlier this month. There will be enough repair work for companies from all over regional Queensland. We simply cannot do this without the might and strength of the workers and companies in our regions and we need everyone from the single backhoe operators to some of our big consortiums. While the total damage from the recent disasters is currently estimated at $2.5 billion it could, of course, change with full assessments not yet completed and the wet season still underway in some parts of Queensland.

What these seminars would do is provide information about the work and how companies can prequalify for it. Companies must be prequalified before they can answer expressions of interest and we want to make sure that everybody is in the mix. Another option for companies and workers is to get involved with companies that are already prequalified and we will explain how they can do that as well. As I said, rebuilding Queensland is our priority and rebuilding it with Queensland workers will also be at the heart of everything we do.

Lockyer Valley, Recovery Assistance

Hon. AM BLIGH (South Brisbane—ALP) (Premier and Minister for Reconstruction) (9.36 am): Some of the most devastating images from Queensland's summer came from the scenes in the Lockyer Valley, particularly from the towns of Grantham, Murphys Creek and Postmans Ridge. We have all been affected by the tragic loss of life and the destruction that that wall of water caused as it swept through the region. Assessments of the damage in the Lockyer Valley since the disaster tell the full tragic tale of the path of destruction and what it has meant for these small communities. Current assessments indicate that there are 119 homes that have sustained significant and serious damage, 19 homes that have been damaged beyond repair and 10 that have been completely destroyed.

The Queensland Reconstruction Authority has been in close discussions with the Lockyer Valley Regional Council to determine the needs of that community in the reconstruction effort so that the Lockyer Valley can emerge as a stronger community. A master planning process involving residents, community representatives, council and the Reconstruction Authority is underway to ensure that this effort is community led. A series of community meetings have been held in Grantham with locals who are keen to discuss their ideas about the future of their community. About half of those affected have indicated that they want to relocate to higher ground in Grantham. Others have indicated a desire to rebuild on their current property and a small proportion have indicated their intention to leave Grantham. We will be respecting every one of those decisions and those choices.

Last night, members of the Grantham community met again to keep working on the community master plan, with a view to having it finalised this weekend. That is a terrific achievement and it shows the incredible spirit of the residents of Grantham. Just over two months since they had that terrible experience, they are set to have their community master plan finalised this weekend. We have said before that the reconstruction effort has to occur house by house, street by street, town by town, and industry by industry and that is exactly what is happening in Grantham, with everybody working together to get that little town back on its feet.

Whilst some options exist to get this master planning happening under current legislation, if the authority wanted to implement the community's preferred plan, that would require long and protracted approval processes. Quite simply, we do not have the time. These communities need our help now.

In keeping with the wishes of the people of Grantham, Grantham is set to become the first reconstruction area declared under the powers of the Queensland Reconstruction Authority Act. Yesterday afternoon I approved the preparation of a regulation that will declare the town of Grantham a reconstruction area and provide all of the powers to facilitate the master plan. These powers will be used to accelerate voluntary relocations and voluntary land swaps so that those who want to relocate to higher ground can do so. I stress that there will be no compulsory relocations in this process. But what we will do is to move as quickly as we can so that those people who want to move to the higher ground can start rebuilding as soon as possible.

This is a community driven process and, subject to those processes and the wishes of that community, the shared goal is to see reconstruction work start in Grantham midyear and to see some people in their new homes by Christmas. With this plan, Grantham is set to become the little town that moved a little to safer ground. We know that times have been tough in Grantham, but the people of Grantham are strong. They know how to bounce back and they will have us standing right behind them and helping them every step of the way.

Ipswich, Ministry of Food

Hon. AM BLIGH (South Brisbane—ALP) (Premier and Minister for Reconstruction) (9.40 am): I am very pleased to inform the House that today there is good news for Ipswich and the region in our western corridor. As members will recall, Queensland is the first state in Australia to partner with Jamie Oliver's highly successful Ministry of Food program. Our government has committed up to $2.5 million over four years to support the delivery of this program in partnership with The Good Foundation. We are determined to see Queenslanders become Australia's healthiest people by 2020 by cutting smoking, cutting chronic diseases and reducing obesity. The Ministry of Food will be part of this effort. Local residents in the region will be able to join up for 10-week cooking classes and receive information on healthy cooking and healthy dieting. This means that over 2,000 Ipswich residents can learn the joys of healthy cooking at the Ministry of Food every year.

I am pleased to announce that construction of the Ministry of Food facility is almost complete and it is due to open on 14 April. An official opening will be held and the people of Ipswich will have the chance to come and take a look firsthand at the Ministry of Food, the first one in Australia, right here in our backyard. I would also like to take this opportunity to thank the staff at Jamie Oliver's Ministry of Food for feeding hungry Ipswich residents during our recent floods.

Mr Wendt: They did a great job.

Ms BLIGH: I take the interjection from the member for Ipswich West. They did an absolutely terrific job. They worked tirelessly throughout those vital first weeks during flood recovery and they fed people much in need of a meal. They supplied almost 3,500 meals to flood affected Ipswich residents from a temporary kitchen at the back of the Ministry of Food site. Their generosity brought the community together to a place where they could share a meal and perhaps take a moment of relief from the hardships they were experiencing. The meals provided by the Ministry of Food during that week were just a taste of what is to come for the people of Ipswich and I look forward to the success of what I think is a very exciting program.

Skilled Park, Rugby League

Hon. AM BLIGH (South Brisbane—ALP) (Premier and Minister for Reconstruction) (9.42 am): I am very pleased to advise the House that Skilled Park will soon play host to a huge weekend of sport that will honour the courage and spirit of disaster affected communities across the Tasman. On Friday, May 6, the Australian and New Zealand Rugby League teams will face each other at Skilled Park in the first test between these great rivals ever played on the Gold Coast. Then on Sunday, 8 May, the Trans-Tasman rivalry will continue when the Titans and Warriors clash at Skilled Park. I am pleased to inform the House that tickets, including special offers, go on sale today.

As everyone may recall, Christchurch was scheduled to host this test, but because of the terrible disaster that they have experienced they have had to withdraw following the earthquake. The Queensland government quickly stepped in to bring the game to the Gold Coast, and for good reason. It means that thousands of interstate and overseas visitors will come to the Gold Coast and it once again demonstrates that Queensland is well and truly back in business. If it had not been for this government investing in community infrastructure like Skilled Park at the Gold Coast we simply could not have brought this game to the people of the Gold Coast.

The people of both nations, as we know, have endured tragedy and they will be honoured in a series of special events and promotions associated with this blockbuster weekend of football. Former NRL stars, including Kiwi international Nathan Cayless, will conduct a community visit in Christchurch on Thursday, 5 May, before joining fans on the flight to the Gold Coast. Jetstar, New Zealand Rugby League, the ARL and the Titans will bring 250 fans from Christchurch to both games free of charge. The ARL and the NRL are also inviting 250 Queenslanders from flood affected regions to be special guests at the test. On Monday, 9 May, players from the Titans and Warriors will visit flood affected areas of Ipswich and Goodna.

It is hoped that this event will bring a little cheer and relief to those who have been through so much in some very, very tough months. It is set to be a great boost to the Gold Coast as well, bringing international visitors who I hope will go home as ambassadors for the Gold Coast as a great place to spend a weekend. I congratulate everybody who has been involved in making this event a reality and I certainly look forward to being there. Go the Titans!

Queensland Economy

Hon. AP FRASER (Mount Coot-tha—ALP) (Treasurer and Minister for State Development and Trade) (9.45 am): The Queensland economy has proven its resilience over the past two years. It has faced up to challenges, from the global financial crisis to multiple natural disasters, and both government and business have focused on maintaining and strengthening our global relationships. Securing export dollars for Queensland secures jobs for Queensland. Today I can inform the House that already this financial year our global export agency, Trade and Investment Queensland, has exceeded $1 billion in export assistance and attracted $355 million worth of investment for Queensland companies and we have still got three months to go. This $1 billion for Queensland is record breaking. It marks a significant increase on the government's previous record assistance worth $613 million in the 2009-10 financial year. It emphasises the strength of Queensland's exporting sector. It also means jobs for Queenslanders. Companies supported in their export efforts by Trade and Investment Queensland report that 1,086 new jobs have been created by these sales.

These results also demonstrate that government led trade missions are an important part of our export strategy, with figures showing that 62 deals were finalised by 38 Queensland companies totalling $376 million in export earnings. Some of these export deals were the result of a mission in April last year when I led 30 Queensland companies to Latin America promoting the state's mining, energy, tourism and education and training industries. This mission alone resulted in $74 million worth of deals for these companies. Trade missions are good for business and they are very good for the Queensland economy. One in five Australian jobs is trade related. This rises to one in four in the regions. The health of Queensland's economy, industries and workplaces remains absolutely dependent on exporting to the world. These record-breaking deals play an important part in securing the state's economy now and into the future, delivering jobs just like we said we would.

Health Infrastructure Program

Hon. GJ WILSON (Ferny Grove—ALP) (Minister for Health) (9.47 am): The Bligh government is getting on with the job of building and rebuilding Queensland and we are also getting on with the job of building better services sooner. We have reached critical milestones on projects to expand three of the state's busiest hospitals: QEII, Logan and Ipswich. In the suburbs of Brisbane, at Logan and at Ipswich we are delivering on our core commitment in health. We are building to deliver more jobs, more beds and more services sooner.

At each of these three hospitals this government's commitment will deliver bigger emergency departments, more hospital beds and more surgery. It will help improve emergency department treatment times and deliver more elective surgery to keep Queensland ahead of the rest of the nation in driving down elective surgery waiting times. Our $7.33 billion Health infrastructure program is the biggest in the country and this program has received a significant boost as a result of the historic health reform agreement signed by Premier Bligh earlier this year. An injection of a further $675 million is already paying dividends for Queenslanders.

New funding for Logan Hospital will mean a brand-new emergency department, more paediatric overnight beds, 12 new inpatient beds, two new procedure rooms and six new day-ward recovery spaces in a new ward for elective surgery, 23-hour care, 24 rehabilitation beds in a new sub-acute rehabilitation ward and additional parking. This is the delivery on our promise of more services sooner for Logan. It is in addition to the previous commitments to Logan Hospital to deliver eight paediatric short-stay beds, 18 adult emergency treatment spaces, 12 paediatric emergency spaces and three paediatric outpatient consultation rooms. Construction will begin this year and, by late 2013, Logan Hospital will be transformed.

At the QEII Hospital, the partnership is delivering a new endoscopy unit, a 10-bed palliative care unit and a new emergency department that is double the size of the existing emergency department. The new emergency department will have eight additional fast-tracked treatment spaces and eight short-stay beds. It will also deliver a new 12-chair transit lounge. That means more patients in the QEII's emergency department will receive treatment sooner.

Earlier this week, I was able to announce that the massive $128.7 million expansion of the Ipswich Hospital will be delivered two years ahead of schedule. The expansion will deliver an expanded emergency department that will be doubled in size, new dedicated paediatric emergency treatment spaces and a waiting room for children, two new wards to cater for surgical inpatients, two new day-procedure rooms, more medical inpatient beds including a dedicated cardiology unit, an expanded palliative care ward, an expanded rehabilitation unit, expanded medical imaging services, more birth services, an expanded special care nursery and a new multistorey car park to accommodate more than 250 additional vehicles. That will be delivered by the Bligh government, two years ahead of schedule, to better serve the people of Ipswich.

When we say we are delivering more services sooner, we mean just that. We are also delivering on jobs, with the creation of more than 1,700 jobs. By contrast, those opposite are all over the shop. They opposed the national health reform deal that is delivering these magnificent projects to Queensland. Faster emergency care in Logan is opposed by the opposition. The opposition opposed the agreement that is helping to deliver more elective surgery at QEII. The opposition opposed the agreement that is delivering new children's emergency care at Ipswich. They have no coherent policy on the Queensland Children's Hospital, no coherent plan for a hospital on the Sunshine Coast and no plan for health reform. They oppose the delivery of our building program, which will deliver more cancer services, more emergency treatments, more surgery and more rehabilitation beds and they want to cut Queensland Health's budget.

The Bligh government is getting on with the job of building more health services for Queensland sooner while, at the same time, rebuilding Queensland after the natural disasters. Why are we doing that? Because that is what we said we would do.

Bruce Highway

Hon. CA WALLACE (Thuringowa—ALP) (Minister for Main Roads, Fisheries and Marine Infrastructure) (9.52 am): The Bligh government is getting on with the job in regional Queensland, making significant progress on the Bruce Highway. I have said it before and I will say it again: for the past 40 years, both sides of federal politics have underfunded this federally funded National Highway and it certainly shows. However, give credit where credit is due. I am pleased to say that the current federal Labor government is pumping $2.6 billion into the Bruce, compared to a measly $800 million over the last five years of the Howard government. Main Roads is doing important work with the federal funding it does get. We are improving our state's most important lifeline. We are working for regional Queensland, while the tories on the other side are trying to work out who their leader is.

In central Queensland, Transport and Main Roads are currently progressing the $5 million federally funded Fitzroy River flood plain and road planning study. The study focuses on reducing the impact of Fitzroy River flooding on the vital highway network on the Yeppen flood plain and reducing congestion within Rockhampton. Nearly 200 people attended a project information session and the project display at the local shopping centre had more than 500 visitors. I personally thank the member for Rockhampton and the member for Keppel who have spoken to me about the importance of this project and made very serious representations to get that section of road fixed. I encourage all people to provide feedback on the shortlisted road and rail corridor options before submissions close on 1 April.

This week we are getting on with the job of implementing the $1.7 million Safer Roads Sooner project by beginning the upgrade the Bruce Highway and Burrum River Road intersection at Torbanlea.

Mr Foley: Hear, hear!

Mr WALLACE: I take the interjection from the member for Maryborough. We are working right across the state, rolling out great roadworks. The project involves widening works and the construction of two separate right-turn lanes at the intersection, improving safety and improving efficiency. Works are expected to be completed by May this year, weather permitting of course.

Next month, south of Gympie, work will start on the $1.8 million federally funded project to improve road safety at the Matilda Service Station on the Bruce Highway, which is a serious trouble spot. I know the member for Gympie agrees. He has spoken to me about it. It is great to see that work start. Construction of a new dedicated off-ramp south of the existing Matilda entrance will allow northbound traffic to exit the highway safely.

In the far north, the tendering process for the next phase of the Cairns to Bruce Highway upgrade project is nearing completion. Again, we have two great members working hard for their area. The member for Cairns and the member for Mulgrave have given serious representations about fixing up this section of road. We are working with the Commonwealth government and, shortly, we will select the successful tenderers for the $150 million upgrade of the section of the Bruce Highway between Sheehy Road and Ray Jones Drive. We will be announcing details very soon.

Mr Pitt: Hear, hear!

Mr WALLACE: I take that interjection from the member for Mulgrave. He will be pleased to know that the successful contractor will commence on-site later this year. North of Mackay, we are improving safety on the Bruce Highway with the realignment of the Glendaragh Road intersection. Works are scheduled to commence next month. The member for Whitsunday is an important advocate for that project, just as she was for the important roadworks at Airlie Beach and the great upgrade of that town's main street.

Policelink; Centre for Accident Research and Road Safety

Hon. NS ROBERTS (Nudgee—ALP) (Minister for Police, Corrective Services and Emergency Services) (9.55 am): I am pleased to update the House on two Labor government initiatives that are helping to streamline the response capabilities of our police and emergency services agencies. The first is Policelink, the Queensland Police Service's non-urgent 131444 phone service. Since its launch in August 2010, Policelink 131444 has received more than 100,000 calls. With the Police 000 call centre receiving around 450,000 calls per year, of which only around four percent are assessed as being life-threatening emergencies, it is clear that the public is getting the message to use Policelink to report non-urgent policing matters.

Calls to 131444 are answered at the purpose-built contact centre at Zillmere on Brisbane's northside. The contact centre played a vital role during the severe weather events throughout Queensland in December 2010 and January 2011. Operators at the centre answered over 16,000 calls to the 1300 service that was established to support the registration of evacuees and answer enquiries from concerned friends and family. Policelink also received redirected calls from 10 police stations that had been impacted by the disasters.

The State Emergency Service hotline, 132500, also continues to prove itself a worthy tool in assisting in the response to storms, floods and other adverse weather events across the state. 132500 provides a single number for members of the public to call when impacted by natural disasters, with details taken by trained operators to ensure requests for assistance are passed on to SES groups. Around four months ago the 132500 number received its 100,000th call. Since then, the number of calls received has skyrocketed to more than 220,000. After taking three years to reach the first 100,000 calls, the fact that over 100,000 calls to 132500 were received in the past four months alone again highlights the enormous impact of the recent flood and cyclone events. The success of those two initiatives in supporting the hardworking men and women of the Queensland Police Service and the State Emergency Service are further examples of our commitment to enhancing community safety across Queensland.

While I am on my feet, in accordance with a recommendation made by the former Parliamentary Travelsafe Committee, I table a copy of the Centre for Accident Research and Road Safety Queensland report titled *Evaluation of ANPR trials for traffic policing in Queensland*.

Tabled paper: Document, dated 12 February 2010, titled 'Evaluation of ANPR Trials for Traffic Policing in Queensland, Report to the Queensland Police Service, State Traffic Support Branch', Centre for Accident Research and Road Safety, Queensland University of Technology [4169].

ICT Workforce

Hon. SD FINN (Yeerongpilly—ALP) (Minister for Government Services, Building Industry and Information and Communication Technology) (9.58 am): The Bligh government has a vision for a strong and prosperous Queensland, powered by research, development and innovation. Our digital economy requires a highly skilled and innovative ICT workforce and we are getting on with the job of delivering it. State government is the biggest ICT employer in Queensland and I am pleased to inform the House that our ICT workforce has just got even bigger. In 2011 we are welcoming 27 graduates into our ICT graduate intake. They are among the best and brightest young Queenslanders and they will help to develop the state's ICT industry for the future.

Our ICT Career Graduate Development Program has been a great success for over five years. It is a whole-of-government initiative that provides graduates with a flying career start in ICT. The program gives graduates work based learning, professional development and networking opportunities. It also provides graduates with mentoring, coaching and career planning support through a two-year program. To date, 165 graduates have begun ICT careers in the Queensland government as well as the Brisbane City and Logan City councils. I am pleased to report that between 75 and 85 per cent of each intake remained employed with government at the end of each program.

Recently in Queensland we have seen how important ICT has become when dealing with natural disasters. Many Queenslanders utilised online flood maps to determine whether or not their own homes were threatened. Others remained glued to the Bureau of Meteorology website to check out weather conditions. Many more constantly monitored Twitter, Facebook and other social mediums for important updates from authorities. We are also seeing an increasing reliance on ICT to deliver other government services, from telehealth to technology in the classroom.

The need for skilled ICT workers has never been greater as we rely on technology to deliver all facets of our government services. Advances in technology and increasing global competition for new knowledge will continue to place a higher premium on skilled workers into the future. As a government, we need to work harder than ever to attract and retain the skilled ICT workforce that Queensland needs.

Our graduate program is just one example of how the state government is promoting ICT innovation and development while supporting jobs. I want to congratulate all of this year's ICT graduates and I wish them well for the future.

Apprenticeships and Traineeships

Hon. SJ HINCHLIFFE (Stafford—ALP) (Minister for Employment, Skills and Mining) (10.01 am): As jobs growth continues across Queensland, the Bligh government is making sure Queenslanders have the necessary skills to take up the opportunities on offer. From July last year until February this year, apprenticeship and traineeship commencements across all industries were almost seven per cent higher compared to the same period in 2009-10. In the 2009-10 financial year, the mining and petroleum industries contributed more than $32 billion to gross state product. As at November of last year, they had also provided some 52,300 direct jobs and almost 157,000 indirect jobs for Queenslanders. Therefore, growth in these industries means growth in opportunities for apprentices.

That is why we are working closely with industry members to help make sure essential workers are appropriately trained to enable our regional economies to meet their full potential. In just one example, the Central Queensland Institute of TAFE will be working with Anglo Coal and BMA Coal to provide off-site training to apprentices in key fields such as electrical, automotive and diesel fitting trades. Under this partnership, the Central Queensland Institute of TAFE will provide the teacher and the learning resources and BMA will provide accommodation through the Coalfields Training Excellence Centre located within the Moranbah State High School. Training will commence in April. Feedback will be sought from participants, Anglo and BMA, and there is a possibility that the scheme will be expanded.

This innovative partnership with industry is aimed at seeing more apprentices complete their training so that they have skills for life. It takes away the hassle of apprentices needing to travel away from their employers to complete the TAFE component of their training.

This is about providing jobs and job opportunities for Queenslanders. It is something that this government promised to do and it is something that we are delivering. We have the strong and stable leadership to deliver for Queensland. We have a leader in this house prepared to deliver for Queensland.

Premier's Disaster Relief Appeal

Hon. PG REEVES (Mansfield—ALP) (Minister for Child Safety and Minister for Sport) (10.03 am): The Bligh government is focused on reconstructing and rebuilding Queensland. The sporting community is also on board with this mission. That is why our tennis family has served up a great donation to the Premier's Disaster Relief Appeal.

Today, I will be joining tennis legends Pat Rafter and Ashley Cooper and Tennis Queensland President Ken Laffey at the Queensland Tennis Centre to accept a cheque for $1.79 million. With the help of players such as Roger Federer, Lleyton Hewitt, and Sam Stosur, Tennis Australia put on a great show in January to raise much needed funds. It was part of the Rally for Relief, which was held in the lead-up to the Australian Open.

I would like to thank the tennis community for rallying around Queensland. It was a smashing success. By supporting the Premier's Disaster Relief Appeal they have demonstrated what big hearts they have. I think it is great that some of the biggest names in tennis were prepared to help out and, in doing so, encourage the tennis community to support our recovery efforts.

Today, Pat and I will visit the flood affected centre court at the Queensland Tennis Centre. It is hard to believe that just a couple of days after the Brisbane International, there was enough water in the Pat Rafter Arena to actually host a swim meet. While there is still some work to be done, the rest of the Queensland Tennis Centre—just like Queensland—is well and truly open for business. Tennis players have been practising their serves on the outside courts since they reopened in early February.

This government remains focused on rebuilding Queensland. For example, just last week the member for Toowoomba North and I announced that the Bligh government, Tennis Australia and Tennis Queensland have teamed up to provide a $1.8 million fighting fund for flood affected tennis clubs. Tennis courts and facilities will require significant works over the next few months to ensure their sustainable operations into the future. Clubs will be eligible for funding if they have suffered severe infrastructure damage, are in need of reconstruction or repair and do not have insurance or other means of funding the works. One such centre which will benefit from this funding is the Warwick and District Tennis Association, which I visited earlier this month with the member for Southern Downs.

We recognise the important role that local sporting clubs such as tennis clubs play in the lives of many Queenslanders. They are the lifeblood—the glue—which binds communities. I would like to thank Tennis Australia and Tennis Queensland for their commitment to this program. This initiative will ensure that tennis will continue to thrive in our local communities.

Schools, Road Safety

Hon. A PALASZCZUK (Inala—ALP) (Minister for Transport and Multicultural Affairs) (10.05 am): Mr Speaker, I am sure you would agree that the safety of Queensland school students is of great importance. It is vital that we teach our children road safety from an early age. The Department of Transport and Main Roads, together with the Department of Education and Training, has developed a comprehensive curriculum based road safety education package for students from prep to year 9. By combining the resources and experience of both the Department of Transport and Main Roads and the Department of Education and Training, we are now able to offer our teachers the tools to prepare our children for road use. The resource covers topics such as travelling safely as pedestrians, passengers and cyclists, using the bus, crossing the road safely, safer school travel and road safety advertising.

Last Friday the member for Redcliffe and I visited the Southern Cross Catholic College to hand out road safety kits to prep and year 1 students. The Queensland government is committed to improving the road safety of children, regardless of whether they walk, cycle or travel by bus or car.

Today I would like to take this opportunity to announce that 15 additional supervised school crossings will be open this financial year. There will be supervised school crossings at Norfolk Village State School, Southport; the Yarrilee State School, Maryborough; the Parkhurst State School, Rockhampton; the Redlynch State College at Cairns; the Townsville Grammar School; and the Unity Catholic College at Caloundra, just to name a few. The Queensland government has expanded the vital School Crossing Supervisor Scheme to further widen the road safety net around state school students. Another 15 supervised road crossings will be provided outside 14 Queensland schools by 30 June and up to 40 crossing supervisors will be employed to staff them.

School crossing supervisors play an important role in protecting and educating children about road safety as they travel to and from school. In the 27 years that the scheme has been in operation there has not been one death on a supervised crossing. The Queensland government is committed to helping keep our children safe, and we are proud to announce these two great initiatives today.

Close the Gap Day

Hon. CW PITT (Mulgrave—ALP) (Minister for Disability Services, Mental Health and Aboriginal and Torres Strait Islander Partnerships) (10.08 am): National Close the Gap Day is a day for our nation to shine a light on the issues facing Aboriginal and Torres Strait Islander people. It is a day for government to commit to working even harder and to continue to take practical steps to close the gap on health, education and wellbeing for Aboriginal and Torres Strait Islander people. It is a day to acknowledge our past and to continue to take practical steps to look at the problems that flowed when children were wrenched from their families and forced to grow old in cold institutions where some were physically and sexually abused. It is a day to reflect on the dire consequences of being denied the health, education, housing and employment opportunities which were used to justify that flawed government policy in the first place. As a nation and as a state we have moved on from the days when visible difference led to discrimination.

In our partnership with Aboriginal and Torres Strait Islander people, we have developed policies and delivered services that are helping to make a difference. We share a common goal: to build stronger communities, communities that will stand up to the scrutiny of future generations.

Our practical programs are having a direct and positive impact. In the most recent COAG report, we are performing above the national average across major key indicators: life expectancy at birth, infant mortality ratio, low birth weight babies, year 3 reading and numeracy, 20- to 24-year-olds attaining at least a year 12 equivalent, and the unemployment rate—to name a few.

I could speak of the billions of dollars the government is investing in working towards a better future for Aboriginal and Torres Strait Islander communities. But it is not about figures; it is about people. And Aboriginal and Torres Strait Islander people will tell you they want a hand up, not a hand out. That is why we are building better homes, creating economic opportunities and improving health outcomes. We are rolling out programs under our Reconciliation Action Plan—the first whole-of-government plan of its kind in Australia.

There is more work to be done and we are determined to put in the hard yards to build a better, brighter future for Aboriginal and Torres Strait Islander people.

National Parks Day

Hon. KJ JONES (Ashgrove—ALP) (Minister for Environment and Resource Management) (10.10 am): Next Monday is annual National Parks Day—a day to celebrate those special places throughout Queensland where we can all go to enjoy the natural wonders of our state. As part of the celebrations, this weekend I will be joining the Queensland National Parks Association to launch a new way to encourage the community back into our parks and reinvigorate volunteerism as a key part of helping the environment.

The Friends of National Parks program is a key initiative that we announced in Queensland's first ever Biodiversity Strategy. I released the draft strategy last December, providing a whole-of-state blueprint for ensuring the conservation of our special natural areas and diverse wildlife for future generations. Queenslanders have another couple of weeks to have their say on the strategy, with consultation closing on 8 April. This is a chance for people from right across our state to share their views about our plans for protecting our environment.

Queensland is home to diverse ecosystems that support a range of remarkable species, half of which are found nowhere else in the world. We want to ensure that future generations will still be able see unique animals like the cassowary in the wild, to explore diverse rainforests in places like the World Heritage listed Springbrook National Park, and to swim through the beautiful underwater paradise that is the Great Barrier Reef.

The environment is also crucial to our state's economy—with tourism, commercial fishing, agriculture and a range of recreational activities all dependent on a healthy natural environment. That is why it is so important we act now to protect our wildlife and natural ecosystems from the impacts of climate change and other threats to our natural environment.

The strategy identifies key threats to Queensland's biodiversity and proposes a plan of action for both government and the broader community to make a difference. It includes opportunities for the public to get involved through volunteer programs such as Friends of National Parks and cooperative nature refuge agreements, particularly with Aboriginal parties in the cape. And it delivers a framework to ensure we can protect our most vulnerable species, meet our goals of increasing national park areas and target our investment in management programs.

This draft strategy is a call to action for everybody with an interest in Queensland's great outdoors to share in the responsibility of protecting our environment and preserving the biodiversity of our state.

Small Business

Hon. JH JARRATT (Whitsunday—ALP) (Minister for Tourism, Manufacturing and Small Business) (10.12 am): I am pleased to update the House on additional measures being undertaken to help small businesses and manufacturers get back on track following recent natural disasters. Frankly, it seems like a very timely opportunity for me to highlight the resolute determination of the Bligh government to ensure Queensland stays on the road to recovery. That lies in stark contrast to the opposition, who we now know have been and continue to focus exclusively on the activity of internal deck chair shuffling.

Today I can announce a manufacturing forum will be held in Townsville tomorrow to provide local businesses with information on the programs and support available to them—to be followed by another manufacturing forum in Emerald on Tuesday, 29 March. Many flood affected manufacturing businesses have told us they want the latest information and advice from industry specialists to help them work through the difficulties they are experiencing. So we are going to give each manufacturer in attendance tailored advice to address their individual needs and to help steer them through the recovery phases and ultimately make their businesses more resilient.

Further assistance for Townsville businesses will come in the form of a 'Tendering for Government Business' workshop. Today I announce that on 30 March we will provide local contractors with a unique insight on how they can be involved in the redevelopment of the Jezzine Barracks. Attendees at the specially customised seminar will likely acquire a competitive edge when tendering for work on this exciting $40 million project.

All of this comes on top of the 'Back to Business' workshops we are rolling out across Queensland for disaster affected small businesses starting this month. This initiative helps businesses to help themselves by guiding them through an assessment of their current business situation including their markets, finances and staffing requirements—allowing them to plan for the future. These seminars are already underway, with one occurring in Dayboro this week and others scheduled next week for Morayfield, Bribie Island, Woodford and Redcliffe.

It is crucial that we provide resilience workshops to help businesses guard against potential future pitfalls and, at the same time, provide them with a solid understanding of opportunities to strengthen and grow their business. Clearly the Bligh government is pulling out all stops to ensure our businesses are given as much help as possible to return to full capacity as quickly as possible. Unfortunately, I am not sure that any amount of education, training or assistance could teach the LNP how to help themselves.

Primary Industries

Hon. TS MULHERIN (Mackay—ALP) (Minister for Agriculture, Food and Regional Economies) (10.15 am): The latest *Prospects* update released today is a mixed bag for primary producers with significant recovery efforts ahead for Queenslanders. Recent floods and cyclones have resulted in a four per cent drop in the forecast value of Queensland's primary industry commodities for 2010-11. Natural disasters will reduce the gross value of production by $629 million to $13.76 billion from the previous forecast of $14.39 billion published in the *Prospects* in September 2010.

Despite these losses, it is not all bad news, with positive opportunities for producers into the future. Some of these losses have been offset by price gains caused by reduced supply of some crops. Other crops had seen improved growing conditions through increased soil moisture levels in some regions.

Sugar cane was the most heavily affected, with a $300 million decrease in value to $940 million. The forecast value of wheat has also been downgraded by 33 per cent to $302 million, due largely to a fall in production brought about by a wet finish at harvest. Cotton production value is expected to decrease by seven per cent to $660 million due to flooded crops and prolonged water logging in the Darling Downs and Theodore regions. Bananas are Queensland's highest value fruit commodity but, with 75 per cent of our crops affected by Tropical Cyclone Yasi, it has been downgraded 22 per cent to $280 million.

In positive news, some of our summer cereal grains have soared in value due to an expected increase in areas sown and yields, with sorghum upgraded 34 per cent to $320 million and maize jumping by 157 per cent to $136 million. The vegetable industry is also expected to benefit, with our highest value commodity—tomatoes—increasing by 15 per cent to $271 million. It is important we all support our primary producers in these tough times and buy Queensland products.

Looking towards the future in the long term, producers will benefit from these natural disasters. However, there is still a long road to recovery for many Queensland producers. In the meantime we will continue to support Queensland primary producers through relief and recovery arrangements and assist them in enhancing all opportunities for rebuilding for the future.

Arts in the Regions

Hon. RG NOLAN (Ipswich—ALP) (Minister for Finance and the Arts) (10.18 am): As Queensland recovers, this is a big week for arts across the state, with eight touring productions beginning their travels throughout Queensland. There will be 110 performances in communities from Cape York to the New South Wales border and west to Mount Isa thanks to arTour—Queensland's successful state-wide touring program. Last week I announced the Bligh government's gift to flood affected communities: we are waiving the usual fees and sending these productions free of charge to up to 52 towns and cities.

Of course, each local venue will decide how they pass on this benefit, but, no matter what happens, all Queenslanders in these communities will have the opportunity to enjoy a great night out. To ensure regional communities have access to the same quality product as our towns and cities, our arts infrastructure must be in top shape. So I am very pleased to announce the opening of the annual Regional Infrastructure Grants program.

Through the Regional Infrastructure Grants program the Bligh government is providing $1 million in funding for upgrades to regional arts venues. In the first year of the Regional Infrastructure Grants program, 11 projects were given the green light in Burdekin, Mackay, Maryborough, Gold Coast, Logan, Nambour, Toowoomba, Cassowary Coast and Mount Isa. These projects included everything from replacing worn seats and old lighting to installing improved sound systems, retractable seating and upgrading foyers. Last year the Regional Infrastructure Grants program was only open to venues that are part of the Northern Australia Regional Performing Arts Centre Association. This year it is being expanded to include regional art galleries owned or operated by councils.

Finally, I urge Queenslanders to submit nominations by 31 March for the inaugural regional arts and culture awards. These awards will acknowledge the achievements of those in the regional arts and culture sector who work tirelessly to bring a creative spirit into their communities. There are six categories: building strong communities; creative participation; regional arts development; Indigenous arts; volunteering; and creative spaces and places. It is a big week for the arts and it just goes to show that, after the floods and cyclones, there are new and exciting opportunities out there for Queenslanders.

Energy Conservation Communities

Hon. S ROBERTSON (Stretton—ALP) (Minister for Energy and Water Utilities) (10.20 am): Queenslanders are embracing energy conservation programs introduced by the government. Last June, Energex launched the Energy Conservation Communities program which aimed to reduce electricity usage during peak times by 3,000 kilowatts, which is equivalent to taking more than 600 average size homes off the power network. The ECC program helps residents with air conditioning or a pool to better manage energy use and assists all households to avoid energy waste through a series of simple efficiency checks. This represents a saving of between $70 and $100 a year.

I am pleased to advise the House that the ECC program has been so successful that its initial targets have already been surpassed. Nine months after launching the first ECC, Energex reports that the program is already 96 per cent of the way towards its first 12-month target. It is expected that by June the combined ECC target of 3,000 kilowatts of controlled load will be exceeded by more than 20 per cent.

The good-news figures go on. When the ECC program was launched in Redlands, it was targeted at homes in suburbs including Cleveland, Mount Cotton, Redland Bay, Sheldon, Thornlands and Victoria Point. But the interest has been so strong across the entire city that after recent discussions between the government, the Redlands council and Energex I can announce today that the ECC program will be extended to suburbs including Alexandra Hills, the bay islands, Birkdale, Capalaba, North Stradbroke Island, Ormiston, Thorneside and Wellington Point. The original target of having 1,000 Redlands homes participating in the ECC has now been increased to a new goal of 3,000 homes registered by June 2012.

Similar things are happening elsewhere. On the Sunshine Coast, more than 3,000 homes and holiday apartments are now registered while there are also nearly 600 homes signed up for the ECC in Brisbane's Centenary suburbs. These are in addition to 1,636 houses that have been participating in Energex's Cool Change program in the north-western suburbs of Brisbane.

The Bligh government is focused on the future. We are providing programs that help Queenslanders deal with the rising cost of living. We are delivering initiatives for clean, greener energy use. Plans are now underway for the introduction of the next Energy Conservation Community which will be on the northern Gold Coast and is expected to commence in June. I encourage all residents in those suburbs to consider taking part in this innovative program.

Zero Harm at Work

Hon. CR DICK (Greenslopes—ALP) (Minister for Education and Industrial Relations) (10.23 am): Tragically, around 100 Queenslanders are killed in the workplace every year. On top of the devastating personal toll on workers and their families, workplace injury and death costs Queensland around $5 billion annually. The Labor Party is the party of working mums and dads. That is why we are committed to ensuring Queensland mums and dads have safe workplaces.

I would like to update the House today on the recent activities of the important Zero Harm at Work leadership forum. Zero Harm at Work focuses on the aspirational target of zero workplace incidents. The program fosters and maintains a positive culture of safety within Queensland workplaces. It targets leaders of industry and trade unions and challenges them to use their experience, knowledge and leadership to build real-world solutions to health and safety issues. Program members present, discuss and share case studies of successful workplace health and safety initiatives at regular industry based forums.

I am pleased to say that the third construction industry forum will be held next week, on 29 March. A transport industry forum is scheduled for 14 April and a health industry forum will be held on 2 June. Education, retail and public sector forums will be held later in the year.

Since the Zero Harm at Work program was launched in September 2009, the number of participants has grown rapidly, with 136 of Queensland's leading employers and unions joining the program. I have attended a number of Zero Harm at Work leadership forums. I am always impressed and encouraged by the commitment and enthusiasm members display. I look forward to the future progress of the Zero Harm at Work program. While the goal of zero harm in the workplace may indeed be aspirational, that should not stop us.

Today our workplaces are safer than they have been at any other time in history, but they can still be safer. This Bligh Labor government relishes challenges—they present opportunities to make our great state even greater. I congratulate everybody involved in the Zero Harm at Work program.

Republic of Korea, Year of Friendship

Hon. TS MULHERIN (Mackay—ALP) (Minister for Agriculture, Food and Regional Economies) (10.25 am): In my new role as the minister responsible for food policy, I am committed to growing Queensland's reputation as a clean, green producer. 2011 is the year of friendship between Australia and the Republic of Korea, celebrating 50 years of trade and friendship between the two countries. This is a great opportunity to continue to grow our relationship here in Queensland with our fourth largest export market. This is valued at $4.7 billion a year to the Queensland economy.

Yesterday I met with a Korean trade delegation from the Shinsegae Group—South Korea's largest retailer. This is building on the relationship I forged with a subsidiary of Shinsegae Group, E-Mart, whom I met with while on a trade mission to Korea last year. Members of the delegation were pleased to hear that Queensland is still open for business to export fresh produce, despite our challenging few months of natural disasters.

Queensland agriculture has taken a hit from recent floods and cyclones, but the outlook is good for many producers. We want to do everything we can to help those producers promote their products in Australia and overseas and let the world know we are back in business.

The Shinsegae Group runs supermarkets, catering, food engineering and food culture companies in Korea and has a sales turnover of US$495 million a year. It is a major importer of Queensland seafood, beef and mangos, and it is keen to expand this relationship. In January it signed a contract worth $1.25 million to import wild caught banana prawns from Queensland companies A Raptis & Sons and Seafarm. The Shinsegae Group also imported more than $60 million worth of Queensland beef products last year. For the first time last year mangoes were exported to South Korea and distributed through the Shinsegae Group.

Queensland's clean, green produce has an incredible reputation in South Korea of being of high quality, healthy and attractive to the discerning consumer. In my meeting yesterday with the Shinsegae Group I reassured them of Queensland's continued ability to increase our exports of high-quality Queensland products. Throughout this year of friendship we will continue to use opportunities like this to promote the growth of Queensland fresh produce exports.

National Youth Week

Hon. KL STRUTHERS (Algester—ALP) (Minister for Community Services and Housing and Minister for Women) (10.27 am): National Youth Week is from 1 April to 10 April. This year we are encouraging young people in Queensland and nationally to 'Own It!' by really taking hold of the opportunities the week offers. The Bligh government has provided funding to 25 community groups around the state to assist them in holding events including music and sporting competitions, art exhibitions, festivals and forums.

Unfortunately these days, to be young is to be maligned. According to some commentators, gen Ys are lazy, self-possessed and indulged. But as our recent natural disasters showed and numerous online political forums demonstrate, today's young people are as energetic, positive and socially aware as any previous generation. Our Youth Week spokesperson, Emma Francis, originally from Dalby, is typical. At 22 she combines study with volunteering for World Vision and Red Cross. The Bligh government is a big supporter of Youth Week and the young people of Queensland. We are eager to hear the thoughts, feelings and opinions of Queensland's young people and encourage them to put these forward in any medium through our Youth Week website.

There was no Youth Week when we were young. Governments were not interested in the ideas of young people, and the state was poorer for it. As a gen Xer I remember that we were all expected to be seen and not heard. But we have survived the stereotypes of the media and the frowning of our elders, and so will gen Y. Queensland needs our young people to be energetic, engaged and creative but above all to be themselves. I am sure this week's Youth Week will be a success and I look forward to the ideas and energy it exhibits. I encourage all members to own it in their own areas.

ABSENCE OF MINISTER

Hon. JC SPENCE (Sunnybank—ALP) (Leader of the House) (10.29 am): I wish to advise the House that the Deputy Premier and Attorney-General, Minister for Local Government and Special Minister for State will be absent from the House during question time today as he is representing the Premier at Archbishop John Bathersby's silver jubilee mass being held at St Stephen's Cathedral, and I acknowledge that a member of the opposition is also in attendance as well.

MOTION

Mackay Regional Parliament, Sessional Orders

Hon. JC SPENCE (Sunnybank—ALP) (Leader of the House) (10.30 am), by leave, without notice: I move—

That:

(1) the House notes that the Legislative Assembly will sit in Mackay at the Mackay Entertainment and Convention Centre, on 24, 25 and 26 May 2011; and

(2) the Sessional Orders be amended for the Mackay sitting in accordance with the amendment circulated in my name.

Sessional Orders for the Sitting of the Legislative Assembly at the Mackay Entertainment and Convention Centre, Mackay on 24, 25 and 26 May 2011

Hours of Sitting and Order of Business

Unless otherwise ordered and notwithstanding anything contained in the Standing and Sessional Orders, the hours of sitting and Order of Business for each days sitting at the Mackay Entertainment and Convention Centre, Mackay shall be as follows—

Tuesday 24 May 2011

10.30am—11.30am—
Prayers
Messages from the Governor
Matters concerning privilege
Speaker's Statements
Appointments
Petitions
Notification and tabling of papers by the Clerk
Ministerial Papers
Ministerial Notices of Motion
Ministerial Statements
Any other Government Business
Personal Explanations
Tabling of Reports
Notices of Motion

11.30am—12.00pm—
Private Members' Statements

12.00pm—1.00pm—
Government Business

1.00pm—2.30pm—
Lunch break

2.30pm—5.00pm—
Government Business

5.00pm—6.30pm—
Dinner break

6.30pm—7.30pm—
Private Members' Motion

7.30pm—8.30pm—
Question Time

8.30pm—9.00pm—
Adjournment Debate

9.00pm—
Adjournment

Wednesday 25 May 2011

9.30am—10.30am—
Prayers
Messages from the Governor
Matters concerning privilege
Speaker's Statements
Appointments
Petitions
Notification and tabling of papers by the Clerk
Ministerial Papers
Ministerial Notices of Motion
Ministerial Statements
Any other Government Business
Personal Explanations
Tabling of Reports
Notices of Motion

10.30am—11.30am—
Question Time

11.30am—12.30pm—
Matters of Public Interest

12.30pm—1.00pm—
Government Business

1.00pm—2.30pm—
Lunch break

2.30pm—7.00pm (or until adjournment moved)—

Government Business

7.00pm—7.30pm—
Adjournment Debate

7.30pm—
Adjournment

Thursday 26 May 2011

9.30am—10.30am—
Prayers
Messages from the Governor
Matters concerning privilege
Speaker's Statements
Appointments
Petitions
Notification and tabling of papers by the Clerk
Ministerial Papers
Ministerial Notices of Motion
Ministerial Statements
Any other Government Business
Personal Explanations
Tabling of Reports
Debating of Committee Reports
Notices of Motion

10.30am—11.30am—
Question Time

11.30am—1.00pm—
Government Business

1.00pm—2.30pm—
Lunch break

2.30pm—7.00pm (or until adjournment moved)—
Government Business

7.00 pm—7.30pm—
Special Adjournment
Adjournment Debate

7.30pm—
Adjournment

Questions on Notice

Standing Order 114(2) is suspended for Tuesday 24 May 2011. Every question on notice should be lodged with the Clerk by 1.00pm.

Question put—That the motion be agreed to.

Motion agreed to.

NOTICE OF MOTION

Flying Foxes

Mr MESSENGER (Burnett—Ind) (10.30 am): I give notice that I will move—

That this House notes—

1. The rural and regional lychee, mango and tropical stone fruit industry is in crisis because this government has stopped the issuing of flying fox pest mitigation permits forcing farmers to spend hundreds of thousands of dollars on lights and other non-lethal pest control which fail to properly protect their crops.
2. Burnett farmers say that since pest mitigation permits have been cancelled, flying fox numbers have increased alarmingly because of the abundance of unnatural, non-native diet.
3. Queensland farmers being true conservationists do not want to see the eradication of flying foxes but would like to stop the artificial feeding of them so their numbers can be more naturally maintained.
4. While the New South Wales labor government issues Flying Fox Pest Mitigation Permits neither this government nor the LNP opposition has committed to the same policy.

And calls on the Premier to immediately allow the re-issuing of pest mitigation permits while an independent scientific study is carried out examining viable non-lethal methods of control and the increase in flying fox numbers.

SPEAKER'S STATEMENT

School Group Tours

Mr SPEAKER: I want to acknowledge that in the House today we will be visited by students from Iona College in the electorate of Lytton, Coombabah State School in the electorate of Broadwater, and Crows Nest State School in the electorate of Nanango.

QUESTIONS WITHOUT NOTICE

Mr SPEAKER: Question time today will end at 11.31. Under the prior arrangements, the Independents are entitled to two questions today. I thank all members for their cooperation in respect of that.

Premier, Media Appearances

Mr SEENEY (10.32 am): My first question without notice is to the Premier. I refer to the advertising this morning that suggests that the Premier is going to appear on the *Footy Show* tonight, following closely on her appearance on the *Adam Hills in Gordon Street Tonight* program a couple of weeks ago and of course—

Government members interjected.

Mr SPEAKER: Order! Those on my right will cease interjecting. The Leader of the Opposition has the call. Round it up and ask the question.

Mr SEENEY:—and of course the infamous cover girl shot for the *Women's Weekly*, and I ask the Premier: how does her can-do celebrity star approach help Queenslanders in Grantham, Toowoomba and Cardwell rebuild their lives and their communities?

Government members interjected.

Mr SPEAKER: Those on my right will cease interjecting.

Mr Wallace: Because they love their footy, mate! They love the Cowboys in Cardwell.

Mr SPEAKER: Minister for Main Roads! I call the Premier.

Ms BLIGH: I am very pleased that the *Footy Show* wants to promote the Premier's flood relief appeal and wants to take the opportunity to talk to me about how our communities are recovering. I will be sending two very clear messages: one, we still need the help of other Australians, whether it is volunteer time or donations; and, two, we are a place that they should be coming to for their family holiday this year. I take some of the interjections from the member for Thuringowa: I do not know one part of Queensland affected by a disaster that does not love their footy. I thank the *Footy Show* for promoting the great places that people can visit in Queensland for their holidays this year and I am very grateful that they will be talking about the relief fund and how we still need donations. I am pleased to advise the House that we are very close now to $245 million in the fund to help those people who need our help. Every time we see the relief fund appeal getting national advertisements, we see more money coming into the fund. So I am going to take every opportunity I can to ask Australians to keep digging deeper for those people, whether they are in the Lockyer Valley, whether they are in Far North Queensland, whether they are in the south-west, whether they are in the Brisbane city area or the Ipswich or Goodna area.

There were shocking reports in the national newspaper this morning about what was happening in the CBD on 11 January. Think about that day: the day after what had happened in the Lockyer Valley; the day that the capital city and Ipswich began to flood; when workers were rushing home to secure their homes; when businesses were sandbagging to protect their workplaces. What was happening here in the CBD? There was a group of faceless men plotting for their own self-interest.

Opposition members interjected.

Mr SPEAKER: Those on my left will cease interjecting.

Ms BLIGH: They were doing the bidding of the Lord Mayor of Brisbane at a time when people needed help. The real question is: what did the Lord Mayor know about this meeting? Was the meeting held on this day at the direction of the Lord Mayor of Brisbane?

Opposition members interjected.

Mr SPEAKER: Order!

Ms BLIGH: Thank you, Mr Speaker. What we know about the Liberal and National Party is the more things change the more they stay the same. What we now have is the spectre of Santo Santoro, who is ensconcing his staff in the office of the Leader of the Opposition. We have people like Bob Tucker back in business. The member for Rockhampton tells me he saw the apparition of Sir Robert Sparkes here the other night. They have not changed.

Premier, Media Appearances

Honourable members interjected.

Mr SPEAKER: Just wait. I will wait for the House to come to order. I call the Leader of the Opposition.

Mr SEENEY: My second question without notice is also to the Premier. I refer again to the advertising this morning that indicates that the Premier is appearing on the *Footy Show* tonight, following on from her appearance on the *Adam Hills in Gordon Street Tonight* program and the infamous cover girl shoot for the *Women's Weekly*, and I ask the Premier: how does this can-do celebrity star approach help Queenslanders deal with the growing cost of living pressures that they face from the skyrocketing water, electricity and fuel costs relating from the decisions of this failed Labor government?

Ms BLIGH: The best protection against cost of living pressures is a good job with a decent salary, and that is what—

Mr Seeney interjected.

Mr SPEAKER: Order! Leader of the Opposition, you have asked the question. The Premier is not even into answering it yet. I would ask you to extend the courtesy after you have asked the question. I call the Premier.

Ms BLIGH: Thank you, Mr Speaker. The best protection against cost of living pressures is a good, secure job with decent wages and safe working conditions. It is Labor governments that have delivered that to the people of Australia for decades. We went to the last election promising that we would be a government driven by the desire to create jobs because we understand the dignity of work and we understand how important that is. We know that there are already pressures on a number of workplaces, particularly in industries like the tourism industry, because of the disasters that we have seen. The tourism industry is one of Queensland's largest employers and almost a quarter of a million Queenslanders rely on tourism to take home their pay packet.

What we know is that, unfortunately, there are still many people in Australia and overseas who think that we are not open for business and who think that we are not somewhere that you could book a holiday. Nothing could be further from the truth and I will take every opportunity to get out there in every forum and tell people that Queensland is open for business. That is as much a part of the recovery and rebuilding as it is about growing the economy and securing the jobs.

Mr Nicholls interjected.

Mr SPEAKER: Member for Clayfield, I now warn you for interjecting.

Ms BLIGH: Keeping our tourism with its head above water in the face of all of these disasters is an absolutely critical part of building a strong and thriving Queensland economy as we rebuild our state. So what you will see from us is a team that is working, a team that is recovering and rebuilding Queensland, not a team that is out campaigning for itself. The only baby that I will be kissing is my beautiful son, who turns 18 today. We have a long, hard road of recovery ahead and we are going to walk every step of it beside the Queenslanders who need us.

Mr SPEAKER: Before I call the member for Broadwater, there is a delegation from Gauteng Provincial Legislature in South Africa in the gallery with us today. Would all honourable members please make them welcome.

Honourable members: Hear, hear!

Skilled Park, Rugby League

Ms CROFT: My question is to the Premier. Can the Premier update the House on the economic benefits to the Gold Coast from the blockbuster weekend of sport at Skilled Park that she announced this morning?

Ms BLIGH: You cannot think of a better reason to come to the Gold Coast than to see a rugby league test between Australia and New Zealand. This has been made possible, as I said before, because of the investment that we have put into community infrastructure like Skilled Park. It is anticipated that a test like this would bring in around more than $6 million to the local economy as a local economic impact. We know that the Gold Coast needs to see its hotels full, it needs to see its motels with bookings, it needs its restaurants with full tables and it needs tourists out there spending in its shops. That is exactly what this weekend will deliver for the Gold Coast.

Mr Speaker, do you know what? I might take the opportunity tonight to talk about it on the *Footy Show*. I reckon there might just be a few people interested in coming to the Gold Coast for a great weekend of footy, and while they are there they will go out and spend some money for the Gold Coast economy. So I hope that the member for Callide tunes in to the *Footy Show* tonight. I look forward to the chance. I never miss a chance to promote Queensland.

What we will see in that weekend in May is two teams come on to the field who know exactly who is in the team and exactly what positions they are going to play. But, of course, when we go to the people of Queensland we will not necessarily know that from those opposite. Already we see the cracks. Already we see those words of the member for Southern Downs coming true. The member for Southern Downs told us earlier this week that he formed the Liberal National Party for one reason: he wanted to be part of a party that had one leader. Now others have chosen to go down the path of a party with two leaders. They are not my words; they are the words of the member for Southern Downs.

We know that we have the member for Callide saying, 'I will make the decisions about the shadow cabinet. I will take responsibility and I will make the appointments,' yet the LNP candidate for Ashgrove is saying—

Ultimately the legality of it is that it has to be done by Jeff Seeney, but I will be making the call.

And what if they disagree? The LNP candidate for Ashgrove said—

My belief is that ultimately it's my call.

Mr Seeney: Read it again. Read it again so everyone understands.

Ms BLIGH: The member for Callide has asked me to read it again and I am happy to oblige. I might need a little more time to get it out, so let me try in the face of his constant interjections. Firstly, the member for Callide had this to say about how the shadow cabinet will be chosen—

... I will make the decisions—

He said—

I will take the responsibility and I will make the appointments.

Hon. JC SPENCE (Sunnybank—ALP) (Leader of the House) (10.44 am): I move—

That the Premier be further heard.

Division: Question put—That the Premier be further heard.

AYES, 48—Attwood, Bligh, Boyle, Croft, Dick, Farmer, Finn, Fraser, Grace, Hinchliffe, Hoolihan, Jarratt, Johnstone, Jones, Kiernan, Kilburn, Lawlor, Male, Miller, Moorhead, Mulherin, Nelson-Carr, Nolan, O'Brien, O'Neill, Palaszczuk, Pitt, Reeves, Roberts, Robertson, Ryan, Schwarten, Scott, Shine, Smith, Spence, Stone, Struthers, Sullivan, van Litsenburg, Wallace, Watt, Wells, Wendt, Wettenhall, Wilson. Tellers: Keech, Darling

NOES, 37—Bates, Bleijie, Crandon, Cripps, Cunningham, Davis, Dempsey, Douglas, Dowling, Elmes, Emerson, Flegg, Foley, Gibson, Hobbs, Hopper, Johnson, Knuth, Langbroek, McArdle, McLindon, Malone, Menkens, Messenger, Nicholls, Powell, Pratt, Rickuss, Robinson, Seeney, Simpson, Springborg, Stevens, Stuckey, Wellington. Tellers: Dickson, Sorensen

Resolved in the affirmative.

Ms BLIGH: As I indicated, the interim Leader of the Opposition has asked me to repeat the sentence that I said and I am very happy to oblige. So, let me start again. The member for Callide had this to say when he was asked about who would be appointing the shadow cabinet—and I quote—'I will make the decisions', says the member for Callide. 'I will take the responsibility and I will make the appointments.' That is very clear.

Mr Seeney interjected.

Mr SPEAKER: Order! The Leader of the Opposition, you asked the question. The performance that was just had I think was most unedifying. I am now taking the step of warning you. I give a lot of latitude to the leadership team. I am now warning you and I will warn you under 253A(1).

Ms BLIGH: When the same question was put to the candidate for Ashgrove he had this to say: 'Ultimately the legality is that it has to be done by Jeff Seeney, but I will be making the call on those appointments. I will be relying though on the advice of him.' The reporter then went on to ask, 'So if you disagree with Jeff Seeney on anything who gets the final say, you or him? 'Well', he said, 'Well, my belief is that ultimately it's my call and I'm sure that Jeff will understand and see it that way.' So within 48 hours those words from the member for Southern Down were coming true on something as fundamental as who will pick the team.

Budget

Mr NICHOLLS: My question is to the Treasurer. Why is it the case that every mainland state in Australia can deliver a budget surplus by 2013-14 except Queensland? Is this yet another thing that the Treasurer simply 'can't do'?. If he cannot deliver a budget surplus how can he claim to be able to rebuild Queensland?

Mr FRASER: I thank the deputy leader for his question, because it is clear that this government has set out over the last two years of this parliament, each and every day at each and every sitting, a clear economic plan to rebuild the state's economy, to rebuild the state's finances, to overhaul the balance sheet for the future, to return the budget to surplus—which we are on track to do—and to chart a course to regain the AAA credit rating. For each and every day over the last two years, what have we heard from those opposite? We have heard thundering silence. The shadow Treasurer has now been in that job each and every day of this term of this parliament and how many economic policies has he proposed? Nil. What is his solution for any of the tasks, any of the challenges that are before the Queensland economy, before the state's finances? Well, it is zero. What hope have those on the other side of ever running the state's finances, of ever running the Queensland economy, when they cannot even decide amongst themselves who is going to be on the front bench.

What we know is that they are squabbling over who would get to be the deputy, under the mythical creature of the two-headed beast that the LNP proposes, if they win. According to the Leader of the Opposition at the moment he gets to be the deputy, but according to the interim part-time deputy leader in here he wants to be the deputy. But as of this morning we have a third player. Never one to miss out on the action, the member for Maroochydore is putting herself about on radio this morning saying she would like to be the deputy. So no wonder they have no idea about what the economic policy is going to be, because at this point they do no know whether the Leader of the Opposition is going to be the Treasurer, they do no know whether the deputy leader is going to be the Treasurer and they do not know whether the member for Maroochydore is going to be the Treasurer. They have a whole team of people: they have two leaders, three would-be Treasurers, three would-be deputy premiers and how many policies? Not one! Not one policy have those opposite proposed to the people of Queensland.

The point is this: there will be a time and a place for a challenge for these people. After two years of bludging off the taxpayers without putting out one single policy to propose for the future, there will be a time and a place and a day of reckoning for those opposite to finally put forward a plan to the people of Queensland. But what we know at this point is that it is the same old Liberal and National Party. They can put two heads on the old beast, but it is the same old Liberal National Party, riven and torn asunder as they are, hopelessly divided—two leaders, three would-be deputy leaders, three would-be shadow Treasurers and zero economic policy.

Natural Disasters, Recovery Assistance

Ms MALE: My question without notice is to the Premier and Minister for Reconstruction. Can the Premier provide some examples of the government's efforts to provide certainty for Queenslanders during these uncertain times?

Ms BLIGH: I thank the honourable member for her question and for what I know is her deeply held concern for the rebuilding of our state.

There is no doubt that these are unsettled and uncertain times. When people go through the sort of disaster that we have gone through they want certainty and they want to know that government is committed to the things that they need. Queenslanders can be very certain that our government is absolutely committed to rebuilding our state. That is why yesterday I released Operation Queenslander, the state plan, and the first monthly report on the progress of our rebuilding. It is why we have released the first allocation this week of $220 million to councils across Queensland to get on with rebuilding what has been damaged in their areas. That is why we will be on the road over the next couple of weeks right across Queensland making sure that companies understand how they and their workers can be part of the rebuilding effort so that at the same time as we are rebuilding roads we are rebuilding local economies with local workers. It is why yesterday I moved to declare Grantham as the first reconstruction area under the new legislation.

In every area people will see our government working on rebuilding Queensland. Queenslanders can be certain that we are passionate about this state and we are passionate about rebuilding it. People will see us out working while they see the LNP out campaigning and electioneering and looking after themselves. What we do know is that there is no certainty about what might happen to those opposite. What the interim Leader of the Opposition is asking Queenslanders to do is believe the unbelievable. He told the public earlier this week that the prospect of a Liberal National Party government without the—sorry, a Liberal National Party—

Opposition members interjected.

Mr Seeney interjected.

Mr SPEAKER: Order! The Leader of the Opposition will cease interjecting.

Ms BLIGH: The Leader of the Opposition expects us to believe that it is simply silly stuff to believe that there could not be a Liberal National Party government without the member for Ashgrove being the Lord Mayor of Brisbane. Nothing is further from the truth. What they need is a swing of about four or 4.5 per cent to win government in their own right and he needs seven per cent to win the seat of Ashgrove. They need 14 seats to win government in their own right. Go and look how far up the pendulum the seat of Ashgrove is.

Not only is it possible, it is highly likely. I give the member for Callide full credit. He is a wily old fox. He wants everyone to believe that he is the stalking horse for Campbell Newman, but we know, in fact, he is the one who wants to be the leader. He behaved here yesterday and today like a man who knows he wants to be Premier and he is not moving for anyone.

OneSchool

Mr EMERSON: I refer my question to the Minister for Education. I refer the minister to his answer to my question yesterday regarding the OneSchool ICT program where he told parliament—

The answer is quite simple. There is no delay in the rollout of OneSchool.

I table an article from the *Australian Teacher Magazine* website which has a spokeswoman for the then education minister Geoff Wilson confirming that the rollout of OneSchool has been delayed. Can the minister now confirm that the rollout of OneSchool was delayed? If he cannot run a school computer system, how can his government claim to be able to rebuild Queensland?

Tabled paper: Online article in Australian Teacher Magazine titled 'QLD: Final phase of OneSchool delayed' [4170].

Mr DICK: Yesterday during question time I was asked by the member for Indooroopilly about the OneSchool initiative. After question time he made a private member's statement making further erroneous claims about the OneSchool website and followed up with a misleading media statement. In light of those accusations, it is incumbent upon me to put the facts clearly before the parliament.

Firstly, the most glaring mistake in the member's media release is in the first sentence, which says that education 'faces another health payroll-style bungle'. If the member were across his brief he would know that the third phase of OneSchool has nothing do with payroll. It involves accounts payable, accounts receivable and asset management. I table that media release.

Tabled paper: Media release, dated 23 March 2011, by Scott Emerson MP titled 'Education facing health-style payroll bungle' [4171].

Secondly, the member is wrong when, in the second paragraph of the press release, he says that the rollout of the third phase has been abandoned. Again, that is wrong and misleading and he made that statement in the House. There is no delay to the rollout of the OneSchool program. As the whole world knows, the previous minister secretly issued a media release on 12 December last year clearly outlining the Department of Education and Training's decision to progressively roll out the implementation of the third phase of the project. That revised deployment strategy was announced more than three months ago, but I cannot be responsible for the opposition spokeperson's laziness. Given the level of misinformation in the member's communication it is appropriate that these matters be put on the record.

I wish to address some further issues. As I mentioned yesterday in the House, there are no additional costs so far involved in the staged rollout of the implementation. I have received advice from the department confirming that. It is all covered within the project cost for this project. This is an important project for schools. We will be slow and deliberate in seeing that it is implemented carefully. That was the position that the previous minister for education and now Minister for Health took, and that is the position I am taking. I do not make any apologies for that. If I did anything else, the member for Indooroopilly and all the rag-tag farcical members of the opposition would take issue with me.

Tomorrow there will be a meeting with stakeholders and all of the implementation working party. I will be attending that. I will get clarity on this. I know that departmental officers are working at a very high level on this matter. I particularly express my confidence in the deputy director-general of corporate services, Dr Richard Eden, and the chief information officer, David O'Hagan, who are doing great work on this project. I will be taking and acting on their advice. Just as the member for Indooroopilly was a journalist and lobbyist before his time in parliament, I was a lawyer and I need to rely on the advice of senior officers in the department. I will interrogate that advice. We will get it right and we will ensure that we have the best system for schools.

Queensland Economy

Mrs KEECH: My question is to the Treasurer and Minister for State Development and Trade. Is the Treasurer aware of any new economic data that forecasts Queensland's economic recovery from the floods and cyclones?

Mr FRASER: I thank the member for Albert for her question and for her commitment to this government's economic agenda. Over the last week we have seen two major forecasters join into a view about what is occurring in the Queensland economy and the prospects for the 12 months ahead. As I have said in this House before, at the end of last year we saw growth in the Queensland economy, with official data showing that domestic activity was growing at a rate ahead of the national average in the last quarter of last year.

A week ago the Commonwealth Bank joined in, saying that the economy was growing at the end of last year and, although obviously the economy had been hit by natural disasters, pointing to a growth forecast for the Queensland economy next year of some six per cent, which is ahead of the official forecast from Queensland Treasury at this point, which is around five per cent. The Commonwealth Bank pointed to an unemployment rate that could be as low as four per cent in two to three years, as that locked-in business investment flows through.

Earlier this week the Westpac Bank joined in, pointing to the growth that was occurring at the end of last year and saying that its outlook for business investment in Queensland was, indeed, bullish. That is the path that the Queensland economy is set for.

However, what is the risk to the Queensland economy? Of course, it is from those opposite and the two-headed beast that they have proposed this week. Those opposite are proposing to drive a political jalopy around Queensland, as they squabble over who gets to take the wheel and who gets to pick who is on the front bench. That puts the Queensland economy at risk because of the leaderless, rudderless, squabbling infighting of those opposite. The truth is that the Leader of the Opposition in here and the would-be candidate for Ashgrove are at war over who gets to pick the front bench. The long and the short of it is that the member for Callide and the Lord Mayor are at war.

However, when they finally work it out, the big question is going to be whether the member for Maroochydore is on the front bench, because, as the reports say, the member for Maroochydore got 13 votes in the party room. That is 13 votes. We know that they are not pro-Fifi votes. They are 13 anti-Newman votes. She was four votes away from becoming the Leader of the Opposition and the alternative Premier. We have a choice between the member for Callide, Napoleon of City Hall and the member for Maroochydore. Lord help us if the member for Maroochydore is in the mix!

The reality is that this team is riven. It is completely and hopelessly divided. They are fighting about who gets to be on the front bench, they are fighting over who gets to set the policy, they are fighting over who gets to be the deputy. This Liberal National Party is at war. They are within four votes—just four more malcontents from the political Nauru up the back. They are four votes away from the member for Maroochydore being the alternative Premier.

(Time expired)

Mr Emerson interjected.

Mr SPEAKER: Order! Member for Indooroopilly, I warn you under standing orders.

Carbon Tax

Mrs STUCKEY: My question without notice is to the Minister for Tourism, Manufacturing and Small Business. In the Brisbane and the Gold Coast *Business News* of 11 March 2011, the minister told businesses to 'wait and see' the size of the carbon tax that the Gillard/Brown Labor government wants to impose on them. If the minister cannot oppose the carbon tax, how can she claim to stand up for small business in Queensland?

Ms JARRATT: I thank the honourable member for the question and for what I assume is her interest in small business on the Gold Coast and in the rest of Queensland, which is a critical sector in the Queensland economy. There are around 420,000 small businesses right across this state. Small business forms part of the character and fabric of every community right across this state. Since I have been the minister I have most certainly been out there speaking with businesses, hearing from them because I know—

Opposition members interjected.

Mr SPEAKER: Order! Those on my left will cease interjecting. The minister will address her comments through the chair.

Ms JARRATT: Not only in Queensland and Australia but also right around the world, businesses have been grappling with issues that have fallen out of the GFC and the lack of access to finance and credit that have made it very difficult for businesses.

Opposition members interjected.

Mr SPEAKER: Order! Those on my left will cease interjecting. The minister was asked a question and the minister is answering the question.

Mr Kilburn interjected.

Mr SPEAKER: The member for Chatsworth will cease interjecting.

Ms JARRATT: I have been out there talking to businesses about the issues they face. The other night at Parliament House I joined several hundred small business operators from around the state to hear the Premier announce that we are right behind a 'buy local' campaign that is going to reinvigorate local communities. It is about mates supporting mates and businesses supporting businesses right across this state.

Let us talk about global warming and greenhouse gasses. We are moving into a period where we are all going to have to face the realities about global warming, greenhouse gases and the impact that they are going to have on businesses.

Opposition members interjected.

Ms JARRATT: You can put your head in the sand if you wish but as a government—

Mr SPEAKER: Order! Minister, direct your comments through the chair.

Ms JARRATT: The opposition will put their heads in the sand. That is where they have been on this issue, while we have been out there working proactively with businesses—

Mr Cripps interjected.

Mr SPEAKER: The member for Hinchinbrook will cease interjecting.

Ms JARRATT: Thank you, Mr Speaker. We have been working with businesses on initiatives such as Carbon Outlook and Carbon Outlook 2 to assess their businesses and their carbon footprints and look at what they can do to proactively address these issues to make their businesses resilient and strong.

Road Infrastructure

Mrs KIERNAN: My question is to the Minister for Main Roads, Fisheries and Marine Infrastructure. Can the minister please inform the House how the state government is building vital new roads for regional Queensland?

Mr Dempsey interjected.

Mr SPEAKER: Order! The member for Bundaberg!

Mr WALLACE: I know they do not want to hear about roads in regional Queensland, but the member for Mount Isa does. That is why I am so proud to serve in a government that looks after regional Queensland, and our roads budget is a great example. Sixty per cent of our record roads budget is spent in regional Queensland. That is $1,100 per head compared to $650 in South-East Queensland. We are hard at work on projects from Cape York to Cloncurry, from Mackay to Muttaburra, from Bundaberg to Bobawaba.

I can announce to the House this morning that this Labor government will make the historic step of sealing the Wills Developmental Road from Gregory Downs to Burketown. Already we have made massive strides on that important route north of Mount Isa. At the request of the hardworking member for Mount Isa, I drove that route last year with the mayor of Cloncurry, Andrew Daniels. We are doing this because we believe in regional Queensland. We believe in the long-term future of regional Queensland. Regional Queenslanders are hardworking, salt-of-the-earth people.

Indeed, last night in this place I had tea with a mate of mine who was born in Quilpie, and you could not ask for a nicer bloke. Imagine my surprise when I spied the abdicating mayor of Brisbane holding court in the silver service parliamentary dining room. That is right, his first meeting at parliament was in the dining room with his fellow conspirators. Like a Medici prince, he held court, surrounded by fine food and fine wine. This arrogant man then summoned the tory toadies to line up. He extended his hand to them and asked them to kiss his ring. With 'Machiavellian' McIver next to him, tory after tory paid homage in a desperate attempt to seek patronage and save their front bench spots. Even the member for Maroochydore had the gall to seek his pleasure. She had the gall to seek his pleasure.

Mr GIBSON: I rise to a point of order. It is very unclear as to who was kissing the ring. We are uncertain as to who he has identified. If he could make it clear—

Mr SPEAKER: There is no point of order.

Mr WALLACE: Obviously there were two rings to kiss because the pretend Leader of the Opposition was there as well. There was also the member for Glass House, and tory backbencher after backbencher were begging for a front bench spot. I want to congratulate the member for Condamine. He walked straight past those contenders. Where was my old mate the member for Gregory? Obviously his invitation is still in the mail. However, we will stick by him and we will continue to build roads in regional Queensland.

'Prince' Newman's arrogance knows no bounds. He reckons he has already won Ashgrove and he reckons he is already Premier. However, he has not reckoned on this: the people of Queensland will see through his arrogance.

Kingaroy Hospital, Dialysis Unit

Mrs PRATT: My question is to the Minister for Health. It has been reported that the six-chair dialysis unit at Kingaroy is only operating three days per week, treating six patients per day and forcing five other dialysis patients to travel to Toowoomba three times a week for treatment, thus tying up an ambulance and staff for three full days a week. Will the minister investigate why this dialysis unit is not operating on sufficient days to ensure all local patients are treated locally?

Mr WILSON: I thank the honourable member for the question. As she might appreciate and recognise, the particular details of the matter that she raises with me are not at my fingertips. I give her the undertaking that I am quite happy to have my director-general examine the matter that she has raised and come back to me. Then I will speak further with her.

I want to assure the member for Nanango that regional Queensland has a central place in the way in which we are rolling out a multimillion-dollar Health capital and operating cost program across Queensland. The budget for just this year is $10 billion, $1.6 billion of which is in capital. We have doubled the Health budget in five years. It was $5 billion in 2005 and it is $9.99 billion this year. Part of the budget over the last few years has been taken up in rolling out the $7.33 billion capital works program that is delivering more beds sooner and closer to Queenslanders, more treatment bays and more treatment opportunities for patients throughout regional Queensland. We have been rolling out the cancer treatment centres, particularly for regional Queenslanders. One such project is the oncology unit, which I visited, that is going to be rebuilt in Toowoomba. There are major services being rolled out across the state.

Where does the opposition stand? Where does the Liberal National Party stand when it comes to health reform, building the health system as an integral part of rebuilding Queensland? It opposed the infrastructure package that we took to the Queensland public in 2009, a $17 billion program creating approximately 117,000 jobs. That included what we were proposing for Health this year. It opposed that. It has opposed all of the capital infrastructure improvements that we are doing in emergency departments and in other parts of Queensland hospitals. For example, the LNP has opposed the expansions we are undertaking at Logan, QEII and Ipswich hospitals. We are creating 1,700 jobs. Its members are against not only the capital works but also the jobs that will be created as a result of this.

Also, they had their LNP members in the Senate block $52 million of federal funding to go to public dental health waiting lists, resulting in 187,000 Queenslanders missing out on treatments because the Liberal National Party in this place and in the Senate opposed the federal government providing us with $52 million to make that difference. As a result, 187,000 Queenslanders missed out because of the negligence and the fault of the Liberals and the Nationals in this House.

(Time expired)

Education System

Mrs SULLIVAN: My question without notice is to the Minister for Education and Industrial Relations. Could the minister provide details of the government's commitment to educating the next generation of Queenslanders and outline any alternatives to this approach?

Mr DICK: I thank the member for her question and her obvious commitment to education. The member is right; Labor is committed to giving Queensland children the best possible education. Significant reforms have occurred in the Education portfolio as far back as when the Premier was the education minister. Under her strong and stable leadership we continue to implement very significant reform in this important area for our state's future.

Education is a foundation portfolio for Labor governments, as is Health. That is why we allocate $10 billion each year in our budget to the Education portfolio. Our priority is clear. We back up our commitment and action with real dollars.

When we look at the machinations of the LNP over the past few days, when we strip back the froth and bubble, when they stop kissing babies all on the ratepayer bill, what have we seen from the supposed Leader of the Liberal National Party, Campbell Newman? We have seen nothing. So I did a bit of research into some of the policies of the opposition. I read an article in the *Fraser Coast Chronicle* from 7 April 2010 when the then Lord Mayor gave a speech in Maryborough. He said that Maryborough could become a great Cinderella city. What that had to do with Brisbane I do not really know. What did the journalist say in that article. It states—

Mr Newman said traffic congestion was the No. 1 issue in the state's capital; more important than health and education facilities.

So there we have it. As way back as a year ago he was speaking in Maryborough, travelling throughout Queensland, starting the coup. He is putting bitumen and pavement before schools for children and hospitals for the sick. When it comes to the economy, no can do. When it comes to employment, no can-do. When it comes to education and schools for children, no can do. When it comes to our health system, no can-do.

This is not a fairytale; it is a circus. It belongs at the Ekka in August. Can you imagine the carnies? It belongs in sideshow alley. 'Roll up, roll up. See the amazing two-headed opposition leader!' It crushed the member for Southern Downs. It destroyed the leadership of the member for Surfers Paradise. One of its heads says, 'Half of our members are fools.' Who will it destroy next?

There will be one group of people that this government will ensure it will not destroy, and that will be the people of Queensland. While we are out there, led by our Premier, rebuilding Queensland after the worst natural disasters in history, they are playing politics. They are more interested in their own jobs. Campbell Newman is more interested in his own career and his own ego than he is in the people of Queensland. So I will continue to build the education system. This government, led by the Premier, will continue to rebuild Queensland. That will be our focus for the foreseeable future. We put Queensland first.

(Time expired)

Weapons Licensing

Mr ELMES: My question without notice is to the Minister for Police. Will the Minister for Police explain why he cannot get the bungled weapons licensing system right, which is reported to be costing businesses millions in delays and taxpayer dollars to fix? If he cannot do a basic licensing system, how can the government claim to be able to rebuild Queensland?

Mr ROBERTS: I thank the member for the question and I thank him for highlighting the fact that the Labor government is introducing a new weapons licensing system. This system will streamline the process for permits to acquire and a range of other activities that licence holders need to undertake currently by personally attending at police stations. It will not, of course, take away the requirement for people who are applying for licences to personally present and to prove their credentials.

In the transition to the new system, the Queensland Police Service made it clear to the industry late last year that there would be some delays in the transition from the old system to the new system. Engagement with the industry has been ongoing. In fact, there was a meeting a week or so ago with industry representatives to indicate to them the steps that are being taken to make sure the transition progresses as quickly as possible. The latest advice I have is that, to date, since the new system was put in place around 7,000 permits to acquire have been processed, demonstrating that the work is being done to catch up on what is acknowledged has been a bit of a backlog. So there is no denying that there was a delay.

The Police Service currently are processing more applications than they are receiving. The service have put an additional 10 staff into the unit and reallocated 10 other staff. So there are currently 20 additional people focused on processing these applications. The Police Service understand that this is an issue which can impact upon the industry. That is why they advised the industry beforehand that there would be some delays. That is why they have kept engaged with the industry and also have put on additional resources to make sure that stage 1 of a three-stage implementation of this system would work.

While I am on my feet, I take the opportunity to talk about some of the Labor government's achievements with law and order. The members opposite continually beat their chests about how tough they are about law and order. The new weapons licensing system is just one initiative. Crime rates have dropped dramatically under this Labor government over the last 10 years—a 20 per cent reduction in crimes against the person and a 48 per cent reduction in property offences. This government is putting in place initiatives, including the new weapons licensing system and a whole range of other initiatives, providing the resources the Police Service needs to reduce crime rates.

Moving on to other issues like prisons, I know that the member for Kawana has an unnatural interest in prison uniforms. I will tell you why, Mr Speaker. He is fearful that the colour of the uniforms will give prisoners away when they escape. There have been no escapes since 1989 out of high-security prisons. There have been no escapes from low-security prisons over the last 12 months.

Mr SPEAKER: Order! The honourable minister's time has expired.

Mr Bleijie interjected.

Mr SPEAKER: The honourable member for Kawana will cease interjecting.

Ms Spence interjected.

Mr SPEAKER: Order! The Leader of the House and the member for Kawana will cease. Go outside and talk about it, and let us get on with this. I call the member for Mundingburra.

Biodiversity

Ms NELSON-CARR: My question is to the Minister for Environment and Resource Management. This morning the minister advised the House how the Bligh government is working to protect our state's precious environment and unique biodiversity. Can the minister advise the House why this is so important to Queensland's future?

Ms JONES: I thank the honourable member for her question. She is quite right: we on this side of the House are absolutely committed to protecting our environment for future generations. We acknowledge that having a strong, healthy environment is just as important as having a strong, healthy economy, and we need to have both. But what have we seen from the Leader of the Opposition and the LNP in Queensland? Every single environmental initiative that we have introduced to this House has been unanimously, under a strong leader, opposed.

Let us talk about the Great Barrier Reef protection bill that I introduced into this parliament to protect the Great Barrier Reef, worth $4 billion to the Queensland economy. What did the leader—

Opposition members interjected.

Mr SPEAKER: Order! Thank you. I call the honourable the minister.

Ms JONES: When it comes to protecting the Great Barrier Reef, what did the Leader of the Opposition do? He voted against it. When it comes to stopping land clearing in Queensland, what did the Leader of the Opposition do? He opposed it. Furthermore, the Leader of the Opposition actually described the vegetation management laws that we have in Queensland—the only reason Australia—

Mr Sorensen interjected.

Mr Dickson interjected.

Mr SPEAKER: Order! The member for Hervey Bay and the member for Buderim will cease interjecting.

Ms JONES: They could not make it any clearer that they do not care about the environment in Queensland, could they? When I talk about their voting record, they do not like it.

Mr Cripps interjected.

Mr SPEAKER: The member for Hinchinbrook will cease interjecting.

Ms JONES: They do not want the people of Queensland to know their appalling track record when it comes to protecting the environment. We are united on this side of the House under strong leadership to deliver protection for the environment.

Coming back to the Leader of the Opposition's record when it comes to protecting the environment, he voted against the vegetation-clearing laws in Queensland and he named them the most repugnant laws he has ever seen. That is the Leader of the Opposition that the LNP is putting forward to the people of Queensland—someone who does not believe in protecting the environment, someone who does not believe in climate change—

Mr SEENEY: Mr Speaker, I rise to a point of order.

Government members interjected.

Mr SPEAKER: Order! The House will come to order.

Mr SEENEY: Mr Speaker, I am struggling to deal with the strength of this attack.

Mr SPEAKER: Your point of order, please.

Mr SEENEY: I do find the member's words offensive and I ask that they be withdrawn. Please take it easy on me, Kate. Please take it easy on me.

Mr SPEAKER: Resume your seat. The honourable minister will withdraw the offensive comments.

Ms JONES: I am sorry if he finds me calling him the Leader of the Opposition offensive.

Mr SPEAKER: Please, no.

Mr Seeney: You said I didn't care for the environment.

Ms JONES: If anything that I said—

Mr SPEAKER: It has to be an unreserved withdrawal. I would ask you to do that and let's round it up.

Ms JONES: I withdraw anything that he found offensive. I will get back to Leader of the Opposition's record when it comes to protecting the environment in Queensland time and time again. When we bring bills into this parliament, when we bring in new laws to protect the environment in Queensland, you squib it. The Leader of the Opposition time and time again has voted against them. We wanted to protect the Great Barrier Reef. What did you do? You voted against it. We protected Moreton Bay. What did you do? You voted against it.

Mr SPEAKER: Direct your comments through the chair, please.

Ms JONES: We protected vegetation in Queensland. What did the Leader of the Opposition in Queensland do? The Leader of the Opposition in Queensland voted against it.

Mr Gibson interjected.

Mr SPEAKER: The member for Gympie will cease interjecting.

Mr Dempsey interjected.

Mr SPEAKER: The member for Bundaberg will cease interjecting.

Ms JONES: What we have seen here this morning when I am placing on the record the LNP's record when it comes to protecting the environment in Queensland is that they do not want to hear it, because they know that they have an appalling record when it comes to the environment in Queensland. All they care about is their own political ambition, not the ambitions of the people of Queensland.

(Time expired)

Vehicle Registration, Fees and Charges

Mr McLINDON: My question without notice is directed to the Minister for Transport. In relation to a recent $8.35 surcharge suddenly appearing on registration renewals across Queensland, will the minister outline why this has been introduced?

Ms PALASZCZUK: I would like to thank the member very much for the question. The $8.35 surcharge is for those people who choose to pay their registration at six-month intervals. That is purely an administration cost. All the money that is collected through registration goes back into our roads program. We are committed to providing the roads and providing the infrastructure for our transport networks right across the state.

I also refer the member to an issue he raised with me last week. It is very good to see that members are raising with me very important issues in their local communities. He came to me about an issue in his local area concerning young children getting off school buses. Today I announced in this House a very strong initiative aimed at looking after young children and making sure they are safe. We will be doing this by putting in school crossings across Queensland.

I undertook to talk to the mayor of the area about the issue that the member raised with me, which I have done. We are doing a survey of the Jimboomba area to make sure that when young children leave their buses they are in a secure environment and are safe on our roads. I have answered the member's question about renewals.

I cannot let today go by without commenting on the opposition and what has happened over the last week. What have we seen? We have just seen unprecedented territory charted by the opposition. I want to refer to the former deputy leader of the opposition and what he said in relation to the member for Surfers Paradise. What did he say? He said, 'John-Paul Langbroek is Queensland's gentleman politician. John-Paul Langbroek is Queensland's gentleman opposition leader.' That is right: he is an honourable man. So they are all honourable men. Yet Brutus, he was ambitious—and Brutus was an honourable man. This is like a Roman tragedy.

The Minister for Main Roads was going on about Machiavelli. But this is directly out of Shakespeare. This is directly out of Mark Antony's speech. About the member for Surfers Paradise I say—

But here I am to speak what I do know.

You all did love him once, not without cause:

What cause withholds you then to mourn for him?

O judgement! Thou art fled to brutish beasts,

And men have lost their reason ...

Mr SPEAKER: Order! Time for question time is over.

ENVIRONMENTAL PROTECTION AND OTHER LEGISLATION AMENDMENT BILL

Second Reading

Resumed from 24 November 2010 (see p. 4251) on motion of Ms Jones—

That the bill be now read a second time.

Mr DEMPSEY (Bundaberg—LNP) (11.33 am): It is a pleasure to rise to speak to the Environmental Protection and Other Legislation Amendment Bill 2010, which is now before the House. The Environmental Protection and Other Legislation Amendment Bill 2010 promises, as the minister has stated, to implement a range of environmental measures and make minor and technical amendments for the improved administration of environmental legislation in Queensland.

While the opposition stands committed to ensuring that our state's environment and natural heritage are adequately protected with good legislation, we do have concerns that this is just another piece of patchwork legislation covering up the frayed edges of this tired government's incompetent management of Queensland's precious environmental resources. The Bligh, Beattie and Goss governments have had a long stewardship, yet this is another amendment bill trying to rectify two decades of Labor's poor legislation and management of the environment across our great state. Queensland and its natural environment have endured two decades of Labor, yet it still needs to implement a range of new legislative measures. Two decades on, the government still needs to make minor and technical amendments because it cannot get the policy right in first place.

Sadly, this government has failed Queensland when it comes to environmental policy for two reasons. Firstly, it is too busy trying to appease conflicting interest and lobby groups instead of actually looking after the environment in practical ways. This government is preoccupied with keeping green groups, the unions, developers and industry groups all in its back pocket, leading to inconsistent decisions and impractical environmental legislation that fails to deliver for Queensland families that love our great state's outdoors. Secondly, the government has been too preoccupied with spin when it comes to the environment. It has produced fees and paperwork in an effort to keep these competing interest groups happy.

Instead of solutions to our environmental problems, the government produces fees and paperwork so development can continue. The environmental lobby is happy because it looks like the government is being tough. Spin and paperwork wrapped in red tape results in no winners. Both the environment and the development lose as the environmental issues are unresolved and development is frustrated by a mountain of paperwork and the weight of hefty fines. This red tape continues to hamper any positive outcome for those involved.

For too long Queensland's precious environment has been held to ransom by the Goss, Beattie and now Bligh governments' strategy of appeasement and red tape. This is the rusty old time-honoured Labor recipe that brings this bill before the House. Like most bills of this nature, some of the amendments make sense and serve a constructive purpose, but it only exists because of the failings of successive Labor governments.

Consider the amendments this bill makes to the Coastal Protection and Management Act 1995. The bill sets out to support implementation of the finalised version of the draft Queensland Coastal Plan, prepared after review of the State Coastal Management Plan and the Regional Coastal Management Plan. The act does in fact require review of planning and management mechanisms related to coastal land every seven years.

The 2008 version contained the following recommendations as portrayed by DERM. Firstly, the State Coastal Management Plan and associated legislation are no longer consistent with highly evolved planning policy and legislative requirements. Secondly, the State Coastal Management Plan is ambiguous and difficult to use. Thirdly, the successful implementation has been limited due to a number of factors, including: the coastal framework not aligning with the guiding framework set by the Integrated Planning Act 1997; poor communication between policy makers, development assessment officers, planners and managers which resulted in confusion about roles and responsibilities; and a lack of sufficient resources.

Fourthly, integrated coastal zone management cannot be achieved solely by a coastal plan; it requires alignment with a vast array of other related policies, laws and management initiatives. Fifthly, there is sufficient duplication and overlap in policy topics covered by other legislation and policy including vegetation management, Indigenous heritage, built heritage, marine parks, water resource planning, water quality, and terrestrial and aquatic biodiversity conservation. Sixthly, proactive planning for the sustainable use of sensitive coastal lands requires improving planning policies to address urban development, including urban settlement patterns in the coastal zone, urban design on the coast, coast dependent development, public access to the coast, natural resource management on the coast and coastal landscape protection.

Basically, the government regards this as a streamlining exercise to coordinate coastal management practices with other planning instruments and replace the State Coastal Management Plan and Regional Coastal Management Plan with the brand-new Queensland Coastal Plan.

But where is the final product? The minister produced the draft in its two major sections in 2009—the draft state planning policy coastal protection and Draft State Policy Coastal Management—to encompass both aspects of the business of coastal land use decision making, management and protection. Public consultation was held between late August and late November of that year and information sessions were conducted up and down the coast. But we still do not know what we are dealing with. Both DERM and Clayton Utz earmarked late 2010 for the release of the finalised Queensland Coastal Plan, so it seems like its own due date has come and gone. It is unclear how the public consultation process has or will alter what appears in the draft, but the 200 or so parties that provided submissions will certainly be interested to know. This government seems to be resorting to cloak and dagger tactics when it comes to the QCP and the passage of this bill.

The Queensland Coastal Plan as implemented by this bill seeks to redefine or clarify the general and legal understanding of terminology relating to coastal management. These definitions have ramifications for decision makers in relation to land use and are exemplified in the following sections. With regard to coastal, section 10 relates to all areas within or neighbouring the foreshore, and that will remain unamended. Under coastal management the old section 11 includes the protection, conservation, rehabilitation, management and ecological sustainable development of the coastal zone. The new section 11 includes—

(a) the protection, conservation, rehabilitation and management of the coastal zone and coastal resources; and

(b) the ecologically sustainable development of the coastal zone.

I ask for the minister's indulgence later when summing up the debate. I have been given short examples of what the definition of 'coastal resources' is by her staff and I ask for more examples of what other definitions of 'coastal resources' are within this legislation.

With regard to the coastal management district, the CMD, as it relates to the Queensland Coastal Policy, it is understood to be part of the coastal zone declared under the Coastal Protection and Management Act 1995 as shown in maps 1 to 8 in annex 1 of the draft policy. With regard to the coastal zone, again the old section 15 includes—

(a) coastal waters; or

(b) all areas to the landward side of coastal waters in which there are physical features, ecological or natural processes or human activities that affect, or potentially affect, the coast or coastal resources.

New section 15 includes—

(a) Queensland waters and land within the area shown as the coastal zone on the coastal zone map;

(b) the airspace above the surface of the area mentioned in paragraph;

(c) the subsoil below the surface of the area mentioned in paragraph.

'Coastal resources' under section 13 means the natural and cultural resources of the coastal zone. 'Coastal hazard' under the Queensland Coastal Policy includes coastal erosion and storm tide inundation or permanent inundation due to sea level rise.

Clauses that relate to the effects of climate change have to be scrutinised and debated, and I still remain curious about how this plan will be developed since the terms in section 4 are rather general. For example, is the consultation with the public going to resemble the consultation this government has implemented with regional development plans? If that is the case, then it will be stage managed again with those presentations where any differing views are noted but not considered.

The new section 4 also makes special mention of erosion prone areas. It enables erosion prone areas to have particular development requirements. Sadly, across this state we have seen coastal development encroach too close to the high-water mark with worrying results. Thankfully, Queensland's coastal erosion problems are not as dire as those in Miami in the United States with some of the ridiculous planning situations that have occurred there. Overdevelopment has caused critical erosion issues, resulting in extensive environmental and economic losses. That said, developers and the environmental lobby have been well aware of the erosion problems for some time and this government has had plenty of time to adequately address their concerns.

I want to draw the House's attention to clauses 14 and 15 in the bill which deal with the declarations of coastal management districts. Improved mapping and the removal of regional coastal management plans have necessitated these changes, but within the changes there is a possibility of extending coastal management districts further inland because of climate change. I fear this will have an impact on future sustainable development as it will leave uncertainty in the minds of many Queenslanders. Part 3 under clause 15 is proposed as the omission of the existing section 55 which describes where a coastal management district may be declared. The declaration provides for CMDs to extend further inland than the prescribed distances to manage development that will become at risk of coastal erosion from projected sea level rise as a result of climate change.

However, the declaration of a CMD can occur if the minister believes the area requires protection or management. As I said, that comes under part 3 in clause 14. Excising section 55 will permit executors of the Queensland Coastal Plan to redesignate coastal zones and coastal management districts along surveyed property boundaries rather than the specific and functional provisions of what we currently have under section 55. While I am all for stopping development that risks erosion along our coast, this clause uses climate change as an excuse to put more red tape in front of developers.

Plans for sustainable development that aim to protect our coast may fall by the wayside because of the uncertainty of coastal management district regulations being enforced on inland areas. In my own local area we have had the Wide Bay-Burnett plan and the South-East Queensland plans. There are a number of concerns in relation to using the 0.8 of a metre guide as a standing principle from the United Nations in particular in that using that as a guide will have effects on all future development along our great coast line and also the possibility of raising retrospective offences or possible civil actions against different levels of government if we follow that rule.

The previous section 55 of the bill that will be omitted from the act states with regard to where coastal management districts may be declared—

(1) A coastal management district may be declared—

(a) over coastal waters; or

(b) over a foreshore and over land up to 400 m inland from the high water mark along the foreshore; or

(c) at a river mouth or estuarine delta—over land up to 1000 m from the high water mark at the river mouth or estuarine delta; or

(d) along tidal rivers, saltwater lakes and other bodies of internal tidal water—over land up to 100 m from the high water mark along the river, lake or body of water; or

(e) over an island in coastal waters.

(2) Despite subsection (1), a coastal management district may also include all or part of a coastal wetland, dune system or key coastal site and up to 100 m from the wetland, system or site.

What will replace section 55? That will obviously be the discretionary powers of the minister which would seem quite inadequate at this time.

The opposition is very concerned about the lack of consultation that the government has undertaken in relation to the banishing of section 55. We are aware of significant coastal landholders who have been left in the dark as to what this means for them. In addition, it is obvious from the feedback and consultation that we have entered into that some principal stakeholders have repeatedly sought clarification about the bill and have been ignored. Some others have made themselves heard publicly. The *Courier-Mail* of 26 August 2009 raised concerns that the draft Queensland Coastal Plan would allow the government 'to seize planning control to protect residents from the impacts of climate change'. The article, titled 'Coastal areas face planning upheaval', states—

Amid concerns that sea levels will rise up to 33cm by 2050 and possibly 80cm by 2100, low-set homes are likely to be banned and bedrooms and living areas moved to second floors to protect people and property in vulnerable coastal areas.

...

The report proposes a ban on building living rooms, bedrooms and other 'habitable rooms' on ground floors in areas vulnerable to storm tide flooding of 1m or more, as well as ensuring that any homes built in the area can be relocated or abandoned if needed.

Ground floors would only be able to house garages and laundries under the proposed plan that would take more power away from local councils, with the Government setting development rules that they will have to implement.

Seaward extensions to homes in areas vulnerable to coastal erosion would also be banned. The changes would not affect existing homes.

The article goes further to state—

Climate Change Minister Kate Jones said the proposed changes would 'map out sensible urban settlement along our coastline'. 'What we're trying to do is to not repeat the mistakes of the past,' ... 'Allowing new development in these areas can potentially put people and property at risk.'

What lessons can we also learn from has happened interstate? Residents of the beautiful Byron Bay, just over the border, have also experienced the same kind of environmental policy implications of a confused and obviously desperate state Labor government. An article in *Crikey* titled 'Byron Bay to be abandoned to the waves' states—

We should all be thankful that the Greens council which makes the decisions at Byron Shire isn't in charge of Venice. Or New Orleans. Or London. Or Holland. All of those places would be flooded or submerged if they followed Byron Shire's environmental policy of 'planned retreat'.

This is a policy created by the NSW Department of Environment and Climate Change. If and when, perhaps sometime later this century, the sea begins to rise around the coastline of Australia, DECC says we should give up and walk away from things we have built up since 1788. Low-lying coastal towns, large parts of our cities, roads, bridges, beachfront houses? They should all just be abandoned to the waves.

Whilst those comments in both of those articles may seem to be extreme, they show that we need some further balance within the legislation to ensure that we do not, for want of a better term, throw the baby out with the bathwater in relation to formulating legislation just to appease certain groups.

This part of the bill exhibits another reason for more red tape and more paperwork. The opposition does not believe that this is the appropriate instrument by which to face the challenges of the future. Going over the top in relation to bureaucracy does not make Queensland more prepared or more equipped to deal with any challenges that lie ahead. Climate scientists have been saying that we will experience more intense and frequent cyclones because of climate change. I am not arguing with them, but I am asking questions about the massive tidal inundation that these cyclones are supposed to create. Enabling the coastal management districts to extend further inland is largely an effort to combat rising coastlines and further storm tide inundations. In the end, if we cannot accurately forecast how large these storm tide inundations will be, how can we rely on the science that is used to decide how far inland we need to extend a coastal management district? Are the predictions based on estimation, or on guessing? Will future development be stalled as a result? Who will pay the cost of this? The taxpayers and the future generations because of bad planning? These are questions that need to be answered.

The amendments to the Coastal Protection and Management Act 1995 also follow the Webbe-Weller review recommendations to remove the Coastal Protection Advisory Council and regional coastal planning committees. However, I am particularly concerned about the removal of the regional planning committees. We live in a large state with extensive coast that spans over 13,000 kilometres. With such a large coastline to manage, it is vital that local involvement remains. The removal of these regional committees strips away some of the local responsibility from this process, and this will be to the detriment of regional coastal management. Local knowledge provides a valuable insight into how to manage our coastlines. Although the regional planning committees may have had their weaknesses, I would like to ensure communication with regional groups remains strong so that management is practical and responsive to local conditions.

The bill contains a series of other amendments to the Coastal Protection and Management Act 1995, most of which are minor and technical. Some examples of those amendments are the changes to simplify tidal works in sections 123 and 124 of the act as well as the amendment to section 73 of the act, which deals with quarry material. In this regard, I thank the department for its briefing to explain the bill's arrangements and acknowledge what is aimed to be achieved by introducing auctions for allocations rather than tenders. We will also monitor the developments of this process with great interest and wish the department well in ensuring that it gets the best possible outcomes.

The amendment of section 73 of the Coastal Protection and Management Act 1995 changes the reference from quarry material below the high-water mark to quarry material in tidal waters. Under the old wording, the Coastal Protection and Management Act 1995 overlapped the regulations of the Water Act 2000 regarding quarry material from watercourses. Although the opposition supports how the change in wording clears up any conflict, it really is another example of patchwork legislation before the House. This amendment is attempting to cover up the previous overlapping of legislation and displays the ad hoc response of the Bligh government as it tries to correct its failings.

The other extensive amendments made by the Environmental Protection and Other Legislation Amendment Bill 2010 are to the Environmental Protection Act 1994. As the minister noted in her second reading speech, the amendment strengthens the Department of Environment and Resource Management's enforcement and penalty regime. The new penalties, on top of the fines, should provide a further deterrent to environmental vandals. As the shadow environment minister, I wish to state that I am all for practical steps to implement environment policy and I recommend the proposed public benefit order, which puts an obligation on the offender to restore the environment they have damaged. When it comes to the environment, the opposition supports having individuals and businesses take responsibility. When it comes to those who have harmed the environment, it is sensible to have the penalty involve fixing the damage that has been done. It is a practical punishment that involves rehabilitation of the environment and, hopefully, rehabilitation of the offender.

The education order, where the offender undertakes funding a public information campaign, is another practical measure, as it does more than merely cost the offender money. It also promotes good environmental practice and educates against bad practices. The publication and notification order that names and shames those who have committed crimes against the environment is also a practical measure as it is an effective deterrent, as companies would have to consider a public backlash if they were caught breaking environmental conditions.

I would particularly like to endorse the monetary benefit order. This order implements a remittance of a sum equivalent to the benefit an offender has derived on top of any fine that has been incurred. In essence, this order takes away any financial benefit from breaking environmental legislation. Previously, if the price of the fine was less than the saving made by breaking the law, a company or an individual may have felt that it was worth the risk. The new monetary benefit order takes away the financial incentive and, therefore, discourages bad environmental practices. By way of many examples, we have seen particularly large commercial businesses being willing to take the risk, whether that be by burying goods or getting rid of other goods by releasing them into our environment.

This amendment brings back practicality. It provides a more up-to-date, modern fine that reflects true community expectations in relation to environmental practices. Though the opposition supports in principle these penalties, again we ask why these loopholes existed in the first place? Why has it taken this government so long to act? Environmental offenders have laughed at ineffective legislation since 1998 to get the punishment right. It has taken until now to do anything about it. How many offences have occurred during this time and punishment been avoided?

The amendments in relation to penalties are not the only failed aspects of the EPA that this government is patching up with this Environmental Protection and Other Legislation Amendment Bill 2010. The bill also amends the EPA so that corporations and bodies cannot circumnavigate the power of summons when it relates to suspicion of committing an offence under the EPA. Previously when summonsed by authorised officers, corporations and bodies sent representatives who would not answer questions under their right to not self-incriminate. This entitlement will no longer apply and representatives who abstain will place their corporation or body in breach of the act.

The opposition does not have concerns in relation to that aspect of it, but does have concerns about how that will affect the average person in the community in relation to the one-size-fits-all self-incrimination situation and the rights and liberties of Queenslanders. We refer to the Scrutiny of Legislation Committee report and also note that the Queensland Law Society had a number of concerns in relation to this legislation involving the rights of Queenslanders. The Queensland Law Society is not fully supportive of the amendments. It understands why the amendments are in the bill, but it has a number of concerns in relation to rights and liberties and how the EPA is administered in the general community.

As I have said, this government is guilty of legislating paperwork and fees in an effort to create red tape. In the end it slows down and stifles development whilst achieving only small gains for the environment. There are numerous other amendments in this bill that address such acts as the Marine Parks Act 2004, the Queensland Heritage Act 1992, the Recreation Areas Management Act 2006 and others. The Environmental Protection and Other Legislation Amendment Bill 2010 contains a number of amendments to tighten up existing laws, but it comes with the cost of more red tape and bureaucracy, which, coupled with some of the harshest reductions to Queenslanders' civil rights and liberties, gives environmental officers more authority than the Queensland Police Service and the CMC.

In other acts that have been amended, such as the Workplace Health and Safety Act, I can recall practical measures where if officers have reasonable grounds to suspect that an offence has been committed they have gone to the nearest police station. Police officers have been able to prioritise their response and have then gone with those officers to enter into that workplace to ensure that they are complying with the Workplace Health and Safety Act. There is still scope for EPA officers to follow this type of scenario. These amendments to enable EPA officers the right to ensure people answer questions oversteps the mark in relation to civil rights. The only body that is able to do that is the CMC. We do have concerns about that.

We have concerns in relation to the reputation of the EPA. We do not want officers of the EPA to be seen by the community as forceful, standover people. We want them to be able to see the EPA as an educational, helpful group that assists people in the community. We understand that if people do the wrong thing the EPA needs to have the power to come down on them. In relation to what these amendments are trying to achieve, we have concerns that a general blanket over the whole of the EPA in relation to its enforcement actions may generate an unnecessary amount of fear in the community.

Dr DOUGLAS (Gaven—LNP) (12.04 pm): I am not surprised that recently in the Environmental Protection and Other Acts Amendment Bill 2009 the minister became confused with what was being discussed, for there is so much of this type of legislation coming through parliament these days that is over-bureaucratic and confusing, and there is not enough stakeholder input. This following bill will make significant amendments to four major acts—the Coastal Protection and Management Act 1995, the Environmental Protection Act 1994, the Queensland Heritage Act 1992 and the Recreation Areas Management Act 2006—and a number of acts administered by the department of environment including the Marine Parks Act 2004. I spent several weeks researching the bill and its aspirations, plans and primarily its assumptions. There are too many assumptions in this bill that are neither supported by evidence nor supported by a logical inference. Before anyone challenges that statement, I have used the government's chosen research, including that of the Audit Office, and its publicly tabled documents. This bill demanded a satisfactory bibliography in the explanatory notes and, unfortunately, these sorts of things do not come with that.

Whilst this might be a new concept to some, this antidemocratic bill goes well beyond embracing climate change. It does not even bother to hedge its bets. It goes all the way. This is unsound, unscientific and overtly risky. One has to be cautious about possible false assumptions for they are not based on fact. They can have potentially lethal consequences. I highlight the recent failure in Victoria to manage both the excessive fuel load build up and clearing along roads as mentioned in the bushfires commission of inquiry's most recent statement. In that case it was a failed and emotional response to green support. The incumbent Labor government put green demands for no proper bushfire management ahead of people's lives. Lives were lost. This is the ultimate failure of a public policy of appeasement. Appeasement is the common theme of Labor environmental policy. It is also a common theme of historical disasters of public policy, including both world wars in the 20th century and maybe the subsequent war on terrorism.

The environmental policy within this bill is a failed policy of appeasement and whilst it may not lead routinely to loss of life, it will lead to loss of community income, loss of community access and, ultimately, a loss of national income and national prosperity. I realise that not all Labor members here support these excessive policies, but collectively they engage in appeasement because it embraces other broader policy objectives that each faction might support. This point on appeasement is a justified claim because two major changes within this bill are antidemocratic and, under normal circumstance, no right-minded citizen, let alone a politician, would countenance such policy.

The first of these changes is that the EPA, under this bill, has now become an environmental policeman. EPA staff are to be given wide-ranging powers that even correctly sworn in police officers do not have. The public who are confronted by these new EPA police will have no right to not answer questions so as to avoid incrimination when confronted on their doorsteps. The penalties are unduly harsh and a two-year jail sentence seems to be the most common mandated punishment. A simple case of a person refusing to produce reasonable documentation to support the owner's right to satisfactorily manage their own freehold property could end up with that person being sent to prison. Is that the type of governance we want?

The second change, these new coastal mapping requirements that are designated under the Labor government's climate change views, will affect many landholders who live close to or sometimes not even near the coastlines. These decisions are ad hoc and also at the minister's discretion. Property holders' property values will plunge because further redevelopment will be severely restricted or totally excised. These new planning tools are using sea heights that do not reflect accurate science.

We were elected to this place to represent everyone. EPA officers are not policemen; they should not have that role. They should have an advisory and educative role. Punishment must be the final step with a failure to comply and it must reflect the nature of the crime. The punishment must be sensitive to the individual and be an attempt to amend the behaviour. These changes will not result in any of that happening. The legitimate rights of property owners, renters, leaseholders and recreational users of these lands need protection.

To agree to this environmental bill is to engage in appeasement and concede the valid rights of individuals for lesser reasons. It gets worse for those who have weakened to their demands. For example, on Sunday, 20 March on the ABC Craig Emerson stated that by not accepting a carbon policy Tony Abbott was denying pensioners their ability to have increased income. That is the policy of wealth redistribution. Therefore, in the Labor centre right view, environmental policy is an enabler of their policy of wealth redistribution. This is not pragmatism. This is not consensus politics. That is the policy of appeasement. As a policy, appeasement enables sensible people to defer collective responsibility to satisfy their own individual desires. It enables people to allow terrible things to be done and to walk away from those decisions.

The same can be said when we use the climate change argument to weigh against the economic future of Australia as a competing nation on the world stage. Incorrectly, the debate has degenerated into whether one denies or accepts climate change, when really it should be decided on the basis of the evidence of what we do to manage it. To drive state policy along the lines of this bill leads to locking up land at a time when available land for economic use is rapidly in decline. That is especially so when the excessive virtue of this legislation almost indiscriminately claims lands before the government has made detailed scientific studies of them.

I refer members to the Auditor-General's report No. 9 of 2010 to parliament about national parklands in particular and protected lands. Based on that report, national parkland is increasing in area by 10 per cent cumulatively annually. In the 13 years to 2010, conservation park has increased by 300 per cent and, in the same period, the resources reserve by only 14 per cent. Those statistics are about quantity. What continues to be absent is the issue of quality of land. The audit of DERM and its forward plans, while stating its objective of trying to address the combined issues of protection of protected areas from increasing pressures and those pressures directly driving biodiversity loss, merely sought to claim more and more land and lock it up without satisfactory management plans or a budget to look after that claimed property.

The Auditor-General states that 'the department has systems in place to conserve the state's natural and cultural heritage and manage protected areas, although the systems are not applied consistently across the regions'. He identified areas for improvement. The department has only 98 out of 576 protected areas having developed park management plans—that is, 17 per cent of a total with a land area of seven per cent. Effectively, stakeholders have little or no input into the bulk of the areas and the government has no capacity to measure its success or failure in management because there is no capacity to, in the words of the Auditor-General, 'monitor, evaluate, report and improve future planning'. This bill is cart-before-the-horse legislation for it embraces just what the Auditor-General spoke about, reported on and said should not happen. He correctly acknowledges the UN report that stated the five principal pressures driving biodiversity loss: habitat change, overexploitation, pollution, invasive alien species and then climate change.

This bill is about a one-sided, heavy-handed departmental approach. For example, under the new Queensland Coastal Plan, which will replace the State Coastal Management Plan, one either does what the department says or else. 'Else' can refer to the EPA's ability to now use new power-of-summons laws and, in the absence of a new form of SPA permit, no registration certificate under EPA will be granted. Under proposed new part 3, the minister can declare what he or she wishes via a coastal management district and those pursuing legitimate development will have their rights excised. Stakeholders are very unhappy, and rightly so. The Auditor-General has highlighted this problem, too. He clearly acknowledges that stakeholder consultation is indeed a lengthy process, but at least it ensures fairness and common sense. It also produces a better outcome.

The impact of the Webbe-Weller review must not be a lurch towards a winner-takes-all approach by governments that justify it by the use of weak arguments. Climate change is a small component of biodiversity causes. Invasion of alien species rates well ahead of it. If that is so, why are we seizing land and locking it up with restrictive policies and disallowing stakeholders reasonable input and redress when we exclude external non-government controls, which include the problem of weeds, goats, horses, pigs, dogs, deer and, importantly, diseases, which exponentially increase when these things happen, particularly along wet fertile coastal lands in Queensland? We live in a tropical environment.

The reality is that, just as Ross Garnaut was compelled to state on 16 March this year, nearly all the $6 billion raised by this proposed carbon tax, supposedly to defeat the rise in CO_2 in Australia, will be used for income redistribution from the rich to the poor. This destroys any scientific argument that is stated about human CO_2 climate change and the response to it. That affects us, too. If we allow ourselves to reach down and include a lopsided, restrictive, dictatorial green policy agenda in our broader strategic planning instruments, there is no procedural fairness or mutually beneficial outcome. Worse still, we will isolate large blocks of land falsely labelled as wilderness. As the Auditor-General has clearly stated, no-one knows what is going on because there is no plan, no monitoring, no reporting and no funds to do anything.

Since when have guessing and leaps of faith been part of our legislative arsenal? Labor government members must be concerned about this legislation. I put it to the House that giving in means giving up. I say to members opposite: do not support this bill. Go back and examine the Auditor-General's recommendations, which focus almost exclusively on park management plans and closely liaising with all stakeholders at all times. Many of the changes to the bill are reasonable, but much of the critical objective of putting in place the Queensland Coastal Plan under the guise of a sustainable planning tool is implicated, and justifying it with a very weak climate change argument defeats all arguments that support it.

Mr KNUTH (Dalrymple—LNP) (12.17 pm): I rise to speak to the Environmental Protection and Other Legislation Amendment Bill. The amendments proposed in this bill are true to form for a government that is determined to erode and destroy the rights of landowners under the pretence of protecting the environment. Opposing scientific viewpoints are held up for ridicule and contempt because they do not agree with the accepted government position.

This legislation was written in the belief that sea levels are going to rise and we must do nothing, otherwise there will be a catastrophe. On Tuesday, 27 October 2009 the *Guardian* published an article headed 'Climate change threatens Australia's coastal lifestyle, report warns'. The article states—

> Australian government environmental committee report warns that thousands of miles of coastline are under threat from rising sea levels and suggests banning people from living in vulnerable areas.

It continues—

> Beach culture is as much a part of the Australian identity as the bush and barbecues, but that that could have to change according to a government report that raises the unsettling prospect of banning its citizens from coastal regions at risk of rising seas.

I repeat: that was referring to a government report. Obviously, governments favour reports that suit their own agendas. That is why we are seeing a carbon tax, because it has come from a government report.

The issue at present is not global warming, it is not rising sea levels. There are a lot of battlers out there and the last thing they want is to be hit with a new tax when they are struggling to make ends meet. They have been hit with cyclones and floods, and the last thing they need is a new tax because a government report recommended it.

Through the passage of environmental laws in this state we are seeing not only the death of ownership but also the eradication of the rights of citizens to hold government accountable. The question needs to be asked why a government that has allowed the coal seam gas industry to go ahead without adequate checks and balances is now invoking environmental concerns to justify conferring Gestapo-like authority on a government agency which comprises normal workers. This legislation gives overreaching power and authority to normal workers to invade property. Those who believe they own the property for which they hold the title deed are finding that they no longer have the right to determine who has access to their property and when. They do not have the right to determine what is done with the land that has belonged to them. Even police are required to obtain a search warrant to enter a person's property to prosecute criminality, yet these EPA workers are given more rights than the police.

This legislation makes criminals of anyone who believes they have the right to refuse access to the EPA. It gives extended powers to the EPA to threaten landowners with prosecution. This is very similar to other measures that this Labor Party has put through this House over the years. It introduced the 'spy in the sky' satellites, the 'dob in a farmer' hotline, the tree police, the water police—it does not stop. This is bad legislation. When the government introduced ERMPs it was all about the perception of protecting the Great Barrier Reef, but nothing was mentioned about the nutrients that run off the rainforest or the nutrients that run from city areas.

Mr DEPUTY SPEAKER (Mr O'Brien): Order! I have given you a fair bit of leeway. I would ask that you now return to the provisions in the bill currently before the House.

Mr KNUTH: Sea levels are not rising and we are not going to see the catastrophe that this government is portraying.

Mrs MILLER (Bundamba—ALP) (12.21 pm): Now for some enlightenment from our side rather than from the Neanderthals in the opposition. I am very proud to speak today on the Environmental Protection and Other Legislation Amendment Bill 2010. I rise to support this particular amendment bill.

The bill amends the Coastal Protection and Management Act 1995 to implement adopted recommendations of the Webbe-Weller review of statutory bodies titled *Brokering balance: A public interest map for Queensland government bodies—an independent review of Queensland government boards, committees and statutory authorities*. The government accepted the review recommendations to abolish the Coastal Protection Advisory Council and regional coastal consultative groups which are set up under the coastal act. Regional coastal consultative groups and the Coastal Protection Advisory Council were established to provide advice about the preparation and development of regional coastal management plans.

As the function of regional coastal management plans is now being incorporated into regional plans made under the Sustainable Planning Act 2009 or local area management plans to be prepared by coastal and foreshore managers, these roles have now become redundant. The Coastal Protection Advisory Council's broader role in advising the minister about the State Coastal Management Plan and coastal matters generally can be undertaken through direct consultation with peak stakeholder groups and through the statutory public consultation processes.

This outcome is not a reflection in any shape, manner or form on the work that previous members undertook. The existing State Coastal Management Plan and regional coastal management plans are a testament to these members' ability to constructively work towards achieving sound coastal protection and management policies. I would personally like to commend the members of these groups and thank them for the good work that they did and the contribution that they made. The government will continue to consult effectively with everyone in the community, public interest groups and industry groups about the preparation of coastal plans despite the removal of these advisory bodies. This is reflected in the inclusion of revised consultation requirements in the bill before us today.

The amended consultation arrangements are consistent with contemporary consultation practices including the approach taken under the Sustainable Planning Act for the preparation of state planning instruments. Members of the advisory council were paid on a fee-for-service basis in accordance with the schedule set by the Governor in Council. I would like the House to note that all fees have been paid in full for previous service of the members of the advisory council prior to their contracts expiring on 31 December 2010. For this reason, there are no provisions under the current act for members to be compensated regarding the legislative amendments, and this is consistent with fundamental legislative principles. I commend the bill to the House.

Mr RYAN (Morayfield—ALP) (12.25 pm): I rise to contribute to the debate on the Environmental Protection and Other Legislation Amendment Bill. Thank goodness for that enlightening contribution from the member for Bundamba. I thought we were going to spiral into some sort of abyss of controversy and fairytale after the contributions from opposition members. I even thought that we were going to get some sort of endorsement of the kind of behaviour that the federal colleagues of the opposition were carrying on with in Canberra yesterday. I even feared that some members of the opposition in this House today would even go as far as calling the Prime Minister a witch, of all things. What we have seen in Canberra from their federal colleagues is an insult not only to the high office of the Prime Minister but also to our democracy. Of course they are actions that I condemn and I am sure all members on our side of the House will condemn them as well.

Many people move to the Morayfield state electorate because of its natural beauty and environmental attributes. Many people live in the Morayfield state electorate because of its lifestyle qualities and its proximity to native vegetation and wildlife. The people of the Morayfield state electorate are very conscious of the need to protect our local environment and, in turn, of the need to protect our lifestyles and the things that make our area such a great place to live. For those reasons, I am pleased to support the important amendments to Queensland's environmental legislation which are set out in this bill. This bill addresses a number of critical environment matters, and I will address the points of the bill that specifically deal with environmental protections, penalties and court orders.

Environmental protection law needs to be balanced and appropriate. These protection laws need to be flexible, but also strict and firm. Importantly, the penalties for breaches of environmental protection laws must also be flexible, strict and firm. This bill amends the Environmental Protection Act to introduce more contemporary and flexible penalty options on sentencing for certain environmental offences and expands the circumstances for which court orders can be made. The new penalty and court order options will allow the courts to make orders for a range of environmental offences which do not require environmental harm to have been caused. For example, I speak of offences relating to the contravention

of a development condition or condition of an environmental authority. This means that the courts will have increased flexibility to make orders that are appropriate to the circumstances of the offence and are tailored to achieving the objectives of the Environmental Protection Act more effectively.

A fine or custodial sentence is not always an adequate or appropriate punishment for certain environmental offences. The range of orders available to the court will be expanded to include public benefit orders, education orders, monetary benefit orders, notification orders, and rehabilitation and restoration orders.

For the interest of members, public benefit orders are court orders which restore or enhance the environment in a public place or for the public benefit. These types of orders might be issued by the court where it considers that a fine is not a sufficient deterrent but the land on which the offence occurs would not benefit from additional work. An example would be when the land has since suffered from damage which is unrelated to the offence. On the other hand, education orders are court orders to conduct an advertising or education campaign. These types of orders might be issued by the court where it considers that advertising or education by the offender would achieve a better outcome than a purely pecuniary penalty.

Further, monetary benefit orders are court orders to pay a sum up to the amount of the monetary benefit derived from the offence. Notification orders are court orders to notify or publish details of the offence. For example, the court may order an offender to give notice of the guilty verdict to the people affected by the offence, such as adjoining landholders, or to publish details of the offence in a newspaper or in a company's annual report.

These orders complement the existing penalty options and will help provide a more effective deterrent for environmental offences. For instance, if an offender wilfully committed an offence because it was cheaper to pay the fine than to meet their environmental obligations, the court would have the discretion to order payment of an additional amount to negate that benefit.

There was a case in Queensland where a company chose to breach its environmental authority and dispose of hazardous material illegally and accept a $100,000 fine rather than dispose of the material properly and in an environmentally responsible way, which would have been much more expensive. In these circumstances, a court may consider that a monetary benefit order that accounts for the money saved by the company provides a much greater deterrent for this inappropriate practice.

Another example in which these court orders may be beneficial is where a person undertaking a large residential subdivision has released sediment to waters as a result of insufficient sediment and erosion control practices. For this type of offence it would be appropriate for the court to issue an education order that requires the defendant to undertake an education campaign promoting the importance of installing appropriate erosion and sediment control devices as part of good building practices.

These are genuine penalties for serious environmental protection offences. The new orders only apply to offences with penalties of 165 penalty units or more and may only be applied by the court where the court determines that imposition of the orders is appropriate.

The new orders are equivalent to the contemporary tools provided in other environmental jurisdictions around Australia. These new orders will provide for a more flexible and proportionate sentencing response commensurate with the risk and circumstances of individual cases. They will enhance industry performance and they will provide greater environmental protection outcomes.

Greater protections for our environment are good for Queensland and good for our local communities, because ultimately greater protections for our environment mean greater protections for our lifestyles and greater protections for all of those things that make the Morayfield state electorate and Queensland such great places to live.

I would like to take this opportunity to commend the minister, her staff and the department on getting this bill before the House. I also take this opportunity to commend the bill to the House and encourage all members to support it.

Mr WETTENHALL (Barron River—ALP) (12.33 pm): I rise to support the Environmental Protection and Other Legislation Amendment Bill 2010. This bill includes amendments to the Coastal Protection and Management Act 1995 to include within the objects of the act clear recognition of the importance of addressing coastal hazards in planning and managing the coast, especially given the increasing risk that will result from our changing climate.

How disappointing it was to hear yet again members of the opposition—most recently the member for Dalrymple—denying the overwhelming evidence of climate change and ridiculing the facts as we know them, including that sea levels will rise as a result of global warming and that those rises in the longer term will pose a serious threat to coastal communities. Mr Deputy Speaker O'Brien, the impact of sea level rises is being felt in communities in your own electorate of Cook and in the Torres Strait. Perhaps the member for Dalrymple ought to go up there and have a chat to some of your constituents and then perhaps he would not be so quick to deny those facts. We on this side of the House accept the overwhelming evidence provided by scientists across the world of climate change and of the impacts of climate change which are going to present hazards to our coastal communities and for which we must plan and adapt. That is what this bill is all about.

It was only very recently that we heard many members in this House speak about the devastation, the suffering and the heartbreak that has beset our state in the wake of recent extreme weather events such as Cyclone Yasi in Tropical North Queensland and the associated storm surge that inundated a number of coastal communities located on the north tropical coast and threatened to do so, including in many low-lying coastal suburbs in my electorate of Barron River, causing the evacuation of thousands of people. Climate change is projected to worsen the impact of such events in the future due to sea level rises and increasing maximum storm intensity. The amendments in this bill will ensure a greater focus on this emerging problem when land use and development decisions are made in vulnerable coastal areas.

I am certainly not going to argue that we should not respect the wishes of people in cyclone affected areas like Tully Heads and Hull Heads to rebuild their communities. I endorse and stand by the Premier and the other members of this chamber in their commitment to rebuilding and reconstructing Queensland. But we do need to factor projected climate change impacts into decisions that we make now about how these coastal communities will rebuild, grow and change in the future. That is a wise and cautious approach that will ensure that our future coastal communities will be resilient to the climate change challenges that we know and accept they will face.

The amendments contained in the bill support the implementation of the proposed new Queensland Coastal Plan, which is a major plank in the government's agenda for addressing the projected impacts of climate change and how to adapt to those. The Queensland Coastal Plan is also a key initiative that came out of the Growth Summit. It will provide greater certainty for local government, developers and the community about how to deal with coastal hazards while managing the pressures of population and development in the coastal zone.

Importantly, and for the first time in Australia, the plan includes maps that identify areas of coastal hazard risk. Policies in the plan will direct that new urban zones must be located outside these coastal hazard risk areas. In existing built-up areas, the plan directs that intensifying development needs to be very carefully considered and, in some vulnerable areas, constrained. The amendments proposed will serve to give support to these policies and to the longstanding regulatory provisions that prevent new permanent development on land that is prone to coastal erosion.

In communities up and down the Queensland coast, including those in my electorate, we have seen and can see the impact of development occurring in those areas that are prone to erosion, putting the community to considerable expense in having to erect rock walls or groynes and things of that nature. These are things we need to consider in the future to avoid those enormous costs and inconveniences that are associated with having to engineer those types of structures on our coast.

To be forewarned is to be forearmed. While not wanting to cause alarm, we need to ensure that future development does not result in unacceptable risks to people or to property from coastal hazards both now and into the future. I commend the bill to the House.

Ms BATES (Mudgeeraba—LNP) (12.39 pm): Today I rise to make a short contribution to the Environmental Protection and Other Legislation Amendment Bill 2010. The principle objectives of this bill are to amend four acts: the Coastal Protection and Management Act 1995, the Environmental Protection Act, the Recreation Areas Management Act 2006 and the Queensland Heritage Act 1992. I will be speaking first and foremost to the amendments to the Queensland Heritage Act 1992, the purpose of which is to improve the process for amending and updating details of places on the Queensland Heritage Register.

The amendment allows for the chief executive to update information in the register to reflect new historical research and physical changes to a Queensland heritage place and to correct any errors of fact contained in registry entries. I refer to homes in Springbrook that are earmarked for demolition. Some of them are over a hundred years old. Time and time again I have asked the minister and her department to actually explain to me which houses are involved. The minister has come back on numerous occasions and said that residents were not concerned about the historical value of these properties. My question to the minister and her department still remains: in their due diligence process did they ever actually check the historical value of these homes?

As the minister knows, time after time I have asked her in this place, on notice and without notice, about the fate of these 13 properties listed for demolition in Springbrook under the government's secret buyback plan to further heritage list more of the Springbrook National Park. In 2009 I asked the minister these questions on notice—

With reference to land purchases in Springbrook by the Queensland Government since 2006 and the management plan for the heritage listed Springbrook Mountain—

(1) How many properties have been purchased, by which departments and what prices were paid for the properties?

(2) What properties have been leased back to the public?

It is clear that from early in 2009 I started asking questions of the minister about which of these properties were under the hammer in Springbrook and I have never received straight answers. In fact, all I have ever received has been petulant shots at the Liberal National Party and nothing of any substance. I asked another question of the minister in 2009. It stated—

With reference to land purchases in Springbrook by the Queensland Government since 2006—

(1) What are the departmental valuations for each property purchased and who is advising of this valuation?

(2) What base is the government utilising to substantiate these valuations to ensure each purchase reflects current market values?

One would have assumed that part of the departmental valuation of these properties that were going to be purchased to later be demolished would have included a heritage value of these properties and that the government would have actually checked before it slated them for demolition. I asked the minister about 329 Repeater Station Road—

Has this property been leased and if so, (a) who is the lessee, (b) what are the terms of the lease and (c) how much is the property being leased for?

These are homes that are in the heritage listed Springbrook National Park. We all know that Aila Keto from ARCS lives there rent free, off the fat of the land of the taxpayers of Queensland. Again, in 2010 I asked numerous ministers—

With reference to land purchases in Springbrook by the Queensland Government since 2006, will the Minister list each property and advise whether it has been leased and who to, or if the property is not leased, what rent is being paid and by whom?

This was the fourth time I had asked the minister to tell me which of the properties were being bought and which ones were slated for demolition. The minister needs to come clean. ARCS is making money off the $40 million of our money given to it by this government with no accountability. Again, in 2011 I asked the minister more questions. They were—

Will the Minister confirm that 67 and 70 Billborough Court, Springbrook were recently purchased by the government and for what price (reported individually), and advise when the contracts were signed (individually by both parties)?

We now know that one of those homes in Billborough Court could be one of the 13 that is slated for demolition and it too is one of the oldest homes in Springbrook. The Hardy family—

Mr DEPUTY SPEAKER (Mr O'Brien): Order! Member for Mudgeeraba, it would assist me if you could please demonstrate to me how the specific matters that you are raising are relevant to the general bill that we have before the House.

Ms BATES: With regard to the Environmental Protection and Other Legislation Amendment Bill I am speaking specifically to the amendments to the Queensland Heritage Act. Some of these homes are over 100 years old. Residents in Springbrook would like to know whether this government at any stage during its due diligence process, which involved putting the area containing these properties into the heritage listed national park, considered whether these homes—

Ms Jones: We didn't want to add the homes. We bought the land. You know that.

Ms BATES: As I said, Minister, this is another property that should have been included for its heritage value. The Hardy family is the oldest family in Springbrook. They have lived there since 1902. This house was built by Graham Hardy's grandfather. The initial home at Kanimbla that was smashed to pieces two weeks ago—

Ms Jones interjected.

Mr DEPUTY SPEAKER: Order! The member for Mudgeeraba has the call.

Ms BATES: The Kanimbla home which was smashed to pieces only a few weeks ago was the oldest home in Springbrook. We were also told that residents would be able to buy the 100-year-old pieces of hardwood that made up the joists and bearings of these houses. The 102-year-old balustrades were wrecked by cranes.

ARCS has again set the price of accommodation on the mountain. One of these houses is under a restoration agreement with ARCS and it is currently being used as accommodation by ARCS. I again ask the minister: why is this property not heritage listed? I am sure that Aila Keto would not want the accommodation that she is actually making money from destroyed. Is it one of the 13 homes that is slated for demolition? If it is, irrespective of whether or not ARCS controls it, it should be heritage listed.

What is so hard about answering which homes are going to be demolished. The minister has time and time again come after me in the media saying, 'If it wasn't important then why didn't the residents heritage list them?' The minister knows that she never gave the residents—

Ms Jones interjected.

Mr DEPUTY SPEAKER: Order! Member for Mudgeeraba and Minister, we will desist with the cross-chamber conversation and you will address your comments through the chair.

Ms BATES: My apologies, Mr Deputy Speaker. The residents of Springbrook have been asking time and time again which 13 homes are going to be demolished. All we needed to know was which ones so they could be heritage listed in the first place. My question and that of the residents has always been: why were we not told which houses were to be demolished so we could actually do something about them?

Currently there are five homes that have heritage listing applications before the Heritage Council of Queensland. I am hoping that they actually come back to the residents of Springbrook in the next eight weeks otherwise there will be nothing left to heritage list. Many of these residential dwellings in Springbrook and the surrounding areas have cultural values under the Heritage Act. Lyrebird Ridge Resort is one. It is looked after by ARCS. I am sure that the government will make sure that that resort is not demolished. I asked the Minister for Environment a question on notice today. It stated—

I refer the minister to Labor's decision to demolish 13 homes—many that have historic value—adjacent to the Springbrook National Park and I ask: did the State Government, as part of due diligence, formally assess the heritage value of each and every one of these homes and where can these assessments be viewed by the public?

The amendment in the bill also provides for the boundary of a Queensland heritage place or statements about the cultural heritage significance of a Queensland heritage place to be varied with the written agreement of the owner. The owner in this case is the state government of Queensland. The minister should point to where residents can actually see what due diligence has been done to check the heritage value of these properties. The bill seeks to provide greater certainty about what information is required to accompany an application to enter a place on, or remove places from, the Queensland Heritage Register. The residents in Springbrook would have moved long ago to heritage list these particular properties if they actually knew which properties were involved.

The bill also seeks to amend the Queensland Heritage Act 1992—

Ms Jones interjected.

Mr DEPUTY SPEAKER: Order! The minister will cease interjecting.

Ms BATES: The bill also seeks to amend the Queensland Heritage Act 1992 to provide the chief executive with the option of recommending that a place stay on the Queensland heritage list but the entry be varied. This aligns with the options of the Queensland Heritage Council when making a decision. We would actually like the Queensland Heritage Council to have a chance to make a decision. The minister actually has the power to call in the demolition of these properties until such time as the heritage application is looked into by the Heritage Council and before we lose 100 years of history of Springbrook.

I have asked three ministers time and time again this very simple question about which homes are going to be demolished. I have tried every avenue available to me to elicit this information about which homes are involved. I have asked questions on notice of former Minister Schwarten, the former minister for public works. I have also asked the question of the Minister for Communities because these houses were left rotting for the last three years. We have a 15-year waiting list for public housing on the Gold Coast. They could have been utilised instead of having lantana crawling through the windows. It is no wonder that the residents in Springbrook are frustrated when, short of an application under the Freedom of Information Act, there appears to be no way that the Bligh government ministers involved in this process will take responsibility for or explain their actions to locals. It is not rocket science. A simple list of houses to be demolished would suffice. It beggars belief that the Labor government continues its spin on this issue while still trying to convince the taxpaying public that it has nothing to hide.

The bill also inserts certain recommendations about destroyed places. In the case of a state heritage place that has been destroyed by a natural disaster or by approved development, the new section provides for the chief executive to make a recommendation under the Queensland Heritage Act 1992 with or without an application that the place be removed from the Queensland Heritage Register. It would be nice to see whether we could actually add them to the Queensland Heritage Register, and the minister has the power to do that. She has the call-in power to stop this happening now. Again, the question needs to be asked: who is profiting from all of this?

The minister announced that these 13 homes were going to be demolished in Springbrook. As I said, the residents were called to a public meeting. They were told that they could purchase items from the demolition of these properties but they would not be told which properties. Occupational health and safety reasons, asbestos removal et cetera were the reasons residents were given for not being allowed to be on-site. The residents did not want to be on-site; they just wanted to know which homes so that they had the time to ask the minister to see whether there was a heritage cultural value of these homes.

Why were these properties singled out for demolition? Some of them are actually under the current restoration agreement between ARCS and the Labor state government. Properties such as Warblers, Barrows, Tates, The Winery, Jendar Homes, Kanimbla—which is now gone—Logrunners, Mountain Lodge—

Ms Jones: You seem to know what they are.

Ms BATES: I know exactly where they all are, Minister. The previous ones I have listed as well as Springers Chalets and Springbrook Lyrebird Retreat are all under the control of ARCS as per the restoration agreement signed in 2008. When this original buy-up of land in Springbrook started, the former member for Mudgeeraba stood in this place and said that there was no way this state government was going to purchase any ongoing business concerns and run them as businesses for a profit. Her comment, if I remember correctly, was that it was not the place of government to run private businesses. If that is the case, why is ARCS now running businesses on Springbrook Mountain? Where are these profits actually going? That was another question that was asked, because, again, these are properties that should be heritage listed and we have not been provided with one skerrick of evidence that that $40 million of public money entrusted to them has had any oversight whatsoever. Springbrook General Store owner Pete Grayson is frustrated and sick to death of all of this. He has said time and time again that a simple list of houses is all that we have asked for and it again beggars belief that the government continues its spin.

The amendments to the Queensland Heritage Act enable the chief executive to make a timely recommendation to the Queensland Heritage Council about the destroyed state heritage place and for the Queensland Heritage Council to maintain the accuracy and integrity of the information on this register. How can the Heritage Council of Queensland maintain the accuracy and integrity of the information in the register if heritage homes of cultural non-Indigenous value are being smashed with a wrecking ball today in Springbrook? The clauses also amend and provide for the consideration of and a decision about a destroyed place recommendation. I would like to hope that we can save these houses before they are actually destroyed.

I again rise in support of the residents of Springbrook who have been misled on this whole demolition process. Kanimbla was, as I have said before, the oldest house in Springbrook. Although the minister has stated on local radio that there were no homes older than 30 years on the mountain, local historian Graham Hardy knows better. Graham is 80 years of age and his family was one of those founding families who settled Springbrook in 1904. He remembers playing at Kanimbla when he was seven. As I said last sitting week, if my math is correct the home is at least 70 years old. The minister knows that her statements about this on radio were incorrect. Again, there is nowhere in *Hansard* or in print where the minister has ever answered this question. Minister, I implore you to please speak to the residents of Springbrook. I have asked you before—

Mr DEPUTY SPEAKER (Mr O'Brien): Order! Member for Mudgeeraba!

Ms BATES: Sorry, Mr Deputy Speaker. I would implore the minister to go to Springbrook and speak to these people. I understand that the minister met with four residents from the Springbrook Mountain Community Association late last year. I also had a meeting with the minister's department late last year and the departmental representatives said that they would take those questions back on notice to the minister. I sent those questions to the minister and I am still waiting for a reply. On behalf of the residents of Springbrook I again implore the minister to please check the cultural value of these places and allow the Queensland Heritage Council to evaluate them, or she should show where in her due diligence process she has evaluated these properties in the first place and stop any further demolition in Springbrook until she knows for certain.

Mr CRIPPS (Hinchinbrook—LNP) (12.54 pm): I rise to make a contribution to the debate on the Environmental Protection and Other Legislation Amendment Bill. As the shadow minister has already outlined to the House, the LNP will not be supporting this bill because, unfortunately, it is yet another example of this government's misguided approach to protecting the environment. In short, it unfortunately once again focuses on the imposition of more regulation on landowners.

One of the primary aims of this legislation, according to the explanatory notes accompanying the bill, is to implement the new Queensland Coastal Plan. The explanatory notes accompanying the bill state that the Queensland Coastal Plan will remove duplication and overlap with other legislation. I wish I could say that was true. I wish this legislation was really simplifying and reducing the burden of red tape on landowners in coastal areas of Queensland. Unfortunately, this government is addicted to regulation. Time and again we have seen responsible landowners burdened with additional regulation with little to no real benefit to the environment.

Unfortunately, it is North Queensland that has been exposed to the full force of this government's addiction to regulation when it comes to the environment. Unfortunately, in the current term of this government and during the tenure of this minister, North Queensland has been targeted for several new layers of regulation, red tape and restrictions which fly in the face of the assertion made in the explanatory notes in this bill that the goal of the proposed legislation is to remove duplication and overlap with other legislation. The claims of this government that it is trying to reduce the regulatory burden on landowners in no way reflects the reality of the increase in the burden of regulation, red tape and restrictions on landowners in North Queensland and in particular on the landowners in my electorate of Hinchinbrook. The increasing regulatory burden is dragging down the communities that I represent in North Queensland.

I will give some examples of how the claim made in the explanatory notes that this legislation seeks to reduce the regulatory burden on landowners in coastal areas of North Queensland is inconsistent with the actions of this government over the course of this term. For example, we had the amendment bill to the Vegetation Management Act which proposed to restrict the management of regrowth vegetation in Queensland. One of the particular clauses in that bill focused on the restrictions on the management of regrowth vegetation adjacent to watercourses in North Queensland. That bill proposed 50-metre buffer zones either side of watercourses in catchment areas in North Queensland, and I think they were described as the Mackay-Whitsunday catchment, the Wet Tropics catchment and the Burdekin catchment areas.

Those regulations have imposed restrictions on the management of regrowth vegetation 50 metres either side of every watercourse in the aforesaid catchment areas. Those catchment areas are massive and in North Queensland, particularly in the area that I represent in North Queensland—the Wet Tropics—watercourses dominate the landscape. As a result, the regrowth vegetation that is now restricted as far as its management is concerned takes up a very large area of land in my electorate indeed.

That was one of the first strikes that came on landowners in North Queensland following the election of this government in 2009. The second wave of additional regulation and red tape and restrictions on landowners in North Queensland came with the introduction of the so-called Great Barrier Reef Protection Amendment Act. That act proposed restrictions on sugarcane farmers and graziers in three catchments in North Queensland—the Mackay-Whitsunday catchment, the Wet Tropics catchment and the Burdekin catchment. Those restrictions have resulted in enormous regulatory burdens on primary producers in those catchment areas. It will have implications for the productivity of those industries in North Queensland. Unfortunately, it imposes restrictions on the ability of those landowners to pursue their livelihoods on the properties that they own. It is totally inconsistent for the minister to say that this legislation will give an opportunity for landowners to be relieved of duplication and the burden of regulation when nothing in this bill proposes to relieve additional regulation in respect of that legislation that came in in 2009.

Sitting suspended from 1.00 pm to 2.30 pm.

Mr CRIPPS: Before the luncheon adjournment I was talking about the disparity between the claim made by the government in its explanatory notes accompanying the bill that the proposed introduction of the Queensland Coastal Plan will remove duplication and overlap with other legislation and the reality of the track record of this government during its current term. I mentioned in particular the legislation that went through this House in 2009 in respect of the increased restrictions placed on landholders in the management of regrowth vegetation adjacent to watercourses in the three catchment areas nominated in that legislation—the Mackay-Whitsunday catchment, the Wet Tropics catchment and the Burdekin catchment—and also the reality that the Great Barrier Reef Protection Amendment Bill, introduced by this government, also severely restricted the opportunities for landowners to pursue their livelihoods on their properties in a viable and productive fashion.

The reality is that the increase in the amount of regulation that legislation such as that I have just mentioned and the increased regulation that will be imposed on landowners in North Queensland as a result of the implementation of this plan severely undermines the productivity of industry in those areas, and that undermines jobs in the communities that I represent. That is the great concern of representatives from North Queensland, I am sure, from all sides of the House. I think it is really important for the government to keep in mind the increased regulation that it continues to impose on landowners, particularly on landowners in North Queensland.

I will give members an example of the type of insidious regulation imposed, particularly on rural industries in North Queensland. The introduction of the Great Barrier Reef Protection Amendment Bill and the legislation associated with that bill changed the status of farming from pursuing an agricultural industry, from farming in the traditional sense that we understand it. It changed the status of farming and made it an environmentally relevant activity. So rural primary producers in North Queensland in those three catchments that I mentioned are not actually farming anymore for the intents and purposes of the Environmental Protection Act; they are pursuing an environmentally relevant activity.

It is interesting to note in the explanatory notes accompanying the bill that a number of other existing ERAs are listed, and they include chemical manufacturing and heavy metal refining. I do not think any fair-minded Queenslander, whether they live in an urban area, a metropolitan area, a provincial city or a rural area of Queensland, would think it fair to deal with rural producers in the same way and under the same legislation that we use to regulate heavy metal refining and chemical manufacturing. I think that is diabolical. That is why over the past couple of years I have so passionately and regularly fought against the introduction of that Great Barrier Reef Protection Amendment Bill.

I reject the assertions made by the minister on several occasions over the course of the past two years, and particularly this morning when she repeated her allegations, that the LNP opposition had failed to stand up to protect the reef. I reject those assertions. We are very interested in the practical protection of the Great Barrier Reef. We consider it an environmental icon and a natural wonder. But

when the government of Queensland comes into this place and introduces a bill that tries to change the status of farmers from primary producers to pursuing an environmentally relevant activity under the same legislation as chemical manufacturing and heavy metal refining, I find that a diabolical proposition that I cannot abide. That is the reason I fought so hard against that bill and the legislation associated with it.

The Queensland Coastal Plan also involves the application of another set of maps on coastal areas in Queensland. I have been perusing those draft maps associated with the Queensland Coastal Plan. In particular, I have been perusing the maps as they pertain to areas of North Queensland. The maps that I have here with me apply to the Whitsunday-Mackay area, the Townsville region and the Far Northern region. Interestingly, those are the same regions that mirror those catchment areas that I was talking about before in relation to the restrictions on the management of regrowth vegetation in North Queensland and the Great Barrier Reef Protection Amendment Bill. Basically, those maps mirror those catchment areas that I was talking about earlier.

We have been mapped and we have been zoned and we have been mapped and zoned again in North Queensland. Over the course of the past couple of years we have had the introduction of the Far North Queensland Regional Plan. I do not necessarily disagree with having a regional plan. I think having a regional plan is something that you probably ought to do. But attached to that Far North Queensland Regional Plan we have the areas of ecological significance mapping. The areas of ecological significance mapping attached to that statutory plan is very extensive indeed throughout Far North Queensland. It restricts the types of activities landholders can pursue on their land.

In more recent times we have also had the introduction of the state planning policy for wetland areas. This state planning policy for wetland areas has been introduced in communities along the east coast of Queensland, including in my electorate and throughout North Queensland, and it continues to restrict the types of activities that can be pursued on people's properties, particularly in relation to applications for development on properties and in particular for the pursuit of earthworks on properties. In my electorate in the Wet Tropics of North Queensland, landowners need to be able to pursue emergency earthworks immediately upon the identification of a problem on their property. When we have monsoonal rains and massive storms, we need to be able to have immediate permission to pursue emergency drainage works on those properties. Unfortunately, the state planning policy for wetland areas proposes to significantly reduce the opportunity for landowners in my electorate to do those things.

As I said earlier, this will be yet another set of maps that cover property owners in my electorate of Hinchinbrook and throughout North Queensland. I want to give honourable members a scenario. In my electorate of Hinchinbrook—a beautiful part of the state nestled between the Great Dividing Range and the coast—two-thirds of the land mass is already conserved: it is World Heritage declared, national park or State Forest. That provides us with a beautiful natural environment, but it comes at a cost: none of that land can be rated; none of that land returns a revenue stream to our local government authorities; none of that land can be used for the future expansion of industries that underpin the economy in my electorate; none of that land can be used to expand residential, commercial or industrial areas for the economy in my electorate to be diversified. This mapping proposes to extend further the areas of my electorate that will be reduced in value and will reduce the numbers of opportunities for landowners to pursue economic activities in my electorate.

How on earth can the government continue to expect North Queenslanders and the communities in my electorate to accept further mapping, further restrictions, further zoning, further red tape on our way of life and on the industries that underpin the economy in our electorate? How on earth do they expect us to just sit down and accept the continued pressure on our ability to pursue our livelihoods in North Queensland? It is just a diabolical set of circumstances.

The regulation creates an enormous amount of uncertainty for landowners. People really are coming to the end of their patience with this scenario. They are finding it extremely difficult to comply with the regulatory burden being placed upon them simply for pursuing the activities that they have pursued for several decades to make a living, to provide for their families and to provide jobs in the communities that I represent. I cannot allow this legislation to go through without registering my real concerns about the impact that more zoning and more mapping will have on the property rights of the people who own land in my electorate of Hinchinbrook.

Mrs CUNNINGHAM (Gladstone—Ind) (2.42 pm): I rise to speak to this Environmental Protection and Other Legislation Amendment Bill 2010. I do not intend to be presumptuous, but I commend the member for Hinchinbrook for his presentation of the concerns of members of his electorate. I know that the level of frustration in rural communities in my electorate is very high in relation to compliance obligations. We have mapping, colouring and a lack of ground truthing. From the member's comments, they have been mapped and re-mapped, zoned and re-coloured to within an inch of their life. It is easy for us to sit in this chamber and talk about it as if it is a stroke of the pen and it is done with. The fact is that much of this work has to be done after people on the land have done a full day's work and then into the night. It is not just a matter of glancing at a couple of lines on a piece of paper. Quite an extensive

amount of effort has to be expended and, at times, frustratingly. This applies to my electorate in terms of things like colouring where no ground truthing has been done. It might be coloured pink but there is nothing there. It might have been cleared years ago. The colouring across the person's property renders the person's property, in some instances, completely useless. They are the ones who have to spend significant amounts of energy, money, frustration and personal grief, if you like, to be able to, if it is at all possible, get the colouring to practically reflect the reality on the ground. Often they cannot get it changed, but it is wrong. As I said, that is the level of frustration in my area and we do not have the number of maps, plans and zonings that the member for Hinchinbrook outlined in his electorate. I commend him for that thought-provoking contribution.

There is a mixture of people in the electorate that I represent. We have urban, industrial, and horticultural grazing communities. It is a mixed bag. We have a large community at Boyne Island and Tannum Sands who live on the water and love it. It is a beautiful area to live and certainly when it comes to coastal plans they are in the catchment that would be affected.

Ms Grace: Great seafood, too

Mrs CUNNINGHAM: There is excellent seafood in my electorate—the best prawns, fish, crabs and crustaceans.

A government member: Bring some down for us!

Mrs CUNNINGHAM: We did, actually. Minister Mulherin had some local seafood from my electorate for a seafood fest he had here several years ago after the oil spill in the harbour. Those who did not go missed out. It was good. Coming back to the bill, there is a broad cross-section of people who live in my electorate. Those who live close to the coast have heightened sensitivity in relation to projections that sea levels will rise. There are only a small number of houses in the electorate that are quite close to the Boyne River that would be directly affected. Nonetheless, it is a concern that is in the back of the mind. Calliope Shire Council, when it existed, had already commenced the process of taking public tracts of land along the edge of watercourses, particularly the Boyne River, the Calliope River, and making them public access areas for the enjoyment of the full community to make sure that all the people in the region had access to the assets that were so attractive. I commend the council. It was painful at times for residents, but as that public access area was aggregated it certainly has proven to be a very great community asset.

The proposal here is to develop coastal management plans. It is intended that the minister be responsible for drawing up those plans. I note clause 9 talks about the requirement on the minister to draw up a coastal plan. However, it later goes on to deal with the surrender of land in relation to coastal management. It says the trustee of the reserve, if the local government for the area in which the surrendered land is situated has endorsed the plan of subdivision with its acceptance of the trusteeship of the reserve, is the local government otherwise it is the state. That is an oblique quote, and I acknowledge that, except that it draws into this debate the fact that local government will have potentially added responsibilities as a result of the passing of this legislation. I think that it is important to place on the record the importance of local government being properly funded if it is going to be asked to do more work. In the years that I was in Calliope Shire Council regularly the state more than the federal government would devolve responsibilities to councils but would not give them the funding to actually carry out those responsibilities. At the end of the day it was the ratepayers who had to pay more. It is wrong. If we as a legislature are going to require another sphere of government to carry out our work on a devolution basis we should fund them for it.

This bill also toughens up the enforcement and penalty regimes for environmental offences. I understand the monetary benefit order where the offender can be required to pay the financial benefit they receive from committing the offence. One of the disappointing things with legislation is that the intent is good but sometimes inadvertently there are people caught in the legislation who are not the targets for the legislation. I would hope that this bill is targeted at people who do significant environmental harm. Yet often we hear through the media and through our electorate offices where a single person may have cut down a tree or cut down a mangrove and they are subjected to huge resources in terms of prosecution. The damage has been small—I am not saying it is not important—and they have been the target of significant resources and penalty. Yet another entity, perhaps a GOC, can clear hundreds of acres of the same species and either have an environmental offset, which we discussed yesterday, or else pay an environmental fee. It is able to do quite a significant amount of destruction.

There is a real imbalance there. I ask the minister to put in place protections to ensure that individuals who may have been involved in something inadvertently, by mistake and on a small scale are not targeted for the significant penalties that we hear about and that have the potential to bankrupt individuals.

The bill strengthens the Department of Environment and Resource Management's role as an environmental watchdog. As a representative of one of the most highly industrialised electorates in this state, I think it is important that our local department of environment representatives are properly resourced. We have a very small office. I remain concerned that there is insufficient staff to deal with the monitoring that is required for industry.

Most of the major industries are self-regulating. That is, they have to report to the department directly. One of the frustrations that occurs in my electorate is that when incidents occur they may not be reported to the community. There may be dialogue between the company and the EPA, but the community is not kept in that loop. I believe, in part, that is because the department lacks the resources to properly disseminate the information. Staff are so busy dealing with the incident that they do not have time to keep the community abreast of what is going on.

With the region being industrialised even further with LNG and the level of sensitivity to LNG in terms of potential incident, it is going to be increasingly important for the local EPA staff to regularly report to the community to keep them apprised of what is going on. Currently, we do not have sufficient staff to do that. I ask the minister to investigate the staffing at the Gladstone Environment office to ensure that staff numbers are increased. I am confident that staff numbers are insufficient to address the current and proposed developments as they come online.

Again I refer to the comments of the member for Hinchinbrook, which I found very informative. I am keen to hear the minister's response to the member's concerns, because there will be a vote later on as the opposition has made it clear that it will divide. There are elements of this bill that I support; there are elements of this bill about which I have concerns because of the way landowners are being asked, more and more, to provide information and documentation that is additional to their farming pursuits. Particularly in these times of great difficulty, they lack the resources to always provide the level of documentation that is required. I am greatly interested in the minister's response so that I can form a decision in relation to voting at the division.

Mrs SULLIVAN (Pumicestone—ALP) (2.53 pm): This afternoon I rise to make a contribution to the Environmental Protection and Other Legislation Amendment Bill 2010. In doing so, I put on record my strong support for the bill. I want to focus my comments on ares of ecological significance, aquaculture and maritime development areas. Our coastal zone contributes considerably to the Queensland economy and supports the lifestyle of most Queenslanders. While much of the coastal zone is devoted to development, residual areas of ecological significance have a critical role in maintaining the biodiversity of our coastal ecosystems, which are important in their own right but also provide ecosystem services that underpin economic development and coastal amenity.

The bill includes amendments to the Coastal Protection and Management Act 1995 to facilitate the implementation of the Queensland Coastal Plan, which replaces the State Coastal Management Plan 2001. The Queensland Coastal Plan incorporates a state planning policy for coastal protection that will protect areas of ecological significance, particularly areas of high ecological significance, by managing and in some instances precluding development within or near those areas. In situations where adverse impacts on areas of high ecological significance are unavoidable, the state planning policy mandates the provision of an environmental offset to counterbalance the adverse environmental impact of the development. The provision of an environmental offset is to be guided by the Queensland Government Environmental Offsets Policy and the associated biodiversity offsets policy currently in preparation.

The state planning policy will provide the policy framework for the management of development within the coastal zone generally, as well as coastal dependent development that to operate requires a location adjacent to tidal waters. One form of coastal dependent development is aquaculture for saltwater species of fish. Queensland's aquaculture industry now accounts for about 10 per cent of Australia's total aquaculture production. It makes a significant contribution to a number of regional economies. The state planning policy provides for designated aquaculture development areas in order to promote a planned approach to future aquaculture development and maximise the protection of ecological values. This outcome is consistent with the *Queensland aquaculture industry development directions 2008-2012*. As the deputy chair of the Beattie government's ministerial aquaculture advisory committee, or 'Big MAAC' as we affectionately knew it, I learned that not all coastal areas are suitable for aquaculture. Along with my community, I fought to keep fish farms out of Moreton Bay, and we were successful in doing that. Certainly, I still believe that Moreton Bay is not the most suitable area for those aquaculture farms.

Similarly, the state planning policy provides for maritime development areas to accommodate larger scale mixed-use marine orientated development. While development in these areas will be predominantly maritime in nature, ancillary and subordinate facilities, such as commercial, industrial and residential development, may also be permitted. Taking a planned approach to this kind of development will have a positive impact on achieving regional settlement pattern policies, facilitate economic development opportunities and protect important ecological values. Planning methodologies for both aquaculture and maritime development areas will be available to support regional level studies to

identify the most suitable location for the establishment of those types of developments. A planned approach to locating such development is essential for achieving sound coastal management outcomes. I commend the bill to the House.

Mr CHOI (Capalaba—ALP) (2.57 pm): Madam Deputy Speaker, I thank you for the opportunity to rise to give support to the Environmental Protection and Other Legislation Amendment Bill 2010. This bill amends four other pieces of legislation. It amends the Environmental Protection Act 1994 to expand the types of court orders available and have them apply to a much wider range of environmental offences. The bill also strengthens the Department of Environment and Resource Management's role as an environmental watchdog and beefs up the enforcement and penalty regime for any environmental offences. The bill will provide far more flexible penalty options for the courts in order to exercise those restrictions. I believe that this court order sends a very strong message, particularly to industry, to improve environmental performance and to meet environmental responsibilities in a far more consistent way. The bill seeks to amend the Queensland Heritage Act 1992 in order to improve the process for amending and updating details of places on the Queensland Heritage Register.

The bill seeks to amend a third piece of legislation, the Recreation Areas Management Act 2006, in order to provide a far more secure investment framework for commercial operators by extending the term of the commercial activity agreement by five years from 10 years to 15 years. I am sure the commercial sector will welcome this change as it will provide more security and certainty for the operations. The last piece of legislation that this bill seeks to amend is the Coastal Protection and Management Act 1995 to which I will direct most of my comments. My electorate is bordered by Moreton Bay, which is a very beautiful part of Queensland. In fact, this bill follows the history of this government in protecting the ecological sustainability of the bay.

In amending the Coastal Protection and Management Act 2005, this bill seeks to align it closely with the Sustainable Planning Act 2009 and the government's planning reform agenda. The amendments establish a framework for implementing a new Queensland Coastal Plan that, importantly, includes a State Planning Policy, which I think is certainly a very positive step, to be jointly made under both the Coastal Protection and Management Act and the Sustainable Planning Act for the first time.

In addition, the current requirement to prepare regional coastal management plans will be removed. In the past the regional coastal management planning process was necessary to provide for the mapping of natural resources information to inform the application of coastal protection and management policies at the regional level. However, with innovations in remote mapping techniques and spatial software, this function is now largely redundant and this information can be collated into a single plan with detailed mapping information also available through departmental websites. Following the review of the existing State Coastal Management Plan, it was determined that the long-held policy positions embodied in the regional coastal management plans would be furthered more effectively through the new Queensland Coastal Plan and regional plans prepared under the Sustainable Planning Act.

Regional plans prepared under the Sustainable Planning Act include specific coastal policies and can serve to implement this policy at the regional level in consultation with the public and all of the other stakeholders. Removal of the requirement to prepare the regional coastal management plans will result in significant cost savings to the government. This includes the cost of preparing the remaining eight sets of plans and reviewing all 12 plans each and every seven years, including the cost of public consultation, which in the past has been a huge cost burden to the department.

The regulatory framework under the Coastal Protection and Management Act will be far more simplified by having a single reference outlining the state's interest in coastal protection and management matters. This is consistent with the Queensland regulatory simplification plan initiative and improves certainty for Queensland and industry alike. Relevant information from existing regional coastal plans will not be lost but will be used to inform the applicants of the new Queensland Coastal Plan once it is implemented. Under the new coastal management plan, local coastal management bodies will also be encouraged to prepare management plans for local areas dealing in detail with matters generally not included in regional coastal management plans such as managing public use and providing associated public access facilities, protecting roosting and nesting sites of seabirds and turtles and rehabilitating degraded areas such as coastal sand dunes.

This is a very positive piece of legislation. I would like to take this opportunity to thank the minister and her staff for bringing this bill before the House. I have to express my disappointment that members on the other side of this House have indicated their intention not to support this bill. That is consistent with their total ignorance of how to protect the ecological values of this state. I commend this bill to the House.

Ms MALE (Pine Rivers—ALP) (3.04 pm): I rise to support the Environmental Protection and Other Legislation Amendment Bill 2010. This bill amends a number of acts administered by the Department of Environment and Resource Management for the purposes of providing regulatory simplification and improving enforcement tools, officer powers and penalties. It includes amendments to the Marine Parks Act 2004, which ensures that the chief executive and authorised persons do not

require permission to undertake activities to support achieving the objects of the act; the Recreation Areas Management Act 2006, which will remove a permit requirement for small scale commercial filming or photography; the Environmental Protection Act 1994, which will ensure that industry does not prematurely pay fees for a registration certificate before obtaining a development permit; and the Coastal Protection and Management Act 1995, which will clarify when a resource allocation is not needed and reduce the current extent of the coastal zone, which will reduce the regulatory and approval requirements for industry and reduce assessment of applications by government.

The bill introduces a number of amendments that were identified as part of the whole-of-government Regulatory Simplification Plan that will result in cost savings to business and government. For example, amendments to the Recreation Areas Management Act 2006, which I mentioned, will remove the requirement for small scale commercial filming or photography activities to obtain a permit. The exemption will apply to commercial filming and photography activities undertaken by one to two people and where no structures are involved. On average, 30 people apply for these permits every year. These sorts of activities have been assessed as having minimal impact on the environment, have minimal risk and do not add value to government business. Removing the need for these permits reduces red tape for both commercial enterprises and the government without adversely impacting on the environment. So this is a good amendment. I am glad to see that these sorts of things are occurring to make it much easier for businesses throughout this wonderful state of Queensland.

Amendments to the Environmental Protection Act 1994 will ensure that industry does not prematurely pay fees for a registration certificate before obtaining a development permit. This may happen in remote circumstances if the registration certificate is applied for and approved before the development permit. That could potentially cost industry thousands of dollars in fees before they are actually able to operate under their development permit. The amendments ensure that this scenario will not happen.

Amendments to the Environmental Protection Act will also simplify the process for the Land Court to notify the relevant ministers about an objections decision for an environmental authority which is attached to a mining claim or a mining lease. The Land Court's decision will now be passed directly to the minister responsible for the Mineral Resources Act and the minister responsible for the state development act, so that the ministers can provide advice to the minister responsible for the Environmental Protection Act without waiting for formal notification from that minister. This will effectively skip a step in the current process to reduce the administrative burden on government and, more importantly, reduce possible delays in reaching a final decision on environmental authorities for mining.

Amendments to the Marine Parks Act 2004 will remove any doubt that the chief executive and authorised persons do not require permissions to undertake activities to achieve the objectives of the act, removing the potential need to obtain permits to implement the legislation. These amendments are necessary to ensure that authorised persons can carry out marine park duties with assurance and without administrative delay, particularly if urgent action is required for conservation or safety reasons.

Changes to the Queensland Heritage Act 1992 will reduce the regulatory burden on government and stakeholders by streamlining the process for making minor amendments to information on the Queensland Heritage Register. This means that the department will be able to update the Heritage Register to reflect new historical research or physical changes to a place and correct any errors contained in the entries without having to embark on a time consuming and expensive consultation process. Other amendments to the Queensland Heritage Act clearly specify the information that is required before a place can be entered on the Heritage Register as a state heritage place. This avoids the need for the department to issue a request for further information, which further delays the process.

As I have already mentioned, all of these amendments are consistent with the whole-of-government Regulatory Simplification Plan and make sensible changes to a wide variety of legislation in the Environment portfolio. Therefore, I commend this bill to the House.

Mr JOHNSON (Gregory—LNP) (3.08 pm): It is with pleasure that I rise today to speak to the Environmental Protection and Other Legislation Amendment Bill 2010. There are many aspects of this legislation that I wish to canvas this afternoon. The minister stated in his second reading speech that this bill will amend the Environmental Protection Act 1994, strengthen the Department of Environment and Resource Management's role as environmental watchdog and toughen up the enforcement and penalty regime for environmental offences. I hope that this will also include sustainable cropping land in some of Queensland best farming areas. This afternoon I heard the member for Hinchinbrook refer to a specific area within his own electorate of Hinchinbrook.

These orders can be issued in addition to any fine imposed as a result of a prosecution for misuse of land or for violation of agreements on land use and many other strategies associated with land. I have said it before and I will say it here again today: we are all conservationists in this state. I believe that if we had not looked after this fragile land in Queensland and Australia over the past 150 years the way we have then we would all be on our face now. Because we have been environmental managers and

have looked after it properly, I do not believe that we need to put measures in place that will shut down the innocent, the good managers, and put them in a quandary, wondering how they are going to make a living from the land that they own, manage and operate.

One of the orders is a public benefit order, where the offender can be required to restore the environment in a public place or for the public benefit. That is all very well, but in areas that I am talking about—prime farming land, where mining companies are riding roughshod over some of these pastoral, grazing and farming operations—we see a situation that I believe is not fair and equitable. It is all very well that the landholders have to meet environmental standards, but at the same time I hope that mining companies—and under this legislation here where we talk about resources—are brought to heel to make certain they adhere to and uphold the law that is applicable to everybody, not just one party.

There are many areas that I would like to touch on. As the minister said in her second reading speech, these court orders send a strong message to industry. She said—

> This is particularly the case in the last order—the monetary benefit order—as it tackles situations where companies merely factor in the cost of paying prescribed penalties into their cost of doing business if the penalties are clearly lower than the commercial benefit of committing the offence.

Again, I hope this will make some of those people take note and make absolutely certain that they cannot ride roughshod over environmental issues. I hope we are going to have one practice, one rule, that fits all. In reality, I hope these EPA standards will apply to all land users.

Over a period of time it appears that the exploration for resources in the strategic cropping land areas of my electorate has gone into overdrive since the strategic cropping land policy was made public. There are 87 farms in the 'golden triangle' area south of Emerald—in the Orion, Comet, Springsure, Rolleston areas—that are subject to being rendered useless either by directly being on top of coal or gas deposits or by association by being in close proximity. This is the most productive country in Queensland for growing specialised cereal crops of world's best quality—no ifs, no buts. We have witnessed the damage to this country by the torrential rain this summer, but these blacksoil plains and forest soils were put there thousands of years ago through natural science—something that coal and gas companies cannot put back as natural habitat with bulldozers and scrapers.

The minister must show her environmental muscle and exercise it to render this country sacred, to protect it for future generations for food production. The minister has committed to seeing that the framework is delivered soon. I ask the minister to please not keep these people in suspense or in doubt.

Large areas of what we call the 'golden triangle' and other areas of the Central Highlands are enveloped by the strategic cropping land maps released by the state government last August. This is the world's absolute best land. This land is for our food security and it is not negotiable. I put that on the record here today, and I have the backing of every farmer and every citizen of the Central Highlands region and, I believe, the backing of every farmer in the state. I have confidence in the minister. I ask her to please not let these farmers down. These farmers are some of Queensland's best and the best in the world. The resources sector appears to have, most of the time, the right of way and this must be stopped indefinitely. This farming land must be set in granite for the benefit of future generations for food security.

I have said it before and I will say it here again today: I believe that this issue is the most contentious of its type. When we talk about the environment, we are not talking about preserving it for ourselves. We are talking about preserving it for the present needs of the people who live in this country and for the future needs of the people who will live in this country. We have witnessed here in the south-east corner where out-of-control urban residential estates have been built on prime agricultural land. There used to be beautiful vegetable-growing areas in the Redlands. Now in the Central Highlands, the Southern Downs, the Western Downs and the South Burnett we are seeing coal companies riding roughshod over the environment. I say to the minister that I have every trust in her ability and in her responsibility as the Minister for Environment and Resource Management to make certain we protect this country and, as I say, set it in granite for future generations.

I assure the parliament and I assure the people of Queensland that this issue is not going to go away while only lip-service is paid to it. I believe that the masses will rise in the Central Highlands and the people will revolt if this issue is not addressed in the near future. At the end of the day, this is a life-and-death situation for these people, and I am going to back them to the hilt.

Mr WELLINGTON (Nicklin—Ind) (3.16 pm): It is a great pleasure to rise to participate in the debate on the Environmental Protection and Other Legislation Amendment Bill 2010. It is great to follow the member for Gregory, with his passion for supporting the good agricultural land in Queensland and with his closing words that he will support the farming community lock, stock and barrel. To the member for Gregory, I say: come and join the Independents on the crossbenches, because we are the ones who are on the record in this chamber saying that we have drawn the line in the sand. We have drawn the line on the ground and people know where we stand on this issue.

The voting record in this chamber is reflective of our position. Very clearly, irrespective of when the Premier chooses to call the next state election, people know what the Independents' and The Queensland Party's view is on mining and the need to protect good agricultural land in Queensland.

There is none of this wishy-washy backwards and forwards that we see from the opposition and the government. Our position is very clear. So I say to the member for Gregory that I am with him all the way in protecting our good farming land, our good agricultural land. We welcome him to join the crossbenches. We can offer him a shadow position for whatever he would like. I turn back to the bill before the House.

Mrs Miller: Do you have a leader? He could join The Queensland Party.

Mr WELLINGTON: No. I am an Independent. Only yesterday I led a delegation of passionate fishermen from the Sunshine Coast to meet with the Minister for Fisheries. We had representatives of the commercial fishers and recreational fishers. One of the issues that came through very clearly at that meeting was the need to protect our mangroves along the Queensland coast. They are critical fish-breeding grounds and they are so important. I note some members have spoken against this bill because, in their words, this bill will place new regulations and greater restrictions on areas along our coast for future development and this bill will restrict landowners' potential for future economic opportunities.

I think we have moved on from the past, when you could develop wherever you wanted to—be it a residential area or whatever it might be. We only have to watch the six o'clock news, read the papers and look at the devastation that happened in Queensland only a few months ago to realise that we cannot allow the development that happened in Queensland in the past to continue. We cannot allow that to happen. We need to send a clear message today that this development is not going to be allowed in the future and that we are going to better protect our coastal lands. That may mean that some land that landowners think would be a great site for urban development, because it is close to the sea with beautiful views, will not be allowed to be developed in the future. I say: so be it. We cannot allow future communities to go through the devastation and the loss that many of the communities in North Queensland recently experienced.

We have a responsibility not just to the current landowners and current residents of Queensland but to the future generations of Queenslanders. If that means some landowners will no longer be able to develop their land into future urban developments because of its proximity to the ocean or its location, well so be it. We need to stop that. We have that responsibility. We were elected to protect and represent not just our constituents in our respective parts of Queensland but people in all of Queensland. I will be supporting the minister and the government's proposed legislation. I think it is sensible.

I have listened to members speak about the increase in bureaucracy and red tape. When I read this bill I saw that it was the result of a whole-of-government investigation to try to reduce red tape. I know that it is twenty past three and others want to speak and then we will go into the consideration in debate stage so I will say that I will be supporting the government's bill. I understand the concerns that members of the opposition have with regard to the potential to restrict future development at some sites along our coastal areas, but, quite frankly, I think we have to move on. I think this is a sensible proposal. I support the bill.

Mr MESSENGER (Burnett—Ind) (3.20 pm): In rising to speak to the Environmental Protection and Other Legislation Amendment Bill, I will quote the minister. In her second reading speech she said—

> I am pleased to inform the House that the bill also amends the Environmental Protection Act 1994 that strengthens the Department of Environment and Resource Management's role as an environmental watchdog and toughens up the enforcement and penalty regime for environmental offences.

In Queensland we do not need to further toughen the enforcement and penalty regime for environmental offences. That is the first point that I would make. That is one of the reasons I will not be supporting this bill. There are many reasons for not supporting it. In fact, in Queensland we need to wind back those environmental protection penalties. They are far too extreme. Most ordinary Queenslanders are not really aware of just how over the top environmental punitive measures have become in the last two decades. In the seven or so years that I have had the great privilege of being the member for Burnett I have had many people come to me, their lives destroyed because they have faced these massive penalties. There is a case before the court at the moment, which I will not touch on.

The penalties are so bad. I have spoken to the widows of people who have faced these charges and it has become all too much for them. That is how serious this is and how over the top this legislation is. One widow I remember speaking to said her husband faced a $300,000 fine, which is not all that uncommon in this legislation. That person took his life in the middle of a court case at the end of last year. These are real people who are being hurt in Queensland.

Just by way of example, we have environmental laws which carry a maximum fine of $300,000 or a two-year jail sentence if a person kills a flying fox. We have environmental laws in Queensland which carry a $100,000 fine if a person disturbs a flying fox out of its roost. I have visited people in Charters Towers with the member for Dalrymple. One woman's backyard was infested with flying foxes. She had little grandchildren and she was worried about their health because the flying fox placentas used to drop in breeding season. She scraped a metal fork over her driveway and the flying foxes rose out of their

roost. I immediately thought that she had just broken the laws of Queensland. She had just disturbed a flying fox out of its official roost. That is how simple it is to get into a whole heap of trouble with the environmental laws in Queensland.

Compare the maximum penalties for breaking those environmental laws—two years jail, hundreds of thousands of dollars in fines—with the maximum penalties for hiring an under-age person, a child, to work in a Queensland escort agency. People would think that if a person was found guilty of hiring a child to work as a social escort they would face a penalty that was at least equivalent to or exceeded the penalty for disturbing a flying fox. In Queensland, under the Prostitution and Other Acts Amendment Bill 2009 at page 6, a person would face a maximum possible fine of $10,000 for hiring a child to work in an escort agency while disturbing a flying fox out of its roost attracts a maximum fine of $100,000.

That is why we do not need to toughen the environmental penalties in this state. After years and years of influence from the high-taxing extreme Greens this is what we have. The member for Rockhampton likes to call this side tories but those opposite—and there is no other word for it—are out and out communists. They have probably gone a little bit beyond communism into a religion—it is the kooky cult of carbon. They are the worshippers of the cult of carbon. Of course, the high priest is Bob Brown, although I like to think that Bob Brown has now morphed into Jim Jones. They have both got the old cordial, the coulis, and they are pouring it and it is quite deadly for this country.

Already the environmental laws are disproportionate and over the top and we do not need to strengthen them. This legislation seeks to create new offences with massive fines. I refer to the *Legislation Alert* produced by the Scrutiny of Legislation Committee—a bipartisan committee. The committee is made up of members of both the opposition and the government, and Independents are part of it too.

This legislation before the parliament today introduces quite a number of penalties for offences. The penalty for removing quarry material from a tidal water without holding an allocation notice—it is a tidal water higher than the high-water mark and references dredge management plans—is 1,665 penalty points. At $100 a point that is $166,500. Yet in Queensland we have a maximum fine of $10,000 for people who hire a child for an escort agency. The penalty for contravening a condition of allocation notice is again 1,665 penalty units or $166,500. The penalty for the holder of an exemption certificate failing to comply with a condition is $166,500. Amendments to the Environmental Protection Act, which are dealt with in this legislation, mean that there is a penalty for a registered operator who fails to keep a work diary. For failing to keep a work diary under the EPA Act we have exactly the same fine in Queensland as the fine for hiring a child for an escort agency—that is, $10,000.

What does that say about the legislators' values? Failing to keep a work diary attracts the same penalty as being found guilty of hiring a child for a social escort agency. That absolutely astounds people in my electorate. When I talk publicly outside of this area people gasp, their jaws literally hit the ground when they find out that there are these sorts of penalties in our environmental legislation.

The Scrutiny of Legislation Committee also has a significant number of concerns regarding whether this bill has sufficient regard for the rights, freedoms and liberties of individuals. I have been thinking about that particular concept—that is, the rights, the freedoms, the liberties of individuals. A book that I read once and I am reading again is Geoffrey Robertson's book *The statute of liberty: How Australians can take back their rights*. Geoffrey Robertson is a well-known jurist, a famous legal celebrity based in London. He has fought many High Court cases. He goes through and talks about a charter of Australian rights. Part of that charter of Australian rights that he suggests—and I believe all parliaments should have it—is the right to a fair trial. I believe this legislation will impinge on people's right to a fair trial. He says in his book—

Everyone charged with a criminal offence shall be presumed innocent until proved guilty according to the law.

What happens in this legislation? There is not a presumption of innocence because there is a reversal of the onus of proof. The Scrutiny of Legislation Committee's *Legislation Alert* states—

Clauses 87-8 may appear to alter the onus of proof in for offences under the *Environmental Protection Act* but, rather, facilitate the making of a complaint to commence proceedings.

It goes on—

New section 480A provides a separate offence for providing incomplete documents to the administering authority or authorised person which was previously contained in section 480. These sections have been separated due to ease of drafting.

The new section retains the current intent of section 480 in relation to incomplete documents and inserts a new offence if a person 'ought reasonably to know' if a document is incomplete.

This places a greater onus on individuals to check information before it is passed onto the administering authority ...

In relation to the issues arising from the examination of the bill relating to the rights and liberties of individuals, there are 18 clauses that are questioned by this bipartisan committee—18 clauses. Geoffrey Robertson also talks about the right to own property as being one of the fundamental rights, and we have seen environmental legislation transgress a landowner's right to own property. Robertson suggests at point 15 on page 195 that—

Everyone has the right to own property alone as well as in association with others.

He continues and explains—

The right to own property is guaranteed by article 17 of the universal declaration. The state may confiscate private property by law, for example, in satisfaction of unpaid taxes or if it had been bought by money obtained through crime. But it may only nationalise it in the public interest which would include acquisition for roads or airports or to return it to Indigenous inhabitants or to preserve its environmental value.

What we are talking about with these environmental laws is, as Geoffrey Robertson says, the preservation of environmental value. Implicitly, these laws say, 'For the greater good we are going to restrict your rights to own property for its environmental value.' However, if we go down that route Geoffrey Robertson says, in all such cases of compulsory purchase, which is what is happening here, the state is required to provide just terms defined by international law as compensation that is prompt, adequate and effective, reflecting full market value at the moment of dispossession plus interest to the day of payment.

Every landowner in Queensland and every farmer has been dispossessed of their freehold rights to own property by these environmental laws and these laws which carry huge fines, but they have not been compensated by this state because the state has said, 'We are going to dispossess you of your freehold property rights for its environmental value.' But of course this state has gone ahead, carried it out, passed this legislation and placed the colour on the maps. As the members for Hinchinbrook and Gladstone and so many other members have said, this regulation has dispossessed property owners of their property—their freehold property—and they have not received any compensation. It is an out-and-out theft of property rights, it is an out-and-out theft of land, it is a theft of savings and it is a theft of future generations, and this government has not compensated people.

The explanatory notes also refer to allowing an authorised person to request a person in writing to attend a stated place at a stated time to answer questions about an offence and makes it an offence if the person fails to attend a specified place to answer questions without reasonable justification. That is a regulation that the Stasi, the former East German police, would have been very happy to have. This is Star Chamber stuff—that is, that an authorised person can request in writing for a person to attend a place at a stated time to answer questions about an offence and it is an offence if the person fails to attend that place and to answer questions without reasonable justification. What about the good old justification that in a democracy one has the right to silence? Why can we not have the right to silence? I know there are caveats in here, but this legislation eats into everyone's right to silence. If a person murders someone, everyone knows—a grade 5 student knows—that that person has the right to silence and it is up to the state to prove that the person is guilty. The person does not have to prove their innocence.

Once again this highlights the deficiencies—the absolute abuse of human rights and people's personal rights, freedoms and liberties. And this comes from Labor, which is supposed to be the party that stands up for those rights, freedoms and liberties! Bob Carr, a famous Labor politician, is against this. I know that there are some on the Labor side who are for the introduction of a statute of liberties. I believe the ACT and Victoria have a statute of liberties—

A government member: That's a statute of law.

Mr MESSENGER: Yes, and I realise that a statute is just a 'suck it and see' until the legislation comes in, but it still provides a very important piece of protection for ordinary citizens, for the people who do not have the ability to stand up in this chamber and speak.

There have been a number of adverse comments from stakeholders. AgForce does not like it. A *Courier-Mail* article titled 'Green laws target eco vandals' from 24 November by Koren Helbig notes that AgForce has some reservations regarding these new amendments to the environment bill. AgForce policy director Drew Wagner made the point that the laws risked unfairly targeting farmers in remote Queensland communities in Northern and Western Queensland because of some government mapping inaccuracies showing vegetation-clearing boundaries. I have had an example of that where an orchardist came to me and their orchard was suddenly covered in colour. In fact, the colour suggested that it was pristine vegetation and should not be touched. It was Donna Duncan from Childers. She did not know whether she could prune her avocado trees once that new layer of colour was added, which was brought on by this government as a bribe for the Greens after the last election. We had to go through a series of big community meetings. The minister supplied departmental officials and we talked our way through that, but the department was quite embarrassed.

The maps that this department uses for its environmental laws are clearly inaccurate—clearly inaccurate—and the last thing it wants is for a landowner to take the department to court and place those departmental officers in the witness stand where they will have to answer truthfully and if they mislead the court they will be charged with perjury. We have seen this time and time again, but these cases never actually make it to court because the department will settle or it is too difficult for the landowners who are in breach of these environmental laws to get together the money, the lawyers and the resources needed to fight these unjust laws.

In the brief time that I have left I want to touch on this government's environmental record. This government likes to think it is a great protector of the environment, but we in the Burnett know differently. This government was caught out trying to dam Baffle Creek. There were rumours—and it took a bit of digging—but it was found out. It was only because it was brought to public attention that this government stopped damming the only free-flowing unimpeded watercourse on the eastern coast of Australia, the beautiful Baffle Creek.

At Agnes Water, this government has allowed a desalination project to go ahead on a pristine beach where there are a number of species of endangered turtles. This government has allowed a $40 million desalination plant that no-one wants and is not needed. The people are not running out of water there. Already, the Agnes Water residents are paying $4.50 a kilolitre—the most expensive water in the whole of Australia—and the government wants to put a desalination plant there and the people will be paying more. Of course, this will disturb the nesting grounds of the loggerhead turtle, which is an endangered species.

We have giant rat-tail grass, which is growing out of control. Farmers are forced by government regulation to pour thousands and thousands of litres of dangerous chemicals, at their own expense, to try to stop this environmental danger. It absolutely astounds me that the government will not take responsibility for this matter. I had a meeting with the minister for primary industries. I am glad that he gave me a hearing. I know that we will look at doing something to try to solve that environmental problem. Farmers are saying that the only way to solve that environmental problem is by biological control and I back them 100 per cent. But they are now forced to pay out thousands of dollars for this poison. I will not be voting for this legislation.

Hon. MM KEECH (Albert—ALP) (3.40 pm): I rise to speak in support of the Environmental Protection and Other Legislation Amendment Bill 2010. I am very pleased to provide some rational contribution to this debate on the bill and its provisions. The bill amends the Environmental Protection Act 1994 to strengthen DERM's role as an environmental watchdog and toughens up the enforcement and penalty regime for environmental offences. In my short contribution, I will be focusing on the amendments to the provisions of the Coastal Protection and Management Act 1995 that relate to the allocation of quarry materials derived from land under tidal water.

Although Albert does not have much tidal water these days owing to a redistribution, the electorate is home to many quarry sites. In fact, my constituents would say that we have far too many quarry sites. Fortunately, some of the quarry operators are very responsible and take their responsibilities regarding acting appropriately with the neighbourhood very seriously indeed. However, others still allow speeding trucks, which damage the road and cars, particularly car windscreens. We also have noisy operators who thumb their noses at residents and the rights of residents. Fortunately, we have not only Minister Jones's department as a watchdog but also an excellent relationship with the Gold Coast City Council. I recognise Councillor Donna Gates, the councillor for division 1. Donna works very cooperatively with me to ensure that residents' concerns are immediately acted upon and I thank Donna for her hard work.

The amendments in the bill will improve application processes for applicants and allow for commercial tender processes to ensure that the reallocation of expiring rights to quarrying material will be fair and provide a sound return to the state. Thus, the provisions that I am focusing on will provide a good return to taxpayers and they will also reduce red tape. Using a tender process to allocate rights to remove quarry materials achieves a number of positive outcomes. Firstly, it allows the state to predetermine the total amount of material that can be removed from an entire system sustainably, such as Moreton Bay, so as to not adversely affect natural sediment transport processes. Secondly, it ensures equal opportunity for all interested parties to seek a right to quarry materials for a specified period of time. Thirdly, it results in a return to the taxpayers from the sale of quarry materials that is based on the best market price for the resource, as opposed to the current system which is a predetermined royalty amount and which may over time undervalue the material.

Currently, a quarry material resource allocation is required for tidal work development proposals, such as constructing a bridge that crosses tidal waters, even when the material extracted is effectively a waste product. These amendments will provide that in future the application for the tidal works development permit will be taken as an application also for the resource allocation at the same time. The two decision-making processes can then be dealt with simultaneously and complementary decisions can be provided to the applicant. That will simplify the application process for applicants considerably and is a welcome reform in cutting red tape.

However, when the development proposed is for an extractive industry, or quarrying purpose, I am pleased that a resource allocation will continue to be required as a means to ensure the management of the resource is sustainable and an appropriate charge is also made for the commercialisation of a public resource. I commend Minister Jones and I commend the bill to the House.

Ms DARLING (Sandgate—ALP) (3.45 pm): I rise to speak in support of the Environmental Protection and Other Legislation Amendment Bill 2010. The bill includes amendments to the Coastal Protection and Management Act 1995, and that is the area that I will focus on in my speech today. As a

member representing a coastal electorate, albeit a suburban one, I welcome these improvements which will simplify and clarify coastal zones and coastal management districts. I am committed to the protection of sensitive coastal areas and environmentally sensitive sustainable development.

The Sandgate electorate is dotted with beautiful wetlands and creeks and my constituents are very protective of their environmental, cultural and built heritage. The Toorbul people have lived on and cared for the land in and around the Sandgate electorate for thousands of years and the area is home to beautiful waterbirds, lagoons and bushland reserves as well as historic buildings. There are some terrific volunteers in the coastal and Bushcare groups and I want to take this opportunity to acknowledge them for their dedication to the environment. The reforms in this legislation should be welcome by those who care about our children's environmental legacy.

This legislation will enable the implementation of the Queensland Coastal Plan to address sustainable development of the Queensland coast and manage the social and economic risks of climate change. We can see the effects of climate change already and denying or delaying ways to address these impacts will only consolidate and enlarge the eventual social and financial costs when we are forced to act. The Queensland Coastal Plan will eliminate duplication and these amendments will clarify how the coastal zone is to be designated and, therefore, where the legislation and coastal plans apply.

Currently, the coastal zone is a word based definition describing the extent of the zone. It can be argued that the coastal zone currently includes all coastal waters and land to the top of each of the coastal catchments. That would capture all areas east of the Great Dividing Range in relation to Queensland's east coast. However, many of the mid to upper reaches of our larger river basins have little or no connection with the coast. In future, the coastal zone will be defined by what is shown on a coastal zone map, which will improve certainty considerably.

Ms Jones: And it's what councils wanted.

Ms DARLING: And councils want it. I thank the minister. I must admit that I am a visual person and I believe that the coastal zone maps will make it much easier to define the zone. I know that our councils are looking forward to this amendment.

The coastal zone will include Queensland coastal waters and islands and will extend inland generally to the 10-metres contour above the Australian Height Datum or five kilometres from the coast, whichever is further. To ensure the inland extent of the coastal zone can be clearly denoted, the landward boundary will follow property or lot boundaries to the extent practicable. That will again improve certainty about where the Coastal Protection and Management Act and the Coastal Plan apply. It will result in a significant reduction in the geographic extent of the coastal zone, focusing the Coastal Protection and Management Act and coastal plans on land and water where they can effect the management of resources that are specifically coast related. It will also ensure that the coastal zone can be more easily reflected in planning instruments, such as local government planning schemes and policies and statutory regional plans, where plans are often lot based.

Concern has been raised with water quality issues that can impact on coastal values and, by limiting the extent of the coastal zone, coastal plans will not be able to address water quality issues. However, the government considers that there are already existing initiatives to address water quality in coastal catchments and those will be relied on to manage this issue. Current quality initiatives include the Environmental Protection (Water) Policy 2009 and the regulation supporting the ReefWise Farming Program, which both come under the Environmental Protection Act 1994, and a new State Planning Policy for Healthy Waters that will commence later in 2011.

Healthy waterways are important to the health of our entire state and I know that they are very important to residents in my electorate. Several water care groups in my electorate will very much welcome the state planning policy when it is released. There are several small groups of residents that care for Cabbage Tree Creek and its tributaries in my electorate. They are not necessarily registered care groups, but these neighbours get together to look after their backyards, especially when they back onto these waterways.

Amendments to the Coastal Protection and Management Act will also change the way that coastal management districts are identified. The coastal management district is that part of the coastal zone where regulations made under the Coastal Protection and Management Act apply and where certain types of assessable development under the Sustainable Planning Act 2009 is referred to the Department of Environment and Resource Management, which then exercises a decision-making role as a concurrence agency or assessment manager. The coastal management district includes Queensland's coastal waters and a variable inland extent that corresponds to certain coastal features such as the erosion prone area or important coastal ecosystems such as wetlands. Currently each segment of a coastal management district is separately described by coordinates, or 'meets and bounds' descriptions, and included within a regulation associated with a relevant regional coastal management plan. Where a regional coastal management plan has not been prepared, the coastal management district generally coincides with the erosion prone area.

In the future, however, coastal management districts will be defined by reference to a map with the boundary of the district based on property or lot boundaries to the extent practicable. The use of property boundaries will define the coastal management district, and this will significantly improve the ability of property owners and development proponents to easily determine whether their properties are included in the coastal management district and, therefore, whether certain proposed development triggers assessment.

Taking this approach has meant moving away from a features based approach to identifying the coastal management district. However, the coastal management district will continue to be defined primarily by reference to the part of the coast that is prone to coastal erosion or contains ecological features of significance that are located close to the coast. It may appear the these changes will result in an increase in the size of the coastal management district. However, this will not result in any increase in the number of applications being triggered for assessment. This is because tidal works always trigger assessment because of their proximity to tidal waters and not the landward extent of the coastal management district. Alternatively, applications for material change of use or reconfiguration of a lot on the coast are triggered regardless of whether the subject property is wholly or partly within the coastal management district.

These amendments will result in a much more cost-effective system for delineating the coastal management district and provide a simpler and streamlined system for landholders, developers and councils to determine where the district is located. The new approach is consistent with the whole-of-government regulatory simplification plan and contributes to cost savings for both business and government.

I congratulate the minister, who is an absolutely superb minister, and outstanding member for Ashgrove, I might say—probably the best member for Ashgrove that the people of Ashgrove have ever seen or will ever see. I also commend her departmental staff for these sensible reforms. I commend the bill to the House.

Hon. KJ JONES (Ashgrove—ALP) (Minister for Environment and Resource Management) (3.52 pm), in reply: Thank you to all honourable members who took part in the debate—obviously, particularly the member for Sandgate. The speech that I had prepared had to be changed quite significantly over the lunchbreak. It originally contained words to the effect that it was clear from the speeches that there was universal support for the environmental protection bill that we have before the House today. Sadly, it appears I can only speak for this side of the chamber, the member for Nicklin and some of the other Independents. This is contrary to the comments made during the second reading debate by the member for Mermaid Beach.

As outlined previously, this bill contains amendments to include clear recognition of the importance of addressing coastal hazards in planning and managing the coast. It cannot be denied, in the current context of recent natural events, that it is imperative that the state ensures greater focus on the problems of climate change and how we manage and plan for that. I want everyone in the House to be aware that the local governments of Queensland have been wanting, campaigning for and waiting to see this come to fruition, especially when decisions on land use and development are made in vulnerable coastal areas.

I cannot stress enough—and it is obvious to me that those opposite have completely missed the point—that the provisions relating to the Queensland Coastal Plan are about protecting people and property in coastal hazard areas. The member for Sandgate in her contribution talked about moving to a coastal hazard mapping approach. Once again, this is something that local governments had lobbied and asked state government to come to the table with and we have actually spent millions of dollars in delivering coastal hazard mapping for them. This has been very much a partnership approach. They absolutely want to see this legislation passed so that we can get on with the new Coastal Plan. It does not affect existing landholders, as the opposition is claiming, and it is not trying to strangle development. It is trying to ensure that we do plan effectively for future risks and hazards.

I would particularly like to point out that the shadow minister in his speech did not rule out the potential for more cyclones that are predicted by climate scientists. I think his comment was that he was not sure about tidal surges. One cannot really pick and mix on these things. This bill ensures planners are factoring in climate change impacts when making decisions about the future growth and development of Queensland coastal communities—remembering more than 80 per cent of Queenslanders live along the coastline—thus guaranteeing sustainable and smart decisions are made.

Furthermore, this bill supports the implementation of the proposed new Queensland Coastal Plan, which is a major part of the government's agenda for mitigating climate change impacts and is something that local governments are asking for. For the first time in Australia we have a plan that includes maps identifying areas of coastal hazard risk. This bill supports the policies in the plan that will direct new urban zones in existing built-up areas, thus securing smart development and providing greater certainty for all stakeholders.

The member for Bundaberg opposed the government's decision to accept the recommendations of the Webbe-Weller review to discontinue the Coastal Protection Advisory Council and regional coastal consultative groups. I acknowledge, in fairness to the honourable member, that this is not something he is alone in. A few people have raised these concerns. It is necessary to point out to the House that these bodies are no longer needed as the functions of regional coastal management plans are now being incorporated into regional plans made under the Sustainable Planning Act 2009 or local plans that are made under similar legislation. There has been significant reform.

Mr Hinchliffe: Hear, hear.

Ms JONES: I take the interjection from the Minister for Mines who is the ex-minister for planning. We worked very closely on this policy and others to make sure that we have a strong and functioning planning framework in Queensland that actually made things very clear upfront in these local plans and in these plans for people to know what they can do where.

Mr Hinchliffe: So you know upfront, not DA by DA.

Ms JONES: I take that interjection from the former minister for planning. The broader role of the council in advising me about the state coastal management plan and coastal matters can now be carried out through consultation with peak stakeholder groups, consistent with contemporary consultation practices, and through statutory public consultation processes.

This bill amends the Coastal Protection and Management Act 1995 to align it more closely with the Sustainable Planning Act 2009 and the government's planning reform agenda. We are establishing the framework for implementing a new Queensland Coastal Plan that includes state planning policy to be made both under the Coastal Protection and Management Act and the Sustainable Planning Act.

Just to finish off this point in relation to consultation—because I think it is a fair point that the honourable member has raised—one of the reasons this has taken longer than was originally said is, obviously, because of everything Queensland has been going through, particularly in our coastal communities, but also because I as the minister did instruct our officers—some are sitting here now smiling at me because they had to do a lot of this work—to go back up along the Queensland coastline and meet with communities and special stakeholders in those communities because I did not want to bring out a plan that did not have ownership at that local level and not give the people the opportunity to do that. We will be releasing that plan very soon. We need this act to be passed here today to enable us to do that because the Queensland Coastal Plan cannot be made until the Coastal Protection and Management Act is amended as proposed.

This bill simplifies and streamlines Queensland's environmental legislation through a number of amendments that were identified as part of a Queensland regulatory simplification plan. Often people use EPOLA bills to get up and talk about a whole heap of things that are not actually part of the bill—Mr Speaker, you were not in the chair at the time. We heard references to farmers and their agricultural land. Nothing in this bill is putting an extra burden on farmers. In actual fact, it is about streamlining the processes that we have in Queensland. For example, an amendment to the Recreation Areas Management Act removes the requirement for small scale commercial filming or photography activities to obtain permits when going into RAM areas.

Additional achievements of regulatory simplification are made under amendments to the Environmental Protection Act, the Marine Parks Act and, as some members alluded to, the Queensland Heritage Act. The amendments to the Queensland Heritage Act are straightforward and reasonable. It seems that, instead of talking to the clauses, once again the member for Mudgeeraba used this debate as a platform for her campaign on the Gold Coast. However, she made a very big admission in this House today. The member for Mudgeeraba has continually stated in the press, in the parliament and, I think, in questions on notice that she did not know the locations of the properties that were the subject of an expansion of the World Heritage listed Springbrook National Park. Finally, after denying it for weeks and months in all types of forums, at the end of her speech she admitted it.

I will address the allegations raised by the member for Mudgeeraba that her constituents' questions have gone unanswered and that I have not responded to her. My department has built a strong consultative framework with the residents of Springwood. She alleged that I went down there and met with two or three people. That is far from the truth and she knows that it is untrue. I will follow the proper processes for when a member misleads the House and will not dwell on that now. She knows that that is untrue. She told the parliament something that she knows is factually incorrect. She also knows that in my agency there is a dedicated senior officer who reports directly to me and is the consultation point for the residents of Springbrook. I am very surprised that the member made these claims, given that at the last parliamentary sitting she went back to her electorate to attend a community meeting and took a cameraman with her. She put the public servant in the spotlight, without asking him or, I am advised, her constituents. In actual fact, at that meeting her constituents voted to have the cameraman removed, because they did not think it was a decent way to treat a public servant who was doing his job, a job that I asked him do in the interests of her community. To be honest I think that is pretty shabby, if that is not too unparliamentary. I will move on.

As the amendments are part of the Queensland regulatory simplification plan, we are ensuring consistency across the portfolio, creating effective and efficient government that is committed to protecting our environment. The bill reinforces the government's practical approach to environmental protection by introducing flexible and modern options for courts to use when sentencing offenders for certain environmental offences. This contributes to stronger environmental protection by allowing the court—not a bureaucrat, as those opposite might have people believe—to make orders for a range of environmental offences that will allow punishment to more closely match the offence. Existing penalties are not always sufficient or appropriate for the offence, but with the introduction of these amendments the courts will have greater flexibility to make orders that are suitable and tailored to achieve more effectively the strong objectives of environmental protection.

I thank members who went back to look at my second reading speech before making a contribution, although I note that obviously some did not. In it I stated that these new orders include a public benefit order where the offender can be required to restore an environment in a public place for the public benefit. Crazy, I know, member for Burnett! They include a publication or notification order where the offender could be named and shamed, creating greater accountability. I do not know what other members hear when they are out and about talking to their constituents, but I am pretty sure that they hear what I hear. I hear people saying that where people are undertaking environmentally relevant activities or if they have permission to undertake anything that could possibly be damaging to the environment, we need strong regulation to ensure that if they do the wrong thing they are held accountable. That is exactly what this bill is about. It is not about being draconian, as the opposition and other members have said. It is about creating new flexible options for the court to reflect the damage that has been caused or could have been caused.

Finally, I touch on the contribution of the member for Gladstone, who always makes a valid and good contribution to the parliamentary debate. I also commend the member for Nicklin for his contribution. It was very accurate and well spoken. On behalf of her community, the member for Gladstone raised a legitimate point about ensuring that the state government has enough compliance officers. In recent times, we have increased fees for environmentally relevant activities, which time and time again the opposition has opposed. Before doing that we had a lot of negotiations with the Queensland Resources Council and others. We said that we would hypothecate the majority of those funds or all of those funds—I do not want to mislead the House—to increasing compliance and the number of compliance officers on the ground to ensure that that happens. That was done with industry.

Recently, in response to the CSG/LNG industry, we set up a new compliance unit based in Toowoomba and servicing Toowoomba, St George and Roma. Opposition members raised this in their speeches and I am replying on the matter. Members have raised legitimate concerns about compliance and having enough people on the ground to make sure that companies do the right thing. We have set up a new compliance unit in Toowoomba, which will have people on the ground there and in St George and Roma. In Gladstone, under our compliance and investigation team, we have a major projects team that is responsible for leading project management and the delivery of significant compliance projects across Queensland, including those in Gladstone. I take those concerns on board and I will look into it. It is on the record that we have demonstrated that we are continuing to invest in having additional compliance officers on the ground, to do just what the member for Gladstone is asking for.

With those few words, I commend the bill House. This is about moving Queensland forward, not backward. I talked about the Coastal Plan and said that councils have been calling for this, that this is what they want. Why do we need this bill passed? Is it to enable the head of power to occur so that we can get the Coastal Plan out? One of the biggest councils that has supported this plan is the Brisbane City Council, because it also wants to see the Coastal Plan in action. I table a letter from the Brisbane City Council, calling for that.

Tabled paper: Letter, dated 19 November 2009, from Kerry Doss, Manager City Planning, Brisbane City Council, to Coastal Policy Unit, Department of Environment and Resource Management, regarding Brisbane City Council submission on the draft Queensland Coastal Plan [4172].

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

AYES, 52—Attwood, Bligh, Boyle, Choi, Croft, Cunningham, Dick, Farmer, Finn, Fraser, Grace, Hinchliffe, Hoolihan, Jarratt, Johnstone, Jones, Kiernan, Kilburn, Lawlor, Lucas, Male, Miller, Moorhead, Mulherin, Nelson-Carr, Nolan, O'Brien, O'Neill, Palaszczuk, Pitt, Reeves, Roberts, Robertson, Ryan, Schwarten, Scott, Shine, Smith, Spence, Stone, Struthers, Sullivan, van Litsenburg, Wallace, Watt, Wellington, Wells, Wendt, Wettenhall, Wilson. Tellers: Darling, Keech

NOES, 33—Bates, Bleijie, Crandon, Cripps, Davis, Dempsey, Dickson, Douglas, Dowling, Elmes, Emerson, Flegg, Gibson, Hopper, Johnson, Knuth, Langbroek, McArdle, McLindon, Malone, Menkens, Messenger, Nicholls, Powell, Pratt, Robinson, Seeney, Simpson, Springborg, Stevens, Stuckey. Tellers: Horan, Sorensen

Resolved in the affirmative.

Bill read a second time.

Consideration in Detail

Clauses 1 to 7, as read, agreed to.

Clause 8—

Mr DOWLING (4.14 pm): Clause 8 contains proposed new subsection (11)(2)(d)(ii) which states—

To commemorate a deceased person.

I raised this during my contribution to the second reading debate. Why does that particular subsection not apply to those roadside memorials that people place along our roads and highways where, tragically, family and friends have died? They establish memorials that clearly depict a place where someone has died. Does it only relate to cemeteries—

Mr DEPUTY SPEAKER (Mr Kilburn): Order! I think you are on the wrong bill. I think we have done the cemetery bill. I do not think this is part of the Environmental Protection and Other Legislation Amendment Bill.

Mr DOWLING: Forgive me, Mr Chairman.

Clause 8, as read, agreed to.

Clauses 9 to 12, as read, agreed to.

Clause 13—

Mr MESSENGER (4.16 pm): I have the right bill. Clause 13 deals with the Coastal Management Plan. The bill states—

The Minister must prepare a coastal plan for the coastal zone.

Then proposed new subsection 21(2) states—

In preparing the coastal plan, the Minister must consider—

a number of options and option (b) states—

the effect of climate change on coastal management.

I was wondering if the minister can detail a few things about climate change. Of course the minister will not be surprised—actually the minister probably will be surprised to hear that I believe in climate change. In fact, I will show the minister why I believe in climate change. I have this great book—

Mr Schwarten: He doesn't believe in climate change.

Mr MESSENGER: I do. I do believe in climate change. Stick around and you might learn something. This book I hold is called *An Inconvenient Truth* by Al Gore. I love this book. I read it a lot. It details climate change. I have taken the liberty of photocopying a page and I will table this for the minister.

Tabled paper: Copy of page containing part of line graph relating to CO_2 levels [4173].

It is page 67 of Al Gore's book *An Inconvenient Truth*. This is why I believe in climate change. Al Gore's book has a chart which shows the average world temperature. Of course the minister would know what the average world temperature is, being the climate change minister. Average world temperature?

Ms Jones: Twenty-eight degrees.

Mr MESSENGER: Twenty-eight degrees? No, the minister is wrong. It is 14 degrees Celsius. I would have thought the minister would realise that the average world temperature, which is the one that everyone goes on about—the earth's temperature going up and going down over those billions of years—is 14 degrees Celsius. The reason I know that is because of another great book called *The Weather Makers*. That is by a well-known climate sceptic, Tim Flannery.

Mr Schwarten: Who reads it to you?

Mr MESSENGER: I find someone. It is hard now that I have left and I am on my own, but I can find someone to read. On page 5 of Flannery's book it is stated—

For the last 10,000 years Earth's thermostat has been set to an average surface temperature of around 14^{o}C.

I table that page.

Tabled paper: Copy of page with heading 'The Slow Awakening' regarding surface temperature and CO_2 [4174].

That is the temperature that we have all been fighting over when it comes to climate change. According to Al Gore's chart, that temperature actually fluctuates; it goes up and down. Honourable members can see by that chart that we are on 14 degrees Celsius now, but 10,000 to 15,000 years ago—just before the rise of civilisations—it was below zero.

If the minister looks at this carefully, I have drawn a line across to when it was 14 degrees Celsius. That was about 110,000 years ago. It rose from 14 degrees Celsius to 19 degrees Celsius, then it fell from 19 degrees Celsius to 14 degrees Celsius and then it bumped around zero. Then 10,000 to

15,000 years ago it rose to 14 degrees Celsius. That, of course, is proof of climate change. That is why I believe in it. The only problem is that 110,000 years ago there was not any man-made carbon being produced. Certainly cavemen were not around. I would like the minister to detail for the House the effects of climate change and how paying more tax to politicians in Canberra can stop climate change.

Ms JONES: I thank the honourable member for his contribution. I probably said my hallelujah a bit too early, didn't I? I thought wonders will never cease—to think that I would actually hear the honourable member for Burnett say that he believes in climate change. It was astounding and it threw me a little bit. I apologise. I exclaimed far too early. Once again, I am not going to indulge the member. I am going to debate the bill before the House and talk about the clause that he proposed to talk about, which is in regard to the coastal management plans.

Just so all members are aware, we acknowledge here in Queensland, and have for some time—it is in the SEQ Regional Plan and the FNQ Regional Plan—a sea level rise of 0.8. In actual fact, parts of the conservation sector are not happy with that. They think it should be higher. We are going quite conservatively in regard to modern science and also what is being released internationally by the IPCC. But we think that rate will deliver consistency along Queensland's coastline, remembering that this legislation is about ensuring that we do have a coastal plan for Queensland. That is why we need this bill passed here today—so that, under the Sustainable Planning Act, I can enable the Coastal Plan to go ahead. I remind all members that the Local Government Association of Queensland, SEQ mayors and other organisations want to see this plan released as soon as possible so they can get on with delivering and planning for their communities.

Mr MESSENGER: I thank the minister for answering part of the question. The minister has now detailed for the House that they are planning on a sea level rise of 0.8, or 800 millimetres. I would like to know how they came by that figure. That is not a fact; that is just a hypothesis. That is a 'good guess'—and not even a good guess. If you talk to any geologist and if you have a look at Al Gore's map, you know that the sea level has been much lower than it is now and that it has been much higher than it is now. Al Gore uses 600,000 years of ice core samples to calculate his average world temperature. We know that 15,000 years ago—

Ms SPENCE: Mr Deputy Speaker, I rise to a point of order. I regard second reading debates in this chamber as a 20-minute opportunity to talk generally about the legislation. Consideration in detail is meant to be specifically about the clauses. I ask for your ruling on this matter.

Mr DEPUTY SPEAKER (Mr Kilburn): There is no point of order, but I will make the point to the member for Burnett that this parliament is not debating the implementation of any type of carbon trading scheme or tax and that he should keep his comments directly relative to the clause that we are debating.

Mr MESSENGER: Thank you for your direction, Mr Deputy Speaker. I am directing my comments to sea levels. The former federal climate change minister, Peter Garrett, came to my electorate scaring my constituents, saying that we could expect a three-metre sea level rise.

I refer back to this clause. I have asked the minister to detail the effects of climate change on coastal management. The coastline of the electorate of Burnett is one of the most pristine coastlines in Queensland. It has all sorts of beautiful and varied aquatic life. The biodiversity is magnificent. Here we have in this place a piece of legislation in which the minister is saying to the parliament that there is going to be an almost one-metre sea level rise. There is no fact to support her assertion. The assertions that this legislation is based on are merely that: assertions. They are not facts. So what we have here is a flawed piece of legislation.

Before I was interrupted by the Leader of the House I was merely making the point that the sea level has risen and fallen for the last 600,000 to 700,000 years, and that has not been because of man-made CO_2 that this legislation is trying to combat or that we are trying to manage. What I find amazing is that people do not realise—and certainly ministers of the crown do not appreciate—that basic scientific fact. We have had sea levels rise and sea levels fall for billions of years and we have never had to legislate for it. We have only ever had to manage it. We have had to cope with it.

What this government is putting forward is a load of bunkum. It is a load of mistruths. Of course the sea levels have risen and fallen. We can see it in all the data. Any geologist will say that 10,000 or 15,000 years ago you would have been able to walk from Tasmania to China, except that, because of naturally occurring cycles in the earth's orbital patterns—or, as we know, Milankovitch cycles—the earth has gone through a series of natural heating and cooling processes. I again put this question to the minister: what are the effects of climate change that they are factoring into this legislation and how can paying more tax to politicians in Canberra stop those effects of climate change?

Mr DEPUTY SPEAKER: Member for Burnett, once again I will highlight that you will keep to the clauses of the bill. We are not debating the implementation of a carbon tax in this House of parliament.

Ms JONES: I have answered the question and I recommend that the member read the Coastal Plan.

Mr DEMPSEY: In relation to the comments of the member for Burnett, the figure of 0.8 of a metre comes from the United Nations and is used as a standard throughout the world. There are significant queries in relation to how that 0.8 of a metre in the United Nations model fits in with the Queensland model. The point of this clause is the lack of consultation. It seems that we have put the cart before the horse. We are debating the legislation, we are making the laws and then we are going out to consult with people in relation to these plans.

In relation to section 18D, zone maps are available for inspection and purchase. I ask the minister: what is the cost in relation to the purchase of those maps?

Ms JONES: I thank the honourable member for his contribution. He is right in regard to the figure of 0.8. That is peer reviewed science of over 400 scientists across Queensland. If he wants to go backwards and forwards on this all afternoon, that is his choice. But that is articulated in the draft Coastal Plan which was released some time ago.

I am interested by the member for Bundaberg's contribution just now. In his speech in the second reading debate he attacked me for how long it had taken me to get to this point. Now he is saying that I have not consulted enough. I articulated, I thought genuinely, to him in my reply that the reason it has taken some time is that I actually directed officers to go back out there and do a whole other round of consultation right up and down Queensland's coastline—and it is a long coastline. That is why we are passionate about protecting it.

Going back to one of the points that the member raised, this figure is not something that we have pulled out of thin air and suddenly whacked into the Coastal Plan. If the member reads the Coastal Plan he will see that it actually makes reference to this and I just made reference to it. This is existing law in Queensland in the South East Queensland Regional Plan. The figure of 0.8 is also in the Far North Queensland Regional Plan. I am happy to get the cost for the member for Bundaberg.

Clause 13, as read, agreed to.

Clauses 14 to 63, as read, agreed to.

Clause 64—

Mr MESSENGER (4.30 pm): Clause 64 relates to the work diary requirements for particular registered operators. In my speech during the second reading debate I spoke about penalty units. Clause 64 states—

A registered operator must keep a work diary in the approved form for a mobile and temporary environmentally relevant activity carried out by the operator.

I was wondering whether the minister could give details and examples of the sorts of operations and the operators that are carrying out that environmentally relevant work? I would like the minister to also comment on the maximum penalty of 100 penalty units. In my speech—and I think the minister was here—I mentioned that this is the same penalty that is applied to a social escort agency that hires a child. We talked about that legislation at the end of last year. How does the minister feel when a $10,000 fine is being applied as the maximum penalty to a registered operator who fails to keep a work diary when legislation which passed through this House sees a social escort who is guilty of hiring a child possibly facing the same maximum fine?

Ms JONES: I stand by the clause in the bill and the penalties associated with it. I would also like to clarify the issue around the cost of plans for the member for Bundaberg. He did throw me when he asked the cost because I was pretty sure they were free and available on the website, and they are.

Mr Dempsey interjected.

Ms JONES: I realise that. I am trying to answer you. That is just the way we have to write it for the purposes of legislation. I am informing all members that they are free and accessible. They did not come free; they cost quite a bit money. That is something that we did as a state government to enable councils to plan at a local level and to give certainty to landholders.

Mr MESSENGER: I am not surprised the minister did not answer my question and chose to ignore it. I find it astounding that a person in Queensland who fails to keep a work diary while doing an environmentally relevant activity faces a penalty of $10,000. I know that those opposite would not like that to get out to the general population. The penalty of $10,000 is an amazing amount of money for not keeping a proper diary.

I find it is further proof of the fact that we have slid into a green tyranny in this state. Environmentalists, the loonies, the extremists in the green movement, have taken over this government. They have formulated policy and they have ensured that over-the-top legislation and penalties come before this place.

Mr DEMPSEY: For the sake of convenience, is the minister able to table a copy of that draft plan? I have seen a copy of the draft plan previously, but could the minister table a copy to show the average person the basic details? In relation to the diary requirements, the LNP has concerns about the extra costs that employers will face when it comes to workplace health and safety and instructing staff in this

regard. We know it is only limited. The repercussions if someone makes a mistake in that diary are outlined in the bill. Are there any costs that the minister could see being put onto businesses or other government departments in terms of complying with the diary provisions?

Ms JONES: I thank the honourable member for his question. I know that he has opposed the bill in general, but I would say to him that as the minister I did have a number of discussions with officers about trying to make this as simple as possible. I am happy to table an example of the mobile and temporary operator work diary for the honourable member's information. To answer his question about what work went into this, I point out that I had a number of meetings specifically about ensuring that it was made as practical and as easy as possible for anyone to comply with the legislation.

Tabled paper: Copy of Department of Environment and Resource Management Mobile and Temporary Operator Work Diary [4175].

Clause 64, as read, agreed to.

Clauses 65 to 83, as read, agreed to.

Clause 84—

Mr MESSENGER (4.35 pm): Clause 84 deals with the powers to require answers to questions. I am very concerned about this clause. It reads—

(a) require the person to answer a question about the suspected offence; or

(b) by written notice given to the person, require the person to attend a stated reasonable place at a stated reasonable time, to answer questions about the suspected offence.

The reason I am very concerned about this is that I have been advocating for a particular gentleman who has basically had this request put to him. He complied with it. He was subjected to what could be said to be a grilling by environmental officers—officers employed by this government. I have seen transcripts of those conversations and I have been absolutely appalled.

First of all, I would like to know whether the minister thinks this is just normal. Is this a normal part of environmental legislation? I cannot see that the police would have this sort of power. Sure, they can ask people to attend for an investigation and ask questions, but I always thought in the Queensland democracy one had the right to silence. This surely is transgressing just about every civil right or liberty that we had. To find it in black and white in legislation before this place is quite confronting.

Some of the issues that come out of this particular clause are: are those people who are invited by these environmental officers—and, let us face it, there are some environmental officers out there who are goosestepping morons, who abuse their powers and behave in appalling ways; they have no checks and balances, they hide behind this extreme legislation and they cause significant harm to my community—to go before them and subject themselves to these interviews going to find that those interviews are taped, as they have been wont to do? I know that the environmental officers I have been dealing with have been covertly taping conversations between themselves and people who have allegedly run foul of the environmental laws. Those environmental officers use those covertly taped conversations in legal action against my constituents.

Are my constituents, if they have broken these laws, able to have support people with them? Are my constituents able to have a lawyer present while they are undergoing these grillings and questioning and forced answers? Are my constituents able to have as a support person a member of parliament? I have found on other occasions when I have gone along or tried to advocate for my constituents that the public officers have refused to allow me to go along and support that person.

Ms JONES: This is an opportunity to clarify what the existing law is. Under the existing provisions—I think this is the heart of what the honourable member is getting to—of the Environmental Protection Act, section 476(3) reads—

It is a reasonable excuse for the person to fail to answer the question if complying with the requirement might tend to incriminate the person.

I think that should clarify it for the member.

Mr MESSENGER: What the minister is trying to say is that they do not have to answer the question. If that is the case, then why have it in black and white in legislation that they must answer the question? That is my point. It is an intimidatory tactic. There are massive fines. The minister and this government have the ability to scare people with humongous fines—$300,000 and $165,000—and the citizens do not have the resources of the state. They have to spend their own money on lawyers fighting these charges and these allegations, yet they read this legislation and they do not have the minister beside them saying, 'Well, you don't have to answer these questions,' and they go ahead and answer the questions. For example, they could be illiterate or people suffering post-traumatic stress syndrome, as I have witnessed in different cases. In these investigations do officers have to follow the same procedures that police officers have to follow when they are gathering evidence? Do they have a set of cards from which they read out people's rights and make special allowances if they are Aboriginal and Torres Strait Islander people? Do they question them in a culturally appropriate way? What if they are

Vietnam veterans and their questioning causes some sort of adverse medical reaction through post-traumatic stress syndrome? These are not unheard of examples yet the minister jumps up and flippantly says, 'Oh, well, they don't have to answer the question.' I take her back to the original point: why have it in black and white in the first place?

Ms JONES: I think it is very clear why we have it in there. Let me be honest: I never want to fine anyone for breaching environmental protection laws ever because that means that those laws are protecting our environment. What we have here—and I am happy to provide it to the member—is the compliance framework in which we work as a department. There are rules that guide the way we do compliance which I am happy to give the member a copy of, but going down the path of prosecution is always the path of last resort. The compliance framework in Queensland is that you educate and you work with people, and I am happy to provide that for the honourable member.

Mr DEMPSEY: Obviously the minister understands that the opposition opposes this legislation, in particular this clause. What is the additional cost in relation to the implementation of training officers in the expertise of questioning and the expertise of prosecution and possible failed prosecutions in relation to this? Has that cost been borne into this legislation?

Ms JONES: There is no additional cost. It is part of existing compliance in our investigation unit with well-trained staff whom I will always stand by.

Division: Question put—That clause 84, as read, be agreed to.

AYES, 52—Attwood, Bligh, Boyle, Choi, Croft, Cunningham, Dick, Farmer, Finn, Fraser, Grace, Hinchliffe, Hoolihan, Jarratt, Johnstone, Jones, Kiernan, Kilburn, Lawlor, Lucas, Male, Miller, Moorhead, Mulherin, Nelson-Carr, Nolan, O'Brien, O'Neill, Palaszczuk, Pitt, Reeves, Roberts, Robertson, Ryan, Schwarten, Scott, Shine, Smith, Spence, Stone, Struthers, Sullivan, van Litsenburg, Wallace, Watt, Wellington, Wells, Wendt, Wettenhall, Wilson. Tellers: Keech, Darling

NOES, 32—Bates, Bleijie, Crandon, Cripps, Davis, Dempsey, Dickson, Douglas, Dowling, Elmes, Emerson, Flegg, Foley, Gibson, Hopper, Johnson, Langbroek, McArdle, McLindon, Malone, Menkens, Messenger, Nicholls, Pratt, Robinson, Seeney, Simpson, Springborg, Stevens, Stuckey. Tellers: Horan, Sorensen

Resolved in the affirmative.

Clause 84, as read, agreed to.

Clauses 85 to 142, as read, agreed to.

Schedule, as read, agreed to.

Third Reading

Hon. KJ JONES (Ashgrove—ALP) (Minister for Environment and Resource Management) (4.50 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. KJ JONES (Ashgrove—ALP) (Minister for Environment and Resource Management) (4.51 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.

CRIMINAL CODE AND OTHER LEGISLATION AMENDMENT BILL

Consideration in Detail

Resumed from 23 March (see p. 772).

Clauses 1 to 4, as read, agreed to.

Clause 5—

Mr BLEIJIE (4.52 pm): This clause relates specifically to the partial defence of provocation. It amends section 304, titled 'Killing on provocation', of the Criminal Code and various members in the House raised this matter in their contributions to the debate. The clause states—

... subsection (1) does not apply if the sudden provocation is based on words alone, other than in circumstances of a most extreme and exceptional character.

I seek some guideline principles from the honourable the Attorney-General in terms of the definition of 'most extreme and exceptional character', particularly in relation to how the Attorney-General sees this matter playing out in the courts in terms of some precedent or application of the law and whether the Attorney-General can give any clear definition to guide the courts when it comes to this terminology being used.

Mr LUCAS: I thank the honourable member for the question. The words are not defined in the clause for very good reason—they are matters that are best left to the court to determine in particular circumstances. I am advised that it would be unusual to define those terms. In fact, as an Attorney-General, I think it would be a bit foolish for parliament to be prescriptive and give an example, because we do not have the factual matrix in front of us that you can only have in a court. Of course, ultimately what happens with partial defences—or, indeed, defences—is that the judge will decide whether they are matters that can properly be left to the jury.

The point that I would emphasise is that the provision does not say 'mere' words; it says 'extreme and exceptional'. So the reason that term is in the clause is that there may be some remote particular circumstance that is just so beyond the pale that it becomes extreme and exceptional. The standard that is required to convict someone is beyond a reasonable doubt. I would have thought that you could not get more than 'extreme and exceptional'. That may not satisfy the honourable member in his request, but I do not think that I can take it any further on that basis.

Mr BLEIJIE: Just further to that, could the Attorney-General provide any advice as to whether, when drafting these provisions, particular items were taken into consideration? I would appreciate the Attorney-General's advice as to whether the advice when drafting was taken into consideration on the potential outcomes in relation to the 'extreme and exceptional character' provision in the clause.

Mr LUCAS: My instructing people tell me that the clause restates the appropriate aspect of the common law at present. Additionally, to eliminate the term might have unintended consequences when it comes to the issue of, for example, domestic violence situations and the like. I cannot take the matter any further than that.

Clause 5, as read, agreed to.

Clauses 6 and 7, as read, agreed to.

Clause 8—

Mr BLEIJIE (4.56 pm): Clause 8 deals with section 469 of the Criminal Code with respect to wilful damage. As I indicated in my contribution to the debate, I support the provision and other members supported the provision as it is based on cemeteries and war memorials. I note the term 'war memorial' is not defined specifically in the legislation. In Queensland we have a register of war memorials. If a person wants to register a war memorial, that person can lodge an application. I want to know from the Attorney-General specifically about schools that set up Anzac war memorials, which I suspect are not registered on the war memorial register.

Mr Moorhead: Wouldn't they be owned by the education department?

Mr BLEIJIE: They are owned by the education department but there are particular war memorials that are set up by local RSLs on beaches. I just want to make sure that there is going to be no uncertainty in the future with respect to who can be brought before the courts in relation to these wilful damage charges when, in fact, we have not defined 'war memorial' as I can see in the legislation.

Mr LUCAS: I thank the honourable member for the question. It relates a little bit to something that the member for Redlands adverted to yesterday in relation to roadside memorials. It is not intended to cover those, but sometimes there might be an extreme case where someone might not know that something is a memorial and unintentionally interferes with it. The member is talking about something that might be erected temporarily as a memorial. The member mentioned a war memorial erected in a school. The term would take its ordinary meaning.

As the honourable member for Waterford pointed out, if it is something that belongs to someone then the general provisions of wilful damage would apply. These provisions are in this section because the ownership situation is not clear. The honourable member for Waterford did point out the memorials in schools situation. The Wynnum Central State School memorial gates belong to Education Queensland. So it would take its ordinary meaning. The honourable member referred to registered war memorials. It may be that it is a bit broader than that. Some memorials are part of cemeteries. It would take its ordinary meaning and that would be something for the court to look at in the circumstances of the matter. Additionally there are, of course, the general provisions in relation to wilful damage.

Mr DOWLING: The minister has touched on roadside memorials. He has covered that. It is a bit like groundhog day—doing it over again. In clause 8, at proposed new section 11(2) a memorial is considered to be in a cemetery or at a crematorium. Is it true of all memorials that they have to be contained within those places, to commemorate a deceased person? I refer to proposed new subsection (2)(d)(ii). Does it only relate in those circumstances if it is a memorial or can it be a memorial elsewhere, not necessarily attached to a cemetery or a crematorium?

Mr LUCAS: No. Proposed new section 11(1) states—

(a) a grave, vault, niche or memorial in a cemetery ...

so that is one particular limb, and then it states—

... or

(b) a war memorial ...

So it does not have to fall within the circumstances in (2) of the legislation.

Clause 8, as read, agreed to.

Clause 9—

Mr DOWLING (5.01 pm): Clause 9 states—

omit, insert—

', street or cemetery or at a crematorium'.

During the second reading speech—and I appreciate it was made by the minister's predecessor—the provisions to protect a street and/or square or public property in a street and/or square were touched on. Is this captured under that piece of legislation?

Mr LUCAS: No. This section is simply how one pleads the charge in an indictment. Part of the justification for this legislation is that one does not need to say it belonged to anyone. An indictment will normally say, 'You, Peter Dowling, destroyed the property of one Paul Lucas by doing X, Y and Z.' That is how an indictment would generally read. Because we have removed the requirement to actually say it is anyone's, this is a section that says that when an indictment is drawn up it does not have to say any of that. It is simply on that procedural aspect.

Clause 9, as read, agreed to.

Clauses 10 and 11, as read, agreed to.

Clause 12—

Mr BLEIJIE (5.03 pm): Clause 12 of the bill talks about the Appeal Costs Fund amendments. The Penalties and Sentences (Sentencing Advisory Council) Amendment Act that came into force in 2010 provided the Court of Appeal with the power to give and review the guideline judgements to be taken into consideration by the courts in sentencing offenders. As set out in the explanatory notes, consequently it was deemed appropriate for these amendments to be made to the Appeal Costs Fund. Could the Attorney provide the statistics with respect to the annual budget of the Appeal Costs Fund, the annual spend of the Appeal Costs Fund, how it is funded and what impact this amendment will have on the Appeal Costs Fund?

Mr LUCAS: I am trying to locate some information on the budget of the Appeal Costs Fund at the present time. For the explanation of members, where someone incurs costs in a matter through no fault of their own—there might be a situation where there was an appeal and the appeal is allowed on the reason that it is not the fault of any of the parties involved—they will get a certificate under the Appeal Costs Fund where the Appeal Costs Fund will reimburse them.

Mr Lawlor: A mistrial.

Mr LUCAS: A mistrial, for example, as the member for Southport says. Generally, unless it has changed since I was in practice, when you file an originating proceeding in the court you pay a small extra amount which is the Appeal Costs Fund fee. That goes towards funding the Appeal Costs Fund. It is administered by a board of three people appointed by me: one representative of the Bar Association, one representative of the Law Society and someone from my department. It is not expected that this would add any significant extra burden to the fund because guideline judgements are not common. The budget of the fund is $1.5 million and it comes from consolidated revenue. Obviously between the time I ceased practice and the current time they have abolished the extra amount of money you pay as the Appeal Costs Fund fee and it is now included in the filing fee.

Clause 12, as read, agreed to.

Clauses 13 to 29, as read, agreed to.

Clause 30—

Mr BLEIJIE (5.06 pm): I am seeking clarification from the Attorney-General. We are dealing here with amendments to the Summary Offences Act. This clause essentially gives one-year imprisonment to people who interfere with graves and includes the test of 'if it offends a reasonable person'. Where it talks in 26A(1)(b) about a war memorial, one would give it the ordinary meaning, as the minister indicated previously when we talked about the provisions under wilful damage.

Mr LUCAS: That is my understanding of it. We would not want to be overly restrictive in relation to that. I think people who do not respect war memorials are low-life. They actually have their liberty because of people who died in the service of this country, as I am sure the honourable member agrees. For them to disrespect the memory of those who gave their life to give us the liberties that we have in this place is outrageous. Clearly this is about making sure that we can deal with these people. The issue, as highlighted by members in the debate, is that this provision is not just a provision that relates to damage; it also relates to interference—that means treated in a way that may not damage it but may desecrate or be sacrilegious to it. I think that is very fair and appropriate, and clearly the parliament agrees on it.

Mr DOWLING: The minister has pretty much covered this, but I am just wondering whether things such as roadside flowers and park benches, which quite often carry plaques in recognition of fallen servicemen or distinguished people within a community, will all fall under those provisions as outlined by him. I apologise that I am not a lawyer so I am not fully au fait with the terminology

Mr DEPUTY SPEAKER (Mr O'Brien): Don't apologise.

Mr Lawlor: No need to apologise for not being a lawyer.

Mr DOWLING: All of those other circumstances are picked up under those provisions, but the question I would put as we are covering this—we are dealing with such an emotive area in terms of memorials and gravesites, whether they be formal or less formal—is: why were those sorts of things not picked up in the development of the legislation? Is there a reason for that? The 12-month sentence would be a significant protection for things like the roadside memorials or those places that are set aside for people to grieve. It is such an emotive thing. It is something they feel very intimately and personally about. It might have been a consideration. I wonder if the minister would touch on why he did not go down that particular path.

Mr LUCAS: I thank the honourable member for his genuine question in relation to this matter. This does not cover what one would describe as a roadside memorial commemorating someone who has lost their life. There is a very touching one at Pallarenda, Townsville, where four young people lost their lives in an horrific road accident. I have visited it. One cannot help but be affected by it. In a previous life in this place, as Minister for Main Roads, the issue arose as to whether there should be a policy of removing roadside memorials. I took the view that we would not do that because I believe that not only are they a part of the grieving process but also they are an excellent reminder to other people that people can lose their lives.

However, we need to be quite clear that there are circumstances, whether it is a road safety issue, a road maintenance issue or a widening issue, where they might need to be dealt with. If we legislated that interfering with them was an offence, in widening a road or dealing with an abandoned memorial Main Roads staff could be exposed. Therefore, the bill does not cover roadside memorials. I cannot indicate what motivated the then Attorney-General, but in my view there are too many other consequences if we were to do that. I am not aware of any particular issues involving people dealing with roadside memorials. They are informal, whereas a war memorial is in a particular place and a cemetery is in an approved place. I think that is an appropriate balance. I understand the concerns, which is why as Minister for Main Roads I took the view that we should not remove them from roadsides unless there was a reason to do so that was not just that some people do not like them. No, it would not be covered by this.

Clause 30, as read, agreed to.

Third Reading

Hon. PT LUCAS (Lytton—ALP) (Deputy Premier and Attorney-General, Minister for Local Government and Special Minister of State) (5.12 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. PT LUCAS (Lytton—ALP) (Deputy Premier and Attorney-General, Minister for Local Government and Special Minister of State) (5.12 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.

NEIGHBOURHOOD DISPUTES RESOLUTION BILL

Second Reading

Resumed from 25 November 2010 (see p. 4373), on motion of Mr Dick—

That the bill be now read a second time.

Mr BLEIJIE (Kawana—LNP) (5.12 pm): This afternoon I rise to contribute to the Neighbourhood Disputes Resolution Bill 2010, originally presented to the parliament by the former Attorney-General on 25 November 2010. I acknowledge the new Attorney-General who has taken carriage of the bill. From the outset, I state to the House that the opposition will not be opposing this bill, but I will note some reservations that I will outline in greater detail. I foreshadow two amendments that I intend to move during the consideration in detail stage.

Essentially, the bill before the House deals with dividing fences and tree disputes between adjoining neighbours. I am sure that most members of the House will attest to the fact that dispute resolution is a conciliatory process. For the benefit of a broader society, the justice system provides the necessary framework and structure for the benefit of resolving disputes through a collaborative approach. Often, the most challenging disputes to resolve can be over things that would normally be seen to be petty and trivial. To assist in resolving those disputes, the bill being debated today essentially deals with dividing fences and trees on property boundaries. However, it goes further, not only dealing with disputes when they may arise but also first looking at a process whereby each neighbour is encouraged to sort the dispute out in a friendly manner.

The law on these matters needs to be rigid and transparent to allow for peaceful resolution to common neighbourhood disputes. I would hazard a guess that members of this House have seen all sorts of excerpts from various current affairs shows regarding the behaviour of the aptly dubbed 'neighbours from hell' and will know how disputes over small issues between neighbours can turn into larger, more physical encounters—

Honourable members interjected.

Mr BLEIJIE: It was not my house; I was not the neighbour—that can often involve others in a street or a neighbourhood and sometimes at your parents' properties. Sometimes, it is simply a case of a personality clash. We are a society of many personalities. As Queensland grows and the population becomes more dense, one would expect that neighbourhood disputes, particularly in relation to fences and trees, will arise. In a perfect world, we would shout from the rooftops, 'Can't we all just get along?' In my view, unfortunately that will never be the reality.

The bill before the House will repeal the Dividing Fences Act 1953. Many of our laws have been in existence for the best part of the last century and the Dividing Fences Act is certainly one that was in need of an overhaul. The bill before the House makes consequential and minor amendments to those mentioned in schedule 1 of the bill and amends the Land Act 1994 and the Queensland Civil and Administrative Tribunal Act 2009.

In our urbanised society, the trend is towards smaller residential blocks and an increased density in population. Accordingly, people are living in closer proximity and property boundaries need to be clearly defined. We are debating this legislation a few years after submissions closed for the review of the Dividing Fences Act, which occurred in July 2007. The bill before the House gives confirmation of a dividing fence being equally owned by adjoining owners if it is located on common property. It is generally considered that adjoining neighbours financially contribute equally to the construction and maintenance of any dividing fence.

The bill provides greater clarity of what can be considered the broad definition of a dividing fence. Often when one considers a dividing fence, one may think of a five or six foot timber paling fence. However, quite often that is not the case. For the purposes of this new bill, a dividing fence is described in clauses 11 and 12. A fence is not considered to be a retaining wall or a wall that is part of a house, garage or other building. More emphasis is placed on a sufficient dividing fence and is determined in the bill before the House, which sets out specific measurements and requirements to satisfy what is a sufficient dividing fence. A sufficient dividing fence is considered to be between a minimum of 0.5 metres and a maximum of 1.8 metres in height and made of prescribed materials such as wood, including timber palings and lattice panels, chain wire, metal panels or rods, bricks, rendered cement, concrete blocks, hedge or other vegetative barrier, or any other material of which a dividing fence is ordinarily constructed.

If an informal arrangement cannot be agreed to for the purposes of fencing work, a notice to contribute must be provided and both owners need to consent to the undertaking of any fencing work. There is room in the bill for a broad interpretation of this section, which includes if two adjoining neighbours consider a dividing fence to be a sufficient dividing fence. For alterations to be undertaken to

a dividing fence, authorisation needs to be provided by adjoining owners or QCAT for the purposes of a dispute over this issue. In regards to the ownership of a dividing fence, the bill does not affect the common law under which a dividing fence separating adjoining land is, to the extent the dividing fence is on the common property, owned equally by adjoining owners.

The bill sets out the contributory responsibilities of adjoining owners for the construction or maintenance of a dividing fence. As was the case originally, adjoining owners are equally liable for the construction or maintenance of a sufficient dividing fence. If one owner wishes to alter or construct a dividing fence that is greater than the standard, that owner is responsible for the fencing work to the extent that is greater than the standard of a sufficient dividing fence. I would appreciate the Attorney-General's clarification of how that will be practically determined by the adjoining owners, given that the general intent of the bill is for neighbourhood disputes to be resolved informally without the intervention of QCAT. I note in the notice provision, which one owner gives to the adjoining owner, the amount does not necessarily have to be equal. It can be non-equal but then an explanation is required. That was on the form that I received in the briefing from the Attorney's office.

Mr Lucas: Can I just say, as both a solicitor in practice and a member of parliament, that amongst the most difficult issues I have ever had to resolve are neighbourhood disputes. There is no doubt about that.

Mr Hoolihan: Hear, hear!

Mr BLEIJIE: I take the commentary by way of interjection from the Attorney-General and the member for Keppel. I will give some statistics later. I agree with the interjection of the Attorney-General that neighbourhood disputes are one of the largest areas of complaints because you are dealing with people and their personalities, which is half the problem. Ultimately, this bill will provide some certainty by way of more description.

I recall when I bought a block of land in Little Mountain, under the current Dividing Fences Act there was no real indication of a notice period. You sought to draft a letter, send it to the person and say, 'This is the quote I have,' and hope they agreed with it. That case involved two vacant blocks of land. The provisions under this bill which contain statutory forms—the legal forms that are required—will assist Queenslanders in terms of easing the burden relating to the drafting of particular letters. It will be an easier process to follow.

I note that the LGAQ also raised some concerns relating to the implementation of this legislation to road reserves as local government is the trustee of those particular types of land. Clause 14 has specific reference to the meaning of an owner of land which does not include a reference to reserves or road reserves. Local government is not the owner of this land and should not be required to financially contribute to a fence between a road reserve and adjoining freehold property.

While we are talking about local government, I would like to refer to an article published in the *Courier-Mail* on 19 September 2010 entitled 'Backyard battles go beyond the pale', which refers to an increase in reported neighbourhood disputes. In the article Ipswich Councillor Paul Tully states—

In my 31 years in council this has been the biggest issue.

Some of these persistent perpetrators are very adept at pushing boundaries and know evidence is very difficult to gather. Councils find it very difficult to catch them in the act.

The latest figures show that last financial year Brisbane City Council alone received 16,272 calls and complaints about noise, including 8,445 about domestic animals. Dispute resolution centres across the state also mediated 135 neighbour matters last financial year, 140 in 2008-09 and 128 in 2007-08.

I know that those members opposite are obsessed with Can-do Campbell Newman but now cannot even bring themselves to mention his name in this place. The same article states—

Brisbane Lord Mayor Campbell Newman said the council found itself under fire from all sides when it came to neighbourhood disputes.

The Attorney-General talked in terms of lawyers. However, I think councils also are in one of the most difficult positions.

Elements of the bill proffer ambiguity over potential retrospectivity of the timing of the new bill, specifically in relation to negligence or a deliberate act or omission, given that it repeals a bill that was already in existence for the purposes of a dividing fence. I do have reservations with respect to clause 26. I would appreciate the Attorney-General's reasoning as to the retrospective nature of that provision. I am always generally cautious with respect to retrospective clauses. That is so with this particular clause, which states—

This section applies if, whether before or after the commencement of this section, a dividing fence is damaged or destroyed by a negligent or deliberate act or omission ...

...

(2) The owner must restore the dividing fence to a reasonable standard, having regard to its state before the damage or destruction.

I agree with the sentiment of the provision in terms of negligent acts or omissions where the owner would be required to restore it to the original condition. The problem with making it retrospective is that we could potentially open the floodgates to claims and notices being issued for fences that date well back in time. We should try to avoid that scenario and start a fresh approach with this bill.

Clause 27(2) also states that a neighbour must not attach something to a dividing fence that materially and unreasonably alters or damages it. I would appreciate the Attorney-General's broader interpretation of clause 27 with specific reference to attached clothes lines, which are often attached to dividing fences and can exceed the height of the fence. I understand that the fence is built on the common property, but I do have some objections to Queenslanders being dictated to with regard to what they can and cannot attach to their fence. I know there is an equal contribution to the fence which is on a common boundary, as required by the law. However, the fact is that the minute we start legislating as to what people can and cannot do, particularly on their side of the property—even attaching certain things to the dividing fence—I think we are getting carried away.

The section of the bill which deals with an application for an order in the absence of an adjoining owner needs greater clarification. Clause 37(5) states—

> This section continues to apply ... even if, after the order was made, the owner or the adjoining owner stopped owning the relevant parcel of land consisting of the adjoining land.

In consultation with the legal community, the Queensland Law Society raised serious concerns about clause 37(5) and described it as—

> ... problematic as it places an unreasonable onus on a former owner to seek permission of the current landowner to enter the land and carry out the required work. The former owner is placed in a tenuous position if the current landowner unreasonably refuses consent to enter the property, requiring the former owner to apply to QCAT for further directions. Furthermore, as the tribunal encourages self-representation, a former owner may not have been aware of his or her rights to make an application to have the order varied so that the current landowner is responsible for the fencing work.

This clause should be amended to protect the rights of the former owner in these particular cases. If a notice to contribute is issued and authorisation is provided by the adjoining owners, if an owner vacates that property subsequent to the authorisation of the work being undertaken then notice has been given and that owner should be deemed liable for an equal share of the cost involved. I understand and appreciate the general informal undertones of the bill before the House, but in circumstances such as this clause matters could potentially arise as outlined by the Queensland Law Society, creating a messy situation for all parties involved.

Clause 38 may lead to an increase in unnecessary applications to QCAT. We should first look to guide the owners to try to resolve the matter with the neighbour, with QCAT being the last resort if all other informal resolution attempts have failed. This goes to the underlying intent and heart of the bill—the use of QCAT as a last-resort option and also the purpose of the establishment of QCAT in the first instance, being to streamline aspects in the justice system. Ultimately, I agree with the underlying intent of the bill for the informal resolution of disputes, and that should be encouraged. The last thing we need to be doing is burdening QCAT with unnecessary cases, given that its workload has already led to questions of its potential productivity.

In practice, with the new provisions relating to the dividing fence on an adjoining property, equally contributed to by both parties, basically one owner will give a notice in the approved form to the other landowner describing the type of work to be carried out, the estimated cost of the work to be carried out and of course one written quotation. I note that in the briefing I had with the Attorney's department—and I thank him for that—officers did provide me with copies of the draft notices. I would like the Attorney-General in his reply to indicate whether the department has amended or worked on those documents since that time. If so, perhaps they could be tabled in the House as well. If within one month of giving that notice to the owner they have not agreed, either party may apply to QCAT within two months after the notice is given for an order under section 35. This bill really gives QCAT an extraordinary balance of power and jurisdiction over both dividing fences and the subject trees, which the bill deals with as well.

One of the most interesting aspects of the bill is those provisions that deal with overhanging trees and branches. The second main section of this bill deals with neighbourhood disputes over trees. As outlined in the explanatory notes, this chapter of the bill deals with trees affecting property and places paramount importance on the safety of any person in the interests of the general public safety. In some aspects, trees which overhang other properties may seem to be a minor issue. However, again, if a dispute occurs there needs to be a structure to resolve the issue in a formal and informal manner before the dispute has the potential to go beyond what it should. I understand that most of the government's community consultation related to this chapter of the legislation, and I can understand why. It is understandable given the nature of this type of dispute.

The legislation outlines a process of providing notice if a neighbour wants to lop branches of a tree which overhang their boundary with the tree keeper. It is important to bear in mind that this bill does not override the common law with respect to the right of abatement; it simply adds to it. It does not get rid of the common law; it simply alters it to the common law approach of abatement, which I will explain in a minute.

The sections of the bill that relate to trees if a dispute arises are essentially dealt with in two parts. The first part deals with when a branch overhangs a fence by 50 centimetres and is under 2.5 metres high from the ground. So one part deals with situations where you may have branches up to 2.5 metres high from the ground and overhang the fence by more than 50 centimetres. The second part deals with the more problematic issue of large trees, potentially large gum trees, that pose a safety risk to person and property. So in one part we deal with the more limited issues of overhanging branches up to 2.5 metres high from the ground and then the second part deals with a bigger problem.

Under part 4 of the bill, a notice can be issued to an adjoining owner for branches, as I said, which overhang the boundary by more than 0.5 metres and up to 2.5 metres high above the ground. If this notice is not responded to by the tree keeper, the neighbour has the ability to undertake the work themselves or contract a tree lopper to undertake the work and recover the costs from the tree keeper to a maximum of $300 per year. So if branches are under 2.5 metres high from the ground and overhang the fence by more than 50 centimetres, in practice if that were to occur, under the common law situation at the moment you can lop the branches but the common law of abatement generally requires that the owner of the branches is still the tree keeper. Dispute generally arises when people lop the branches and then haul them over the neighbour's fence because the neighbour owns the tree.

Mr Lucas: Which is complying with the common law and usually makes it worse because they think they are insulting them in doing it.

Mr BLEIJIE: That is exactly right. So in this situation you can chop the branches yourself and you can keep the branches, if you so desire. There is no requirement to hand the branches back. But it also includes fruit. So, in a situation where my beautiful banana trees are overhanging my neighbour's property, my neighbours are under no requirement to hand the bananas back, although I have great neighbours and I hope they would—and we would share the bananas. Essentially, it means that if the neighbour wants to chop the overhanging fruit they can and they are under no requirement to hand it back to the tree keeper.

You can also issue a legal notice to which the neighbour has 30 days to respond. So you can either chop the branches down yourself or, if you want the tree keeper to do it, you issue a notice—which would be a standard notice—to which they have 30 days to respond. If a tree keeper then does not respond when you have asked them to chop the branches off, you can get someone to do it. Bearing in mind that when the adjoining owner gives the tree keeper the notice they also have to give a quote to have those overhanging branches taken down. If the tree keeper does not respond in 30 days, you can go ahead and get someone to do it and pass on the cost up to a maximum of $300.

I do have issues with respect to the $300. I note that in the briefing I had with the Attorney-General's department I raised the issue of the $300 and whether it applied per tree or per property each year. When the Attorney sums up, some clarification on that would be good. I do have particular issues with respect to this $300. I foreshadow that I will be moving an amendment in consideration in detail that deals with this $300. I fundamentally believe that we are going to get ourselves into a situation where—if we allow the notice to be given to the tree keeper and the tree keeper does not do it but then the neighbour decides to do it—the neighbour may have a mate who is a tree lopper and I see potential issues for quotes and invoices being falsified for the sake of a quick $300. I would rather not say that, but there will be those in our communities who will use this provision.

There is a provision in the legislation that says that only one notice can be issued to the tree keeper per year. You cannot issue the same notice for another 12 months. That may answer the question in terms of whether it is a maximum of $300 per tree or per property per year. If they can issue only one notice per property per year, then I think that may clarify that situation.

I foreshadow that I will be moving an amendment that deletes the $300 aspect, going to the heart of the bill that deals with the dispute resolution processes. With the $300 aspect, we are only dealing with trees that overhang more than 50 centimetres and that are under 2.5 metres high from the ground. If you have a six-foot high fence, you are only dealing with overhanging branches from the top of the fence to 2.5 metres from the ground. I cannot see that as raising the potentially big issues that our big gum trees would raise, which are dealt with by QCAT in separate parts of the bill. Whether the Attorney supports that is his call.

I think we are going to get into a situation that we do not want to be in. For instance, I will use the analogy at my place at the moment where I do have overhanging bananas. If my neighbour chose—and they would not because they are lovely people—to issue me a notice to cut down the banana tree branches that overhang their property and I do not do it because I want the fruit to become nice and yellow and then give the neighbour half the fruit, they can issue me a notice, and if it costs someone $200 to come and do it I am going to be slapped with a $200 fee. I see that people will use this as an opportunity to make money. It will be an unfortunate consequence—$300 might not seem much, but we do have those in our community who will rely on that notice provision.

If an overhanging tree has the ability to cause serious injury to a person, serious damage to property or land or substantial, ongoing or unreasonable interference with a person's use and enjoyment of a person's land, and if this point is debatable, QCAT is once again the body with the jurisdiction to

hear and decide on the matter. Essentially, the onus of the maintenance of the trees is still the responsibility of the tree keeper. If there is a dispute over branches which affect another property, then formal notice can be given, as I have indicated, and cost recovered to a maximum of $300 per year if the notice is not responded to. But I do not believe the $300 fee should apply. I believe that, for those branches that will not cause as much nuisance as the bigger branches, neighbours should be able to work it out between themselves with a step stool. After all, we are only talking about chopping branches that are under 2.5 metres high from the ground.

There needs to be a formal process of notice for these cases, as I have heard of cases where a neighbour has provided verbal notice to remove overhanging branches with the threat to contract a tree lopper and pass on the costs to the tree keeper. In examples where neighbours do have a good relationship or the neighbour is away or if the property is owned by an investor who does not reside there, this process needs to be clarified and written notice is appropriate in this instance—which the bill will cover.

I would like to thank Mrs Mary Tanevski, who I met in Toowoomba recently at shadow community cabinet. Mary provided her personal feedback in relation to this bill and the practical implications in her instance. In her situation, a neighbour has a large gum tree which overhangs her property. I will read the email that she sent to me following the meeting we had on Sunday, 6 March. In this email she is giving her general feedback in relation to the bill. She says—

... as it stands 2.5 metres is approximately the height of a wooden fence line and inadequate a height. My reasoning is that a tree-keeper should be responsible for the tree no matter how high it is, and not just for the 2.5 metres above the ground as stated in the bill. My tree keeping neighbour's tree is 50 metres high overhanging my property, and he does not accept ANY responsibility to maintain his nuisance tree causing thousands in damage. I am financially victimised and the tree keeping neighbour is NOT held responsible or accountable for his lack of maintenance at only 2.5 metres height.

I have spoken to Mary because she did raise the issue. But that situation that Mary talks about, with a 50-metre high gum tree, is not covered under the first section of the bill. It is covered under the second section of the bill which deals with the application to QCAT. So Mary's situation will be able to be resolved through the process of QCAT. For the benefit of members of the House and the Attorney-General, I will table photographs of Mary's nuisance tree, the 50-metre gum tree. I will also table copies of the nuisance branches. The nuisance for her is caused particularly by branches falling from this gum tree on to her cars where her carport is. Also, where she says that the bill will not cover it, it will. I have explained to Mary that she will be covered under the second provisions of the bill which deal with the application to QCAT. I table a copy of those photographs.

Tabled paper: Bundle of photographs depicting a nuisance tree and fallen branches [4176].

For Mary's situation with this gum tree it will work essentially like this. If people have large gum trees, as Mary does in her neighbouring property, that overhang to a certain extent they do not go through the provision of issuing the notice to the tree owner because we are obviously dealing with the broader issue of public safety. If people feel that a large tree is creating a nuisance, is potentially or is creating damage to person or property or is posing a potential safety risk they do apply through QCAT. QCAT has all-ranging, broad powers to determine the outcome of that—that is, whether any branches have to be lopped and who will pay for the lopping of the branches or whether the tree has to be cut down completely.

I say to Mary, who emailed me with photographs of the tree, that that will be dealt with under the second provision of the bill. I believe that her issue will be satisfactorily dealt with by an application to QCAT because obviously the branches overhanging are more than 2½ metres above the ground. She wanted the option to apply to QCAT to resolve the matter. At clause 59 of the bill Mary will get that option, which is good.

I would like to thank the Attorney's staff for the briefing and their advice on the bill. There was some confusion at the time about the practical working of clause 58(4), which provides that a tree keeper is liable for the reasonable expense incurred by the neighbour, but only to a maximum of $300. Clarification from the Attorney that that is per property and not per tree would be beneficial. We do not want people getting slugged $300 for every tree.

As was the case in the previous chapter on dividing fences, I have a concern with respect to the onus on the seller of property once a transaction is completed. The Queensland Law Society also expressed similar concerns that the proposed bill gives a person, including their employees and agents, a right of entry with seven days notice; however, it does not limit the liability of the landowners that the entry is at the person's risk and the entry is subject to that person taking reasonable precautions not to damage, destroy or in any way adversely affect the property.

This could be overcome potentially by amending clause 87 allowing the new owner to recover costs from the seller if the order is made before the person enters a contract of sale for the land and fails to give the buyer a copy of the order before the buyer enters into the contract of sale. The lawyers in the chamber will know that this will create an additional burden on lawyers, particularly with contractual sales of property and the advice that one has to give to a client. QCAT is now required to keep a register. Lawyers will be advising clients of this particular register and whether any notices are contained in this register.

The Community Titles Institute Queensland also had concerns about the impact of this bill on owners of lots within community title schemes and also body corporate managers. Specifically this relates to clause 10 of the bill and the application of fencing provisions in overriding bylaws and that this principle ought not apply to trees as per chapter 3. For the benefit of the House I table a copy of correspondence on this matter sent to the Leader of the Opposition on 21 February 2011. I also note that the correspondence I am tabling was sent to the former Attorney on 21 February. The CTIQ also sent the opposition a copy for reference. I table a copy of that correspondence.

Tabled paper: Bundle of correspondence from the Community Titles Institute Queensland Ltd relating to the Neighbourhood Disputes Resolution Bill [4177].

I ask the Attorney-General to outline whether the concerns of the CTIQ have been addressed since the bill was first put into the House.

One of the most important outcomes of this bill will be its effect on QCAT. I recently met with the staff at QCAT as obviously this bill will have an enormous impact on it as it will be given the jurisdiction to deal with all the complaints. The title of the bill is the Neighbourhood Disputes Resolution Bill which, in itself, implies the bill is about resolving neighbourhood disputes. We in this House know that the bill only resolves dividing fence and overhanging tree dispute issues.

The government needs to ensure that QCAT is not flooded with complaints and applications for resolution of every other neighbourhood dispute. Prior to this debate I did have a quick conversation with the Attorney-General about the name of the bill and the potential burden this may create for QCAT. I would hate to think QCAT would be in a situation where it is receiving complaints of nuisance cats and dogs, loud parties or anything like that. We want to avoid that situation arising for QCAT. QCAT is still in the experimental stage of its formation and we have to watch closely the workload of QCAT and its productivity in terms of delivering better, cheaper and effective client services for Queenslanders.

I now foreshadow an amendment that I will be moving with respect to the name of the bill. I think just by calling the bill the Neighbourhood Disputes Resolution Bill it implies to the public, when they are looking at the record and are on the internet site looking at how to resolve this type of dispute, that this bill looks at all types of disputes, which of course it does not. We are only talking here about dividing fences and tree disputes. The amendment I have spoken to the Attorney-General about will essentially add a few words to the title of the bill. It will then read the Neighbourhood Disputes Resolution (Dividing Fence and Trees) Bill. I think that will give clarity.

I have met personally with QCAT staff and that is one of the big issues they raised with me. They see the potential problem being people assuming that this bill covers all these other complaints, which in actual fact it does not. We know that the resources in QCAT are scarce. It is already expecting to have an increase in workload based on the fence and tree component of the bill.

I am advised by QCAT staff that they actually have one full-time officer who is now ready to take on the challenge of these new applications into QCAT. I congratulate QCAT for realising that this bill is on its way. Having one dedicated person to look at the implementation of this bill, how this is going to impact on QCAT and the register that QCAT will now be required to maintain is good.

As I said, I will be moving an amendment in the consideration in detail stage that sends a message about the intent of the bill—that is, that it specifically deals with the old dividing fences act and trees and overhanging branches adjoining common boundaries. I would appreciate government support for this very minor amendment, given that it was the legislative agenda which created QCAT in the first place that we streamline the justice system and not overburden QCAT. I would hate to see anything overburden QCAT. I think this is a way that we can potentially avoid that conflict. The amendment would simply add the words 'dividing fence and trees'.

I would appreciate from the Attorney-General any information on any form of education campaign that has been devised to coincide with the introduction of these changes and how much money has been set aside to inform the community of these changes in the form of an education campaign. With the old system, if people had issues with large trees they were required to start actions of nuisance. It was very convoluted. This will hopefully streamline the process of those disputes.

In summation, I restate that I am certainly not and the opposition is certainly not opposing the bill, but, as I mentioned, we do have well-founded reservations about the practical implications of some of the aspects of the bill. I would appreciate the Attorney-General's support with respect to our amendment so as to not create confusion in the community about what this bill is about. QCAT has advised me that that is its major concern. I do not see it as a major amendment if we add the words that essentially get to the heart of the bill—that is, 'dividing fence and trees'. Otherwise we will see QCAT getting applications dealing with barking dogs, cars parked on footpaths and, as the Attorney-General would know, even the occasional loud party. We do not want QCAT dealing with situations which it does not deserve to deal with.

I will conclude my comments by saying to the Attorney-General that in general we support the bill. I would appreciate feedback in terms of the issues I have raised and with respect particularly to the amendments that I have foreshadowed I will be moving in the consideration in the detail stage.

Dr DOUGLAS (Gaven—LNP) (5.48 pm): After a home, a job, good health and family probably comes good neighbours. For most it is something we all just take for granted. Occasionally neighbourly relationships are just a bit harder and it is a work in progress. It can lead to legal action, various threats, demands and endurance tests for the rare few. Today on the front page of the *Gold Coast Bulletin* is such a dispute between neighbours who have been reduced to name-calling, amongst other things. This bill is about trees and dividing fences. In years gone past those trees would have been home to children climbing, building cubbyhouses and generally swinging from ropes—they do not tend to do that as much these days; they sit in front of computers—and they also heralded the onset of seasonal change. The fences were merely present to define the limits of one's own property.

Things have certainly changed in modern times—maybe for the worse—and maybe they are more reflective of intolerance for one another. Everyone seems to have an opinion on the subject, or so it seemed when I asked my constituents for their opinions on the proposed legislation. I would have to say that I was inundated with the floodgates of people having neighbourly disputes. I did not realise that there were so many unhappy neighbours out there. Most of their complaints, as I am sure is the case in most electorates, were really quite trivial and it behoves us all to consider that this might be one way of seeking some resolution for them largely with regard to dividing fences and trees and pruning of those trees. There did not seem to be a consistent view, other than most people thought that it was unfair to allocate the expenditure of costs in the manner as proposed within the bill—what else would we have expected—of $300 annually as a maximum charge to the tree keeper as defined and the looseness of the definition of 'sufficient dividing fence' and the construction thereof and the implication of associated costs for that.

I do not doubt the difficulty faced by those who conducted the review of neighbourly relations in their eight-week review based purely on the nature and the content of the responses that were sent to me. I want to mention one of many, but these were the sorts of things that were raised. On 28 February Peter sent me this at midnight—

> I have a neighbour who has our entire fence line planted with clump bamboo. This bamboo hangs over our fence and water tanks, dropping fronds etc. Because of the rapid growth of the bamboo it requires trimming at least three times a year which would attract a greater cost than the recommended $300. The costs should be on assessed costs per complaint and how many times the trimming is required not a mandated fixed amount.

There certainly were many others. They were not all charitable, but nonetheless that was one of them.

The decision to regulate and cede authority to QCAT without an effective right of appeal looks to me just a little bit excessive and probably will lead to more problems than it resolves. I certainly congratulate QCAT. I hear that it has put on some people to deal with it—I agree with the title of the bill—and I think that those people might not know what is coming at them. People certainly might raise a few other issues, but QCAT might have to tell them that this is about dividing fences and trees. If there is no path to true resolution, there will be anger, residual hostility and in the present economic climate probably too little flexibility for some to sell up and move on with their lives. This does not mean that I or the LNP do not support the intent of the bill nor the intent to specify certain requirements that will provide a basis on which to build a resolution. The matter will be referred to QCAT, and it is its powers and lack of review that is the problem currently and which is possibly a flaw in the bill. It is to be noted that it has taken several years to get to this point.

I do not intend to go through all of the specifics of the regulation. I think the shadow minister has done that. I note the role of the tree keeper and the dividing fences. Personally I am a strong believer in managing trees, removing any of those classified as pests, pruning—especially for fire and safety reasons, and attempting to provide a strong diverse natural habitat for native birds and fauna. Fences should reflect those values of the neighbours, the community itself and be affordable. I strongly endorse the regulations on fence heights using the basic definitions defined in the explanatory notes of not exceeding 1.8 metres. In general terms this is reasonable. It should also be dog safe, because many people have dogs these days.

There is a recent tendency for fully enclosed two- to 2.4-metre solid fences which have occurred in other major cities, and on the Gold Coast it appears to still be increasing. After recent difficulties several years ago, I am seeing these fences go up. I think it should be discouraged where it can be. These barriers are a knee-jerk response to fears about personal security and possibly an idea that 'my home is my castle and damn everybody else'. The bill reflects the more modern-day interpretation of the previous act which it replaces—that is, the 1953 act. As most would realise, the old act reflects a more rural approach to fences, especially dividing fences. This bill clearly makes the distinction between rural agricultural pastoral properties and urban land.

The areas of contention have been more than amply covered by the shadow minister. In fact, I am a former part-time orchardist with my father and family. I was rather curious to hear and somewhat relieved that neighbours can keep the fruit that overhangs the fence. Most times I usually told the

neighbours to come over and pick whatever they wanted for their own use. I did, however, object when that definition of their own use included the extended relations of neighbours and we had people picking boxes and boxes and boxes of fruit. But certainly they always wished for the same kindness, and sometimes to be good to your neighbours engenders a lot of goodwill and, really, that is what we are trying to achieve. QCAT has a task ahead of it. We do not want neighbours to become hostile and angry, which is what tends to happen.

Neighbourhood disputes are the recurring problem faced generally by councils throughout the world. Sadly, a really good neighbourhood dispute—whatever that really is—is something that most people living on adjoining blocks wake up to each and every morning long after the problem actually started. In fact, they tend to hang on to it. Therefore, we have people hanging on to these terrible problems, living with a neighbourly dispute and the reasons why they dislike their neighbour intensely, whether it be because of a tree or a dividing fence over which agreement could not be reached. Some disputes linger like a cancer that defies any treatment, whether it be mediation, time, financial payment or largely vocal hostility. Sometimes nothing will ever lead to a spontaneous resolution of a dispute, and historically these have sometimes gone on for 40 years. This is probably the failing of us all as individuals who have to live beside and with one another. Intolerance, fear of the unknown and selfishness are qualities of human beings that come with the powers of intelligence and opportunity. There are simple everyday occasions, such as a tree that hangs over or is near a fence or fences dividing properties which we do not like or we feel is excessive or damaging, which have the potential to lead to overregulation, disharmony and potentially serious neighbourly conflicts. I do hope the bill achieves its ambition.

Ms DAVIS (Aspley—LNP) (5.57 pm): I rise to contribute to debate on the Neighbourhood Disputes Resolution Bill. The bill offers a much needed modernisation of the Dividing Fences Act 1953 and addresses the law regarding overhanging trees. On the whole, I consider this to be a sound initiative. In my view this bill could not have come sooner. One of the issues that frequently comes through the Aspley electorate office is that of neighbourhood disputes, and this legislation outlines what ought to be common-sense solutions to these problems. This bill seeks to ensure that even the most difficult and uncooperative neighbours will be governed by reasonable concessions and compromise in disputes. This is a most welcome move.

The Neighbourhood Disputes Resolution Bill is the product of a review undertaken by the government on the law of neighbourly relations. This review found that 80 per cent of respondents surveyed had experienced a dispute with their neighbour. Of these disputes, 60 per cent involved a dividing fence and 56 per cent concerned dangerous or intrusive trees. So it is understandable that the bulk of the legislation focuses on these two matters, and I will briefly speak to each of those. Trees on a neighbour's property can adversely affect someone's property in a number of ways. They can cause structural damage to property, leaves might clog gutters, their size might obstruct an existing view or they are simply a safety hazard. Currently Queenslanders may seek resolution through the common law remedies of abatement or nuisance. The bill seeks to preserve the common law remedies alongside a statutory remedy for people affected by dangerous or intrusive trees on neighbouring properties. Furthermore, the bill states that people have a responsibility to properly care for and maintain their trees.

Where necessary, QCAT has jurisdiction to hear disputes and make a wide range of orders to ensure that relief is offered subject to local laws or vegetation protection orders. I support the introduction of a legislative declaration regarding the responsibilities of a tree owner as well as a new statutory process for seeking relief in this common area of neighbourhood disputes.

For more than 50 years the Dividing Fences Act 1953 has been the statutory authority on boundary issues in Queensland. Since then, times have certainly changed. An NRMA survey taken in 2009 of 2,100 households showed that 33 per cent of Queenslanders surveyed are too busy to get to know their neighbours. Nearly half of all Australian households are hardly on speaking terms with their neighbours. When you add to these statistics a steadily growing population, it is obvious that legislation written for the Queensland of 50 years ago is of little relevance to the Queensland of today.

Chapter 2 of the Neighbourhood Disputes Resolution Bill seeks to make key changes to the 1953 legislation and provides clarification on matters where the Dividing Fences Act was silent. First, the definition of 'fence' is broadened to include hedges or similar vegetative barriers, but retaining walls are excluded. Along with this definition, greater clarification is given as to what constitutes a sufficient dividing fence. The bill provides a state-wide definition to replace inconsistent local council laws. Dividing fences are now explicitly owned by both neighbours equally.

Under clause 33 the bill also confers jurisdiction on QCAT to hear and decide any dispute concerning dividing fences. Clause 38 may herald an unnecessary increase in applications to QCAT and the clause should be written to encourage owners to try to resolve the matter with the neighbour first. In the event that this action fails, QCAT may be approached as the next option.

As I mentioned, the bill excludes retaining walls from its definition of fences. In the main, this bill is a necessity. It promotes public safety and provides greater choice for neighbours in relation to trees affecting their property. It is important legislation. I support the shadow minister's proposed amendments. Otherwise, the bill provides much needed clarification for Queenslanders in their dealings with their neighbours.

Mr MOORHEAD (Waterford—ALP) (6.01 pm): I rise to speak in support of the Neighbourhood Disputes Resolution Bill 2010 and support what is a much needed review of the law around neighbourhood dispute resolution. I want to focus my comments on trees, because I think that is the most significant change in this bill. I am sure that it is a change that will be very warmly welcomed. I have a number of constituents who are waiting for this bill to be passed so that they can deal with those issues that have been unresolved for some time. Those people are worried about branches falling on their house, on their car or on their children and they want to take the opportunity to resolve the matter quickly through the dispute resolution process established by this bill.

The issue of trees has traditionally been one that has fallen through a gap. It is an issue that is out of the reach of the ordinary Australian homeowner to resolve quickly. Councils are often the first port of call for people in this situation and councils find it very difficult, because they have very limited power in this regard. Homeowners are often then sent to state MPs, who can explain that they have a common law right to sue for nuisance and go to the Supreme Court or to the District Court to seek some resolution. But for the average person who just wants the gum tree removed from next door, that is something that is beyond their reach. This bill provides an effective process for trying to resolve issues in the first instance at the local level and then a quick resolution process should that not be the case.

Although this bill may not be seen to be sexy by some, it is a bill that goes a long way towards improving the amenity of our suburbs and the quality of life for residents, because people want to get along with their neighbours. The process set out by this bill will continue the common law rules of abatement. These are rules that most people know already about overhanging trees that they can reach and they can cut off. Those well-understood principles have done well to resolve issues quickly, but where the issue has become a difficulty is where there are large trees or trees that are causing significant damage and the other side of the dispute does not necessarily want to participate. This process will provide quick and easy forms that homeowners can complete and provide to the person who is responsible for the tree and ask them to resolve the matter quickly. Then there will be options for conciliation and, should those processes not work, QCAT will be given the power to make orders to resolve the dispute quickly and with limited cost.

So this bill provides a remedy that is quick and accessible for homeowners in Queensland. It also means that, with a remedy in sight, there is strong pressure on people to be reasonable with their neighbours and to come to some agreement. The principle is that if you cannot come to an agreement then the tribunal will fix it for you. That may not be an outcome that you would like, so you may as well come to an agreement with your neighbour and do it on good terms.

This bill is not for every little impact that a tree has on a neighbour's property; it is about those impacts that mean that a homeowner is not able to use their property in the way they should. So a homeowner has to show some unreasonable impact on their property, or some serious damage, or some serious risk of damage to them, their home or their loved ones. I think this is a very clever bill in that it provides a simple process for what has traditionally been a remedy far out of reach of the ordinary Queenslander.

I want to raise some of the issues that I raised during the consultation process. The first is that I think the Department of Justice and Attorney-General should publish the decisions that the tribunal may make to act as a guideline for future participants. The more well known the tribunal's process and the likely outcomes become, the more likely it is that residents will be able to fix these issues quickly at the local level between neighbours.

The second issue that I raised is obviously the accessibility of QCAT. I understand that not all courthouses have facilities to operate this QCAT process. I would like that matter to be clarified. I know that sometimes the requirement for people in outer suburbs, such as Logan, to travel into Brisbane might be a barrier to them accessing the justice that this bill makes available.

This is a great bill. I know that many of my constituents will enthusiastically take up the option of dispute resolution that it provides. I hope that we can pass it quickly so that people can start resolving their ongoing issues as a matter of priority.

Mr HOOLIHAN (Keppel—ALP) (6.07 pm): The Neighbourhood Disputes Resolution Bill is music to my ears. One of the best pieces of news that I received in May 2007 was that there was going to be a review of the law of neighbourly relations. Most people should realise that some neighbourly relations are not very friendly. Discussion papers were also released on dividing fences, trees and resolving neighbourhood disputes. I worked in the court system for many years and operated my own legal practice in North Rockhampton. I applaud the course of action that was undertaken and which resulted in this bill. I thank the Attorney-General and the previous Attorney-General and their staff for bringing about the changes that have been needed for many years—

Mr Moorhead interjected.

Mr HOOLIHAN: And the previous Attorney-General before that. I take that interjection by the member for Waterford. All of those people are lawyers and they are aware of the difficulties that neighbours raise between themselves.

I noted the earlier comments by the Attorney-General about some of the most difficult things that he has ever seen. I do not know how you resolve some of the disputes that people have raised among themselves—and I will mention a few of those later. Anyone who has practised law for any period of time would be aware that difficulties can arise between neighbours. For watchers of some of the more bizarre TV presentations available today, I have to tell them that the real-life presentations of some of the neighbourhood problems would make Gold Logie award-winning viewing.

Neighbours who have not spoken to each another for years, those who spray poison along their side of the fence or on the fence to stop any encroachment of trees, those who build their fence 150 millimetres or 155 millimetres inside their boundary so that when the next-door neighbour puts in plants adjoining the fence they can pull the plants out because they are on their land—denying any assistance to their neighbour by doing that or allowing them to remove those plants—are the bane of life of most suburban solicitors and a few non-suburban ones as well.

Mr Moorhead: And bush lawyers.

Mr HOOLIHAN: Possibly bush lawyers, yes. There has never been any real answer to those disputes other than the common law of abatement, which we have heard from a number of speakers and is mentioned in the bill, which is the removal of overhanging branches. It did not go very well with the neighbour when, if a person wanted to remove overhanging branches, they got someone to go straight along the line of the boundary and then threw the branches back over the fence. That was the advice a lot of people were often given. It made for even better relations!

The other act that we are repealing is a 60-year-old act dealing with fences. Although the act is 60 years old, some of the provisions are a fair bit older. This bill extends the law of abatement to make the tree keeper also responsible if a tree causes substantial ongoing and unreasonable interference with a person's use and enjoyment of their land. I mentioned trees that are on their side of the fence being poisoned. Some of the trees that are planted have massive root systems. I have had instances where those root systems actually upset the concrete base of the house that the neighbour lives in. That does not make for very good neighbourly relations, either.

I would also like to mention fences. One of the best tricks in relation to fences always seemed to me to be somebody wanting to put up a fence which was the 'Rolls Royce' of fences or a monument to posterity and expecting the next-door neighbour to meet half the cost. This bill makes it clear that the only fence to which both parties will be required to contribute is a sufficient dividing fence. If a person wants any greater fence—a bigger fence that is more than a sufficient dividing fence—they pay.

The new bill will hopefully bring resolution of disputes into the 21st century. If they are unable to resolve any dispute between themselves—that is set out as a requirement of the bill—jurisdiction is given to QCAT to make a decision. The best way to remove a dispute is always to have the parties act so that they can own the results. That way, hopefully we might end a few of the longstanding neighbourhood disputes.

This bill gives definition to what constitutes trees and fences and deals with each in its own separate part of the legislation. The definitions are wide and seem to cover most, if not all, of the scenarios I have encountered over my 48-year involvement in the law. There are a few small areas which do worry me slightly and I think they may need attention. I would ask the Attorney if one of them could be explained very specifically. Subclause 24(2) relates to contributions by lessors and lessees. It deals with an unexpired term of a lease. It sets out fairly long terms for a lease. Most leases are of a reasonably shorter length. People refer to the term of their lease as including any option period. I think it is probably productive of some argument about whether the reference relates to the actual original term of the lease or also includes the option period.

Chapter 3 provides that a stated local government area can be exempted if provided by regulation. Clause 42 mentions trees in public parks but does not deal with roads and footpaths. Many people who get into disputes, as noted by the member for Waterford, go to their council. Many people who get into disputes have a dispute with the council about the tree that is planted on the footpath. The council will say that they cannot do anything about it and they will tell them what to do with it. We happen to have a council in my area that does not have any local law relating to preservation of trees. It may well be something that does need to be looked at, to make sure that if there is a dispute with council that can be resolved. One big problem—and it is a problem possibly specific to my area but I know that a lot of these trees are planted in other areas—relates to trees with that major root system that I mentioned, poinciana in particular. People cannot walk along some footpaths because of the root system. It also lifts fences.

The bill sets out an exact course of action to be followed to achieve a resolution in any dispute over trees or fences, and it is to be hoped that many people who think they can use legislation to bludgeon their neighbours realise that they will now be caught out.

As I said at the outset, this bill goes a long way, if not all the way, to obtaining an expeditious result for disputes over trees and fences, and it is hoped that we will not have the ridiculous opposition to this far-sighted bill as has been demonstrated by the opposition over this week. I note that the shadow Attorney indicated it will support this bill. The people of Queensland, their lifestyle and environment, have been protected by all legislation debated this week. I think the opposition should cease displaying its lack of knowledge of how society actually works and what people seek and take its blinkers off.

The results of the consultation on this bill have produced a bill that many people are very, very happily waiting to have implemented. I will be very pleased to see the bill become law. The Labor Party is about governing for all the people of Queensland. This bill shows very much that we are listening and acting to make more certain the lives of the people whom we represent. I commend the bill to the House.

Mrs SCOTT (Woodridge—ALP) (6.16 pm): I am particularly pleased to see this bill, the Neighbourhood Disputes Resolution Bill 2010, come before this House. Disputes over trees that are impacting neighbours and dividing fences can cause disputes which at times can sadly escalate into open warfare. This bill is designed to give neighbours a clear pathway to resolve issues in a friendly, reasoned way thus avoiding long, drawn-out disputes which sometimes result in financial loss and irreparable damage to personal relationships.

The horrendous disasters of flood and cyclone throughout our state have seen the very best in neighbour caring for neighbour. Often the description of who is my neighbour has been redefined as we have watched the mud army fan out into our suburbs. It is hoped that neighbours will now adopt the spirit of this bill and seek to resolve issues around trees and fences the good natured way it is intended, using the tools which now will be available to them.

I have to place myself in the category of someone who would choose a simple home nestled amongst the trees over a mansion almost covering the entire block of ground with a few carefully placed shrubs. I need greenery, I need birds and I need room for a garden. A previous neighbour sought our advice as to whether we wished to have trimmed a massive eucalypt which is close to our boundary and of which maybe half overhangs our pool. Under no circumstances would I have that tree trimmed. Our pool is surrounded by trees, some overhanging, and they provide wonderful shade on hot days. However, ask my husband if he enjoys all the leaves in the pool and you may get a different answer. But I have to admit that, to many, neighbouring trees can become a problem and adjoining fences do cause heated disputes. While I will not go into details, some time ago I took a dispute over a retaining wall and adjoining fence to an adviser in the Attorney-General's office. It was the most acrimonious dispute I have ever encountered. It was headed for the Supreme Court.

The Dividing Fences Act has been in vogue for 60 years and it is high time we introduced this more conciliatory way of working through the issues. The bill is written in language that is easy to understand and the first step is always to simply approach one's neighbour and discuss the issue to try to come to an amicable agreement. Two forms are available to cover both issues, the 'Notice for contribution to fencing work' and the 'Notice for overhanging branches'. Should further mediation be required, an alternative dispute resolution process is available where the two parties will be assisted to explore options to try to reach agreement. The final jurisdiction remains with the Queensland Civil and Administrative Tribunal, QCAT.

While the previous act required a neighbour who trimmed a neighbour's overhanging tree to return the branches to—and I do like this term—the tree keeper, that is now an option only. However, it should always be kept in mind that some trees have a preservation order over them. Should the neighbour wish to request that the tree keeper trim the tree, they may serve a notice on the owner. However, the tree should have no less than a 0.5 meter overhang and be less than 2.5 metres high. Should there be no response, the neighbour is then able to have the tree lopped and the invoice sent to the owner, with a maximum of $300 allowed. Those are very clear guidelines and will assist with a high proportion of the issues. However, there are times when a tree is clearly dangerous, particularly in the storm season or when the roots of a tree may be damaging a neighbour's foundations, underground pipes or utilities. Those are far more serious issues and will require the jurisdiction of QCAT. A register of determinations must be kept by the tribunal so that homebuyers have access to this information.

The dividing fences part of the bill has a number of diverse parts, such as the clear rules for rural areas and the various forms of fencing in urban developments, such as a hedge being considered a fence. Providing the fence is on the boundary of the properties, it is deemed jointly owned and, therefore, the cost is shared between the homeowners. However, if one or other of the owners is seeking a more expensive fence than is reasonably expected, it is that owner's responsibility to pay the extra costs.

The simplicity and certainty within this legislation sets out clear instructions for dealing with these issues and will lead to a reduction in disputes and a clear pathway for conciliation if required. It will enable members and their staff to more readily advise our constituents when such cases arise. I thank those who had input into the drafting of this bill and commend the bill to the House.

Mrs ATTWOOD (Mount Ommaney—ALP) (6.22 pm): The Neighbourhood Disputes Resolution Bill 2010 deals with dividing fences and tree matters. Those issues are the subject of regular inquiry to the Department of Justice and Attorney-General and are commonly dealt with by community legal services. Today I will speak about how the bill will assist neighbours who are in dispute about a dividing fence matter. This will be of enormous benefit to the residents of my electorate of Mount Ommaney.

Under this bill, neighbours will now have the benefit of clearer statements of the law, new procedures such as a pro forma notice to fence and new remedies. The bill will bring greater certainty to the community by clarifying many issues that, in the past, have made it difficult to resolve neighbourhood disputes about dividing fences. Many of those issues were not addressed in the Dividing Fences Act 1953, which will be repealed by this bill.

Chapter 2 of the bill contains the proposed new laws about dividing fences. In this chapter many of the clauses are, in fact, a codification of several judicial decisions and some common law principles about dividing fences. The intention is that those decisions should be accessible in the legislation. For instance, there is a line of judicial authority that agricultural properties, particularly cane farms, do not need to contribute to dividing fences. This is included in the bill. Also, at common law, a fence on the boundary is jointly owned by the neighbours. This is also stated in the bill.

The bill introduces a wider definition of the term 'fence' to include hedges on urban land. A clearer definition of the term 'sufficient dividing fence' has been given meaning and now includes guidance as to height and materials. The bill also provides that in any case adjoining owners can still agree the dividing fence is a sufficient dividing fence for their particular purposes. For instance, rural neighbours may require a barbed wire fence. Also, QCAT is given the power to decide whether the dividing fence is a sufficient dividing fence. The bill clarifies that, where a larger property is adjacent to a residential subdivision, the larger property does not have to contribute to dividing fences for each subdivided lot. This is included because of cases that were raised in the community consultation process in which owners of acreage lots were asked to contribute to numerous dividing fences for newly created lots adjoining their property.

The bill provides urgent relief when a dividing fence is being removed without consent. For instance, if an owner believes on reasonable grounds that an adjoining owner intends to construct or demolish a dividing fence without authorisation, the bill provides that an owner may apply to QCAT for an order preventing the adjoining owner from constructing or demolishing the dividing fence. The bill also provides a more restricted right of entry to conduct fencing work, which contains greater safeguards for each neighbour. The Queensland Civil and Administrative Tribunal has jurisdiction to deal with fencing matters under the bill. However, the emphasis throughout the bill is on encouraging neighbours to resolve their dispute and reach mutual agreement prior to any hearing.

Other general changes include a single 'Notice for contribution to fencing work' form, clarification that the ownership of the dividing fence on a common boundary is shared equally, distinction between a retaining wall and a fence, and clearer rules for pastoral and agricultural fences. The bill ensures that not only are the proposed new laws about dividing fences relevant to the demands of living in the 21st century but also they are more accessible and much easier to understand. I commend the bill to the House.

Mr CRANDON (Coomera—LNP) (6.26 pm): I rise to make a brief contribution to the Neighbourhood Disputes Resolution Bill. I will focus my attention on a particular area of the bill, which is the meaning of 'fence'. Clause 11 states that a fence is a structure, ditch or embankment. 'Embankment' is an interesting word. In recent times, some complaints have come my way about a particular embankment between residential blocks that has not satisfied the requirement for a retaining wall as far as the council is concerned. Therefore, the council could not enforce the need for a retaining wall, which I believe needed to be at least one metre high.

I ask members to imagine a situation where there is a slight hill. House No. 1 is being built. A cut and fill has been done to build the home. Somebody else comes along and buys the lower block of land and decides to do the same thing. They do a little cut and fill and start building their house. They end up with something like a three-quarter metre high embankment between the two blocks of land. Say you are on the high side and you want a retaining wall built so that you can tidy things up. The reality is that the creation of the embankment happened as a result of the actions of the people on the block below. The people on that block say, 'No, we don't need a retaining wall at all.' Therefore, they have the embankment. It is extremely hard to build a fence on an embankment, particularly as the maximum height of a fence between two properties is 1.8 metres. If the embankment is 700 millimetres or 900 millimetres high, cutting between the two blocks, material from the high side can be washed away. You end up with a rather nasty embankment that, interestingly enough, in the interpretation in this bill is regarded as a fence in its own right. That is interesting. I seek some explanation on that. It can be a very

difficult situation if the owner on the lower side says, 'No, I'm not going to put a retaining wall up; I'm not going to spend my money on that.' The people on the high side have probably already done that on the other side of their block.

It could be that it is virtually impossible to build a fence along the length of the dividing boundary. So there is a common boundary that cannot be built on and if the people on the low side are not keen to do anything about a retaining wall, where does the fence actually go? The bill talks about being able to move the fence line if it is impracticable to construct on the boundary line. Which way do they go? Do they build the fence on the low side? If they do, there could then be a 900-millimetre drop and the people on the low side lose a slice of their land forevermore to the people on the high side. They can only build a fence 1.8 metres high. So from the high side there is a 900-millimetre lift and then the fence. So that fence would be only 900 millimetres high on the high side but 1.8 metres on the low side. Alternatively, do they move up the embankment and build the fence on the high side? Then that 1.8-metre fence would look like a 2.7-metre fence to the people on the low side because of the embankment. More to the point, the people on the high side, who had nothing to do with the cut and fill of that block, have now lost a big slab of their block of land.

This is a common situation. In fact, this scenario that I just described has been presented to me in a neighbourhood dispute, which is exactly what we are talking about in this bill. Where do they find some balance? How do people come to an agreement when the council cannot enforce because there is not a metre of height and when one side or the other can lose a significant piece of their land because the fence has to be moved one side or the other? They can go off to QCAT but I wonder how QCAT would deal with something like that, given that the bill does not appear to be specific enough. That is the point of my example. There is a lack of specificity in the bill as to how this situation might be resolved. Therefore, in my humble opinion—and it is still very much open to interpretation—the dispute that I have just described, which is a very real one, would continue under this new legislation.

There is massive growth in the Coomera electorate. There are all sorts of undulations of land that are being developed. These types of things are all over the Coomera electorate and certainly all over South-East Queensland. We would still have the dispute. My concern is: how would we resolve this type of dispute, which is becoming more and more common? I can see ongoing disputes and issues related to this particular aspect of the bill.

Mrs PRATT (Nanango—Ind) (6.33 pm): I rise to speak very briefly on the Neighbourhood Disputes Resolution Bill. I assure honourable members that I know what it is like to have terrific neighbours. I have been blessed all my life with good and reasonable neighbours. When people can say that, in a way they have won some kind of lifetime lottery. It is just wonderful. I believe that this legislation is well and truly needed in order to clarify a few things. As many people have stated, overhanging trees and fences have been very common causes of dispute.

I can see one issue possibly arising in the near future with regard to one property I own. It shares borders with five neighbours. One of those neighbours on the back fence wants to put in a six-foot Colorbond type of fence. When she erects her little section of the back fence, I will have to negotiate with five other people to try to get the same sort of fence in order for my boundary to look uniform.

Mr Lucas: I am sure you'd be a really nice person to live next door to.

Mrs PRATT: We have wonderful people, but this particular neighbour wants a six-foot Colorbond fence. So if I want the fence around my house to be uniform, I have to approach all the other neighbours on this one particular block and say, 'To make it conform I need to have a Colorbond fence to make it look rather nice.' I am pretty sure that they will not want to change what they currently have. I could end up with a patchwork of fences around my property. I see a bit of a problem for me in the future. I am not sure how we resolve that. If the Attorney can tell me how to resolve that and not have a patchwork fence, I would appreciate that. It would be a long period of negotiation.

I turn now to trees. I probably have more trees in my yard, which is a double house block, than anybody else I know. I always try to balance the air I use and achieve a negative footprint if possible. We tend to bribe our neighbours with the fruit. We have over 25 fruit trees on our property and it has stood us in good stead with all our neighbours. At the moment they will be enjoying bananas at a very cheap rate—nothing—because our bananas are in full flight.

Mr Lucas: Cavendish or ladyfinger?

Mrs PRATT: Ladyfinger. It is sort of a trade-off with neighbours. I find that when you can share produce from your garden you will have great neighbours. I advise anybody who has a problem to start growing some fruit and vegetables and hand them over the fence.

Mr Lucas: If you're smart you will want to send some down to Mr Speaker, then.

Mrs PRATT: I do not know that Mr Speaker and I have a problem. I would hope not, Mr Speaker, but I am willing to give you a box of fruit and vegies every now and then. If it kept this parliament running smoothly I would give them to everybody if I could afford to.

This is a pretty good bill. I do support it. I do wish to raise an issue which is similar to that raised by the member for Gaven. It relates to the $300 that goes to the tree keeper when a neighbour ends up lopping a tree. I can see that becoming a minimum fee in due course. In some instances it could be very excessive and perhaps hard on people who do not have the reddies, as they say.

Overall, I do support this piece of legislation. They are my only concerns. I intend to support the opposition's proposed amendment. I will listen to hear how the Attorney-General resolves my problem of five different fences on one property.

Mr DICKSON (Buderim—LNP) (6.38 pm): I rise to contribute to this debate on the Neighbourhood Disputes Resolution Bill. What is a neighbourhood dispute? Legal people tell us that it is usually when one neighbour does something intentionally or accidentally that disturbs the other neighbour. Disputes about fences, dogs, drainage problems and trees are the most common. These disputes may not seem overly important compared to some other legal issues that arise within communities, but they can be very significant if one neighbour is unable to enjoy the peace and quiet of their home environment simply because of an act or omission by the person who lives at or owns the property next door.

Tragically, we have even seen instances in other parts of Australia and overseas where neighbourhood disputes have led to deaths. It is curious as to what has happened to the old relationship between neighbours. The neighbourhood dynamic seems to have altered significantly over the last few decades. People can be neighbours for a very short time or a very long time. Some people move from home to home very frequently. Then there are other people who live in one house for most of their lives, having grown up with their neighbours. Relationships between neighbours vary widely. They can be amicable. Some people like to keep their neighbours at arms-length, and they can even be very hostile towards their neighbours.

Whenever people live next door to each other, their acts or omissions can cause grief among themselves resulting in conflict. A lot of neighbours are now living closer together than they did back in the seventies and even in the eighties. However, as we have gone from a no-car family to a one-car family and now to a two-car family, we are freer and have a greater ability to spend less time at home and more time out enjoying ourselves or visiting friends and family in other places. Neighbours have moved further apart socially. I read something recently, and I quote—

> When a conflict develops between neighbours who have very little relationship, or a negative relationship, it is less likely that the conflict will be dealt with constructively. There is not as much to lose, not as much incentive to be considerate. The chances are today that neighbours in conflict will be strangers.

This bill seeks to do two things: firstly, to provide rules about each neighbour's responsibility for dividing fences and trees so that neighbours are able to resolve issues about fences or trees without a dispute arising; and, secondly, to facilitate the resolution of any disputes about dividing fences or trees that do arise between neighbours. A review of neighbourly relations was conducted to find more efficient ways of assisting neighbours to resolve their disputes so that friendly communities might be supported by appropriate laws and dispute resolution processes.

In part, the review noted that previously neighbours have had two major choices when it comes to choosing a process for resolving a neighbourhood dispute—either court or a form of mediation. Most neighbours are reluctant to take legal action to resolve a neighbourhood dispute. For many, going to court is a daunting prospect. It may be expensive, complicated, time consuming, drawn out and emotionally exhausting. The review found that the Dividing Fences Act 1953 needed to be replaced with legislation in a modern drafting style and that the application of the common law of 'nuisance' to a neighbourhood dispute about trees did not provide a realistic solution for neighbours. Indeed, disputes between neighbours over trees is an age-old issue in Queensland. I note the discussion paper on trees states—

> There is currently no specific statutory law in Queensland which addresses the nuisance of trees. There is also no specific requirement for Queensland local government bodies to have laws relating to the issue of trees either.
>
> Many local councils prior to amalgamation had local laws regulating the nuisance of trees. Following amalgamation local councils have until 31 December 2010 to review their local laws. As a transitional device, amalgamated councils may adopt the local law of a constituent former council or a model local law. However it is likely that amalgamated councils will rationalise local laws as a matter of priority.

The discussion paper concluded the following—

> There are essentially two competing views about ownership of property. One emphasises 'freedom of property' and the rights associated with property ownership. The other suggests that property ownership entails social obligations as well as rights.

This bill purports to address community concerns raised during consultation processes. The explanatory notes tell us that it modernises the dividing fences legislation, changes the common law of abatement in relation to overhanging tree branches, introduces a simplified remedy to deal with trees and confers jurisdiction upon QCAT in relation to these matters.

The bill introduces a single definition of fencing work. This includes design, construction, modification, replacement, removal, repair or maintenance of the whole or part of a dividing fence. It also includes obtaining approval for fencing work. Previously, there were separate procedures for the construction of a dividing fence and for the repair of a dividing fence. In other jurisdictions, some owners

have been deprived of contribution because the court held that they had proceeded under the incorrect section—that is, that they have sought repair but should have sought demolition and construction of a new fence. This has reportedly happened in this state. In New South Wales, the Law Reform Commission proposed that a single definition of fencing work should be the basis of the procedure for determining disputes.

The new definition will allow a single step for design, construction, modification, replacement and repair. When an adjoining owner wants to seek contribution from a neighbour for a new fence or the repair of an existing fence, they will use a single form. I think that is a good idea. Interestingly, within this bill the meaning of tree for the purposes of this bill is defined and includes a vine and other plants resembling a tree such as cactus, bamboo, banana or palm. Land is affected by a tree if branches from the tree overhang the land; or the tree causes serious injury to a person on the land, serious damage to the land or any property on the land; or there is substantial, ongoing and unreasonable interference with the neighbour's use and enjoyment of the land.

There are specific requirements in relation to light and views. A government authority may appear in proceedings under this part if carrying out the work on the tree would otherwise require the consent or authorisation of the relevant authority. An example of this might be where the local government has placed a vegetation protection order over the tree or where the tree is classed as a significant landscape tree. The local government might wish to make recommendations about the type of pruning that it would prefer if QCAT decided to make an order in relation to the tree—for example, pruning for recovery of a view.

A neighbour, for this bill, is a person or other entity that is a registered owner of land affected by the tree or taken under another act to be the owner of land affected by the tree. A neighbour mostly includes an occupier of land affected by the tree. I assume for the purpose of this bill that an occupier includes a tenant. An occupier can bring an application to QCAT in circumstances outlined in part 5 where it can be demonstrated by the occupier that the landlord has refused to bring an application.

This bill does seem to go somewhat towards resolving disputes between neighbours over fences and trees. As neighbourhoods are the very fabric of our society, I hope it has success, and we will all be keenly waiting to see the measured results. I recommend the amendments that the shadow minister has foreshadowed and I hope the minister supports them.

Mr SHINE (Toowoomba North—ALP) (6.46 pm): As we know, good fences make good neighbours.

Mr Reeves: Big fence over there, Kerry—big fence over there.

Mr SHINE: I take that interjection.

Mr Lucas: David Dalgleish used to be here and he was a fence. He was a different sort of fence, though.

Mr SHINE: I take the interjection of the Deputy Premier as well. I think that was the rationale behind the 1953 bill. It provided a recourse, particularly to the pastoral industry and the agricultural industry, for which the 1953 Dividing Fences Act was introduced. It was really designed for large properties rather than the residential properties in cities or towns to which it has been mainly applied in subsequent times. So, to that extent, the law that did apply to house blocks was inappropriate right from the start. But I think it did, by and large, serve Queensland well enough over those several generations that it applied.

However, in the 21st century, we need 21st century legislation to cater for the different types of circumstances that now apply—the different models of living that we have in terms of the types of houses that we have, the types of blocks of land, the types of divisions between blocks and so on. So it was that my predecessor as Attorney-General, Linda Lavarch, started the process under a neighbourly relations investigation to look at questions dealing with trees, dealing with dividing fences and also dealing with noise at that stage. Noise was abandoned as time went on because it is a rather more complicated issue, believe it or not, than even trees and dividing fences.

I had the pleasure of forwarding the matter, in a sense, towards a definite conclusion by the release of a discussion paper and the undertaking of consultation throughout the community. I remember visiting a number of areas to discuss the matter—areas as diverse as Proserpine in the north and Fairfield in the south of Brisbane. By and large, the problems, whilst diverse in nature, were similar in that what worries people in North Queensland worries people in the suburbs of Brisbane.

It was high time the government concentrated on solving this issue. It was important to have extensive consultation and to get true feedback from the community because if we look at what we discuss in this House—if we look at the *Notice Paper*—there is nothing more relevant to the lives of most Queenslanders than the way we regulate the relationships between themselves and their neighbours. This has great applicability to the lives of most Queenslanders whereas many of the laws we pass here—for example, criminal laws—do not apply to 95 per cent of the population. It might even be 99 per cent. The lawyers in this House will readily agree that this is the subject matter of many of the interviews and concerns of clients and constituents that arise.

I am very pleased to see the final outcome of the work that has been done now over the best part of eight years. The Department of Justice and Attorney-General officers need to be congratulated for what they have done. I think the passage of this legislation will provide a degree of certainty and a way of resolving disputes in a comparatively cheap and efficient manner into the future, and that is important.

Honourable members before me have spoken at length on the technical aspects of the legislation. I enjoyed listening to the shadow Attorney-General's exposition of the bill which I thought was very well done. I appreciate the bipartisan approach to this matter. I commend the bill to the House.

Mr KILBURN (Chatsworth—ALP) (6.51 pm): I rise to speak in support of the Neighbourhood Disputes Resolution Bill, which introduces much needed reforms in relation to trees in neighbourhoods and provides greater choices for neighbours affected by trees growing on adjoining properties. Issues about trees are the subject of regular inquiry to the Department of Justice and Attorney-General and, I am sure, to most local members' offices, as they are to mine. They are commonly dealt with by lawyers, local councils and community legal services. The bill provides clearer statements of remedies and rights which, for the most part, reflect the common law about nuisance caused by trees. One of the key reforms of the bill is to clearly set out that the proper care and maintenance of a tree is the responsibility of the tree keeper.

On that point, I would like to raise an issue that has been raised with me by a couple of local residents. I did speak briefly to the previous Attorney's office about this. This is just a question to the new Attorney. Gumdale in my electorate is an area that has acreage estates and a lot of trees that are under vegetation protection orders. I have been asked about the role of the tree keeper when the tree has a vegetation protection order placed over it. The suggestion made to me by my local resident was that he cannot just go out and trim the tree but he is responsible if someone does. If the Attorney-General could take on notice clarifying the role of a tree owner when there is a vegetation order over the tree it would be appreciated. I realise that he cannot do anything to the tree, but the difficulty he has is if the tree falls into his neighbour's property or causes a problem. He feels that he will be responsible for it but has no right to take pre-emptive action. That is the question that he has asked me to have answered. I have raised that issue for him.

The word 'tree' in the bill includes any woody perennial plant or plant resembling a tree in form and size. This means that a neighbour can apply to QCAT for a remedy if their land is affected, for instance, by a shrub, vine, bamboo, banana plant, palm or cactus. A neighbour has several options under the bill to deal with trees belonging to a neighbouring tree keeper.

Firstly, neighbours can continue to rely on the common law rights of abatement which allow neighbours to cut overhanging branches and roots that encroach upon their land and return them to the tree keeper. The right to abatement has not been changed by the bill, except to the extent that the bill allows the neighbour to dispose of cut branches, roots or fruit rather than return them to the tree keeper if they so choose. This change to the common law clarifies an issue which caused much confusion amongst neighbours—that is, whether they were obliged to return the cut branches or could dispose of them themselves. The common law right to abatement is affected by vegetation or tree protection orders and is unable to be exercised by a neighbour unless prior permission to cut overhanging branches has been obtained.

Secondly, the bill introduces for the first time in Queensland a notice system whereby a neighbour can give notice to a tree keeper to cut down and remove overhanging branches. There are limitations on this notice system which are set out in part 4 of chapter 3 of the bill which deals specifically with overhanging branches.

Thirdly, the bill provides for a new statutory framework giving the Queensland Civil and Administrative Tribunal jurisdiction to make orders on the application of a neighbour for the removal or pruning of a tree growing on adjoining land where it can be shown that the tree causes or is likely to cause serious damage to the neighbour's property, serious injury or substantial and ongoing interference with the neighbour's use and enjoyment of the neighbour's land. QCAT has the power to override a vegetation protection order if required. My constituent knows that QCAT can override a vegetation protection order but he would like to know what his rights are without having to go to QCAT to get that order.

The bill qualifies that where it is alleged that there is an interference—that is, an obstruction of sunlight or a view—the tree must rise at least 2.5 metres above the ground. Where the issue involves several obstructions of sunlight, the bill requires that this must be to a window or roof of a dwelling on the neighbour's land. Where there is a severe disruption of a view, the neighbour must demonstrate that the view existed when the neighbour took possession of the land.

Historically, neighbours had little recourse when their land was seriously affected by a tree. The only option available to neighbours was to file a common law action in nuisance or negligence. We all understand that a lot of people do not have the ability or the funds to do that. This is a vast improvement on that situation. Such an action was often fraught with difficulty and highly expensive. In addition, it was

unclear in which court the action was to be heard and the neighbour ran the risk of having a costs order made against them. The bill now provides a speedy and accessible remedy for neighbours in dispute about these matters. This bill provides safety as the paramount consideration and establishes that the tree keeper is responsible for the tree growing on their land. This is an important reform.

This bill addresses community concerns raised during three consultation processes and is responsive to the modern-day needs of Queensland neighbours. I do not want people to feel that this is going to be a panacea to all neighbour disputes. The greatest resolution to neighbour disputes is all people involved acting responsibly, taking into account the feelings and wishes of their neighbours and trying to get along. With those few words, I commend the bill to the House.

Debate, on motion of Mr Kilburn, adjourned.

SPECIAL ADJOURNMENT

Hon. PT LUCAS (Lytton—ALP) (Acting Leader of the House) (6.58 pm): I move—

That the House, at its rising, do adjourn until 9.30 am on Tuesday, 5 April 2011.

Question put—That the motion be agreed to.

Motion agreed to.

ADJOURNMENT

Hon. PT LUCAS (Lytton—ALP) (Acting Leader of the House) (6.58 pm): I move—

That the House do now adjourn.

Carbon Tax

Mr DICKSON (Buderim—LNP) (6.58 pm): Just when we thought the fees, charges and taxes on average Queenslanders were as tough as they could be and the cost of living was at an all-time high, Prime Minister Julia Gillard has become hell-bent on introducing a carbon tax. Those across this chamber who care more about securing Greens preferences than they do about Queenslanders struggling to make ends meet are all for it.

But Queenslanders see through Prime Minister Julia Gillard's ham-fisted approach to it all. Look at all the different positions the PM has had since the carbon tax was last introduced 15 months ago. Early last year, Julia Gillard was a Kevin Rudd disciple wanting to push ahead full-steam with Kevin's emissions trading scheme. Then, in the light of the failure that was the Copenhagen talks, the polls started to look decidedly dodgy about April so then Deputy PM Julia Gillard convinced Kevin to put off the ETS for a few years.

We all know what happened next. Julia Gillard and Wayne Swan cut Kevin Rudd's political throat in June so that Julia could become PM and Wayne her deputy. Between June and the federal election on 21 August we had the Prime Minister and the Deputy Prime Minister say on several occasions that they had no plans to introduce a carbon tax and that it was coalition hysteria. Since announcing her intention for a carbon price, the Prime Minister has been copping some flack, and rightly so. Two weeks ago the government trotted out its chief climate expert—who is an economist, not a climate scientist—Ross Garnaut, and what does Ross Garnaut tell Australia? He says that the government's carbon tax must include fuel. Yes, hired gun Ross Garnaut is dictating to the federal Labor government matters of policy and it is apparently all to do with reducing pollution in the atmosphere.

Talking about pollution, what do we know about Ross Garnaut's credentials as far as pollution is concerned? What we know is that he is the former chairman of PNG based mining company Lihir Gold. This is the same Lihir Gold that reportedly dumped up to 89 million tonnes of cyanide tailings in the ocean around Lihir Island. In September last year Dr Gregg Brunskill of the Australian Institute of Marine Science said—

Coral, fish and other animals are all affected by deep sea tailings. The Lihir waste already covers sixty square kilometres of the ocean floor.

When questioned about this on the ABC, Ross Garnaut said—

There are genuine dilemmas in resources development anywhere, including in poor developing countries. Mining inevitably generates waste and tailings. The disposal of waste and tailings inevitably involves some disruption of the natural environment.

There we have it. The man who Julia Gillard and Wayne Swan are allowing to dictate policy to the government on carbon pricing presided over the activities of Lihir Gold—a serial polluter! The carbon price policy this man is advocating will cost all of us in the hip pocket, it will cost Australian jobs and it will cost the Australian people. It is about time that this state government started to realise that through fuel, electricity and registration it has taxed us to death.

(Time expired)

Ashgrove Electorate, Roadworks

Hon. KJ JONES (Ashgrove—ALP) (Minister for Environment and Resource Management) (7.01 pm): Tonight I have great news for the people of Ashgrove. Like all areas in Brisbane, particularly those that do have tunnels, there has been growing congestion on our roads. Something that the member for Everton, the member for Ferny Grove and I as the member for Ashgrove have campaigned on for some time is coming to fruition, and I am very pleased to advise the House and the people of Ashgrove of this fact. One of the busiest intersections in Brisbane is the intersection at Samford Road and Wardell Street.

Mr Watt: It's a shocker.

Ms JONES: I take the interjection from the member for Everton. This is becoming increasingly so due to the growth in the outer suburbs coming through our suburbs. This will also be great news for the people of Mitchelton. The main roads minister was in the electorate last week following on from two separate occasions this year when he visited our electorates talking to us about the issues that matter to the people of Ashgrove, the people of Everton and the people of Ferny Grove. Tonight I can announce that stage 1 will involve extending the Wardell Street left-hand turn lane approaching Samford Road. Work will begin midyear and will be completed before Christmas. This improvement will mean a faster trip home in the afternoon peak hour for residents of Mitchelton and surrounding suburbs. People would recall—and it has been in the budget papers—that for some time we said that we were going to take action at this intersection. We said that there would be money made available this year, and I am very pleased to announce that stage 1 works will be commencing as soon as possible. But this is only stage 1. What we want to see and what we have been campaigning for is a long-term fix, and that is a major upgrade of this intersection.

The member for Everton, the member for Ferny Grove and I will be announcing an e-petition calling on our constituents to tell us what they want to see at this intersection so we can work with Main Roads to ensure that we deliver that. This demonstrates our commitment to our communities to fix the issues that they need fixed. This is something that I have been campaigning for for a long time and I am very proud that we are seeing this come to fruition. Traffic congestion is something that people are concerned about, and we want to ensure that we can deliver this project for local people. In actual fact, we have seen a lot of rat-running through local streets and people not doing the right thing in those local streets. I am very pleased to say that this announcement is a down payment on the major upgrade to the Wardell Street and Samford Road intersection.

(Time expired)

Applebee, Mr M; Hooning

Dr DOUGLAS (Gaven—LNP) (7.04 pm): I am thrilled that one of my constituents whom I nominated for a special award for bravery 12 months ago, Mr Michael Applebee, has indeed been recognised for that bravery after he went to the aid of an intoxicated tourist in the Broadwater in the early hours of the morning. Mr Applebee and a security officer, Mark Hadley, who were both working at Sea World, used overturned kayaks as floats to rescue the tourist who had been swept out to sea in a strong current. People who would put their own lives at risk to save someone in this type of situation deserve our recognition, and we do so this evening.

Recently I held a street meeting with my constituents at Worongary on the Gold Coast regarding reckless driving, hooning and speeding. Their main concerns were that police response times were slow, firstly because they are underresourced and secondly because hoons move on quickly, making it very hard to catch them in the act. As a consequence, residents have taken a somewhat vigilante approach to protect their neighbourhood and their families. They are following the hoons and video recording the offenders. In a small number of cases this has been effective and offenders have been prosecuted. However, last night one of my constituents who had submitted enormous amounts of video evidence of hoons to police was the victim of a targeted revenge attack. He had flares placed under the air conditioner at his house and the whole house would have burnt to the ground. However, fortunately his wife woke up to find the air conditioner burning. She woke her husband and they saved their house and their lives.

Police may place hooning low on their list of priorities due to higher priority demand on the Gold Coast for other issues. However, their incapacity to deal with this problem leads to a flow-on after effect and other issues and, in this case, serious offences. These hoons have engaged in retaliation against an honest member of the public who has been merely trying to have a life free of squealing cars doing what they call drifting around roundabouts close to his home and doughnuts and burnouts. Unfortunately, in wet weather—something we have had an enormous amount of—these things are very popular for young people and a variety of others who seemingly want to do this. This was a premeditated attempt on a family's life, with a graffiti tag left on their fence to almost leave a trace that these people had been there.

The gentleman whose house was attacked has a severe medical illness and suffers from chronic pain. He, his two children and his wife could have all lost their lives. These people now need 24-hour camera monitoring for their home, and I ask the government to provide that. I am also asking for a three strikes rule, with a car crush on the third strike for people like this. There should be no exemptions for hooning offences, particularly when people's lives are placed at severe risk. This is a serious issue. I am sure that it is occurring in all members' electorates, but on the Gold Coast and in my electorate in particular it has led to serious problems and it has gone beyond a joke. We have to do something to stop these people, and we must be crushing their cars.

O'Sullivan, Mr C

Hon. A PALASZCZUK (Inala—ALP) (Minister for Transport and Multicultural Affairs) (7.07 pm): I rise to offer my sympathies and sincere condolences to the family and friends of former Brisbane city councillor Alderman Clarrie O'Sullivan. Clarrie, who served the Acacia Ward from 1973 to 1985, sadly passed away two Sundays ago after a long battle with illness. Tonight I want to acknowledge the huge contribution Clarrie made to our local community and indeed the city of Brisbane. I understand that Clarrie was one of the founding members of the local branch of the Australian Labor Party which was formed in 1955. Prior to being elected to council, I am told Clarrie worked for the Public Service here in Queensland. I also know that Clarrie's family has a strong connection with the railways, with Clarrie's own father working on the railways as he raised his family of 10 children in Central Queensland.

Clarrie was elected to council to serve the Acacia Ward in 1973. Clarrie served as the Chairman of Health from 1976 to 1985 and I know that while serving in this role Clarrie showed a great deal of enthusiasm for a number of issues. During his time at council Clarrie oversaw the introduction of the wheelie bin—something we all take for granted now and really could not do without. Clarrie was responsible for the introduction of the very popular Free Concerts in the Park, or FREEPs as they were called. He was instrumental in establishing parklands in the Inala area and, most importantly, he was instrumental in the introduction of the planetarium at Mount Coot-tha.

When he retired from the council Clarrie opened a small business, and I know that he was always interested and involved in what was happening in the local community. Many people talk with fondness about the work of Clarrie, and his family is well known throughout my community. Clarrie and his wife, Eileen, have eight children—four boys and four girls. Clarrie loved his family, especially his grandchildren. He loved serving the Acacia ward, and his legacy is evident in all areas of our local community.

While driving around the streets of Inala you can see the legacy that Clarrie has left for the local community—the original library at Inala and the many trees and parks and upgrades that occurred at Inala. I can remember as a young child my mother used to comment that Clarrie O'Sullivan had planted all the trees in Inala on the median strips. My sisters and I used to talk and we used to think, 'He must be a very busy man, planting all of those trees by himself.' Whenever the trees were cut down or trimmed my mother would say, 'Clarrie O'Sullivan has fixed all of those trees up in our neighbourhood.' Once again, I thought, 'Gee, he has a very, very busy job to be out there by himself doing all of that work in the local area.'

I remember Clarrie as a happy family man, always kind and considerate and out and about in his community. I would like to extend my condolences for the passing of Clarrie to his family. He will be sadly missed by our community but he leaves behind a wonderful legacy and many happy memories.

Racing Queensland

Mr STEVENS (Mermaid Beach—LNP) (7.10 pm): The inglorious neglect of the racing industry in Queensland by the Bligh Labor government could be never more evident than through the hollow promise made by the then minister responsible for racing, Mr Peter Lawlor, who is now viewing his handiwork from the backbench.

Mr DEPUTY SPEAKER (Mr Wendt): Order! You will refer to the member by his correct title.

Mr STEVENS: He is the member for Southport. He was the minister responsible for racing—Mr Peter Lawlor. In January last year he claimed that there was $80 million available over four years primarily for the upgrade of the Gold Coast Turf Club to showcase Queensland's leading racing event, the Magic Millions. The new minister responsible, Mr Tim Mulherin, should be well aware that over 12 months have passed and nothing has been signed with Racing Queensland by the Gold Coast Turf Club, no money has been forthcoming from this bankrupt Bligh Labor government to the Gold Coast Turf Club and the plans for the redevelopment of the Gold Coast Turf Club with Bligh government funding have as much chance of proceeding as the Fine Cotton ring-in.

Racing Queensland trotted out an expensive plan under chairman Bob Bentley just before Christmas based around a fairytale $100 million that 'Racing Hall of Famer' Bentley was going to hijack from the harness and greyhound codes through the sale of their Albion Park asset. That plan sank so quickly the ink was not dry on the paper when the Brisbane floods sunk his fourth attempt at empire

building. The only hall of fame nomination Bob Bentley should ever receive is for the number of failed plans for racing that he has dreamt up in his long-term reign at the top as Labor's mouthpiece on racing. 'Wacky Wacol', 'Doomben Dreamtime', the 'Palm Meadows Waterway Wonderland' and now the 'Albion Park Pipedream' are symptomatic of the dire financial position that all three codes have been lured into by the Bligh Labor government.

What has not been addressed by the Bligh Labor government is the funnelling of millions of dollars into Racing Queensland's bank account which has not resulted in any increases in prize money across-the-board for all three codes. In fact, every opportunity to run six-race midweek gallop meetings, to delete country and provincial race meetings and to downgrade clubs from TAB meetings is taken by Racing Queensland to save prize money outgoings.

A grant for Toowoomba Turf Club by Racing Queensland was attempted to be turned into a loan by Racing Queensland. Broadcasting rights were sold off hastily by Racing Queensland to private interests rather to than industry owned interests. A hastily done deal into corporate bookmaking contributions was suspiciously signed by Racing Queensland weeks before a landmark court decision was brought down in New South Wales which may well cost Racing Queensland millions of dollars in turnover tax.

I reiterate to anyone who is vaguely interested in thoroughbred racing, harness racing, greyhound racing or just punting that a vote for Labor is a vote for Bob Bentley and a continuance of the unbridled arrogance of Racing Queensland. A vote for the 'Can-do' LNP will get rid of the current structure and put racing back in the hands of industry participants.

Chermside and District Historical Society

Hon. SJ HINCHLIFFE (Stafford—ALP) (Minister for Employment, Skills and Mining) (7.13 pm): I rise to commend to the House the Chermside and District Historical Society's latest publication, titled *History of Chermside and district* by Pat O'Shea. I am very proud to be associated with this excellent organisation, whose work is concerned with the local history of the former Kedron shire. This publication, subtitled *From the original inhabitants through the early white settlement to the high rise consumer society of the 21st century*, is an excellent compendium that documents the Turrbul and Barrabim lands, the first land sales and squatters, changes in the local economy from piggeries and pineapple farms in the 1910s and 1920s through to the industrial development such as Bruce Pie Industries and the opening of the Chermside Drive-In Shopping Centre.

Mr Shine: By Vince Gair.

Mr HINCHLIFFE: By Vince Gair. I take that interjection from the member for Toowoomba North.

This publication documents the exponential growth in population in the area, the achievements of its leaders and the local institutions that have influenced its development. But it is the way in which the book documents the families and individuals who contributed to the changes in this dynamic community that makes it a great read—families like the Basnetts, the Hamiltons, the Argos, the Reids, the Tunes and the Harrises. The book has a tremendous focus on individuals and how external historical factors affected their lives. Whether it was war, flood or the opening of a new public institution, Pat O'Shea has been very eager to track the cause and effect of these important events and how they altered the lives of both the ordinary and the extraordinary people who lived in the district.

During Pat's five years as president of the Chermside and District Historical Society he has become well known as he has cycled around the district seeing things firsthand and taking those experiences back to his research desk. This book is an excellent piece of work. However, I know that Pat would be the first to highlight the range of writers, researchers and local keepers of knowledge whom he and his work have drawn from, including David Teague, Jack Ford, Kath Ballard, Beverley Isedale, Glenys Bollard, Robert Isedale, Val Ross, Coral Rance, Rona Arndt, Joan Hamilton, Wally Basnett and many more members of the society and of the local community. The fact that some of those local sources have passed away in recent times highlights the importance of this work and this publication.

I also note the financial support of the Kedron-Wavell Services Club, which has been an outstanding supporter of the society since it began—indeed, when I was president. I congratulate the current president, Terry Hampson, and his management committee on successfully publishing this great resource. I encourage honourable members to visit the society's website to learn more and to also order their copy. In the meantime, I will be presenting a copy to the Parliamentary Library for the more complete information of members representing future generations.

(Time expired)

Beaudesert Electorate

Mr McLINDON (Beaudesert—TQP) (7.16 pm): What better part of the world would you want to visit from the fray of George Street than the tranquillity of the town meets country, the Scenic Rim.

Mr Reeves interjected.

Mr McLINDON: Thank you. I take that interjection by the Minister for Child Safety and Minister for Sport. Although the Scenic Rim has much to offer, being only 60 minutes from the CBD, there are some issues that are pertinent and very pressing to the area.

I have asked a question on notice of the education minister about the four-lane Mount Lindesay Highway. Currently, children cross that highway in the morning and in the afternoon, which is extremely dangerous. I am calling for an overpass or the relocation of the Jimboomba State School. I have spoken to many parents and citizens in the area. Within a kilometre of the school there is some land next to Emmaus College, where they could share some facilities. Back in the day when the school was built in the town centre it was probably a suitable place. But now that there are more than 1,200 kids going to that school and it is fast exceeding its capacity, I think it is time we looked at relocating it. So I look forward to a safety investigation being undertaken of that children's pedestrian crossing on the highway. I think it is absolute madness that on a four-lane highway every morning and afternoon children have to put up with the dangers that they face.

I also had a meeting with the new Minister for Tourism. I thank the minister for the time that she gave to me so that I could represent the Beaudesert electorate and talk about the possibility of creating a blueprint like the one at the Barossa Valley in the Scenic Rim to link up all of those wineries and bed and breakfasts throughout that region to boost tourism and the local economy and make sure that we really expose what—

An honourable member interjected.

Mr McLINDON: Absolutely. I will take the member for a tour. I will get friends from both sides of the House if I take them on a tour around the Scenic Rim wineries. I believe that we can work towards developing this blueprint with the local industry. I thank the minister for meeting with me and I look forward to that blueprint coming to fruition.

I am also meeting with the Minister for Health on 5 April with regard to maternity services being returned to Beaudesert Hospital. These services were taken out in 2001. Some 800 babies annually would be born at that hospital. Restoration of maternity services would relieve the gridlock at Logan Hospital, Ipswich Hospital and the Gold Coast Hospital. So I certainly look forward to the reintroduction of maternity services at that hospital, as the commitment was made by the former Minister for Health. Some mothers from Rathdowney have to travel all the way to Logan Hospital for a five-minute check-up. That could result in a six-hour round trip. The doctor who provided prenatal check-ups left on 6 December.

I am also looking at increasing the ratepayer base from 17,500 homes to 57,500 homes by including the Greater Flagstone development in the Scenic Rim, which is something that the community is extremely supportive of, because Yarrabilba will then go to Logan. This is something that I will certainly be pushing for into the future.

Despite there being three registered political parties in this House there are only two political leaders: the one for the ALP and the one for the TQP. Whilst I have copped a lot of flak over the last 15 months for my moves, I am proud to say that I would rather be a one-man band inside the parliament than a one-man band outside the parliament.

Greenslopes Electorate, Education

Hon. CR DICK (Greenslopes—ALP) (Minister for Education and Industrial Relations) (7.19 pm): During the previous sitting week of parliament earlier this month I was pleased to update the House about numerous leaders who have been appointed at schools within the Greenslopes electorate. Given my new role as the education minister, I would like to continue the theme I began during the last sitting week and provide further information to the House about achievements within the education sector in the state electorate of Greenslopes.

Earlier this week I was delighted to announce the locations of 166 kindergartens that will be fitted with solar power units as part of the Bligh government's Solar Kindergartens Installation Program. Two of these kindergartens to be powered by the sun are within the electorate of Greenslopes. Both the C&K Coorparoo Community Kindergarten in Meridian Street, Coorparoo, and the C&K Holland Park Kindergarten on Logan Road at Holland Park will benefit from this program.

I want to congratulate the people associated with these kindergartens for their foresight in being part of the solar kindies program: director Chris-Anne Aroney and management committee president Pam White at C&K Coorparoo; and from C&K Holland Park, director Leanne Austin and management committee president Carrie Simpson. It was great to phone these kindies on the day of the announcement and let them know that they had been successful. Not only will these solar power units

help save the planet by reducing the amount of greenhouse gas being produced, they will also help reduce electricity bills by up to $400 each year at each kindy. The solar kindies program is part of the Bligh government's ongoing reform agenda within the education sector.

Another major reform within this sector is the introduction of universal access to kindergarten services for all Queensland children. By 2014 every child of kindergarten age will have access to an early years program delivered by a qualified teacher. The state government has been rolling out our kindy program since early 2010, with more than 700 providers now approved across Queensland. This includes nine providers in the electorate of Greenslopes. Recently approved providers include the C&K kindy at Clough Street in Mount Gravatt West; the Holland Park Child Care Centre at Seville Road, Holland Park; the Greenslopes Child Care Centre at Denman Street, Greenslopes; and the Adeona Early Exploration Centre at Stanley Street, Coorparoo. Each of these services has been approved as a kindergarten program provider by the state government and I will be dropping in to see each of them during the next month and congratulating them on their achievements.

Another achievement that deserves recognition is Coorparoo C&K's milestone in reaching its 50th anniversary of operation this year. This is quite an extraordinary feat for the kindy. When this kindergarten opened Brisbane was quite a different place. The tallest building was the City Hall clock tower and trams still rumbled along Old Cleveland Road. The fact that a small kindergarten opened its doors at Meridian Street is testament to the foresight of the local community, which obviously recognised the importance of providing the local children with a flying start to their education. This same foresight is still apparent within the current kindy community and with director Chris-Anne Aroney and staff, as they will be part of our solar kindergartens program. Congratulations to Coorparoo C&K kindy community for your achievements, and to all the kindergartens and early child care centres in the Greenslopes electorate for the important work you do in educating our children.

Leukaemia Foundation; Sunshine Coast Sea Eagles; P&C-P&F Executives; Christians against Poverty; Queensland Dragon Boat Federation

Mr BLEIJIE (Kawana—LNP) (7.22 pm): I am pleased to update the House on a few things tonight, the first being the Shave for a Cure fundraiser for the Leukaemia Foundation. Unlike the member for Keppel, who looks very suave with his new hairstyle, I chose to opt for colouring my hair.

Mr Dowling: It looks nice.

Mr BLEIJIE: It is gone now. It was pink and blue, which was the choice of those at the Kawana Shopping Centre. I think all members would agree that the Shave for a Cure—whether you shave or colour your hair—is one of the most valuable fundraising efforts that the community can participate in. I congratulate all the people who got involved in that particular fundraising event. The ladies in the chamber the last day of the last sitting really brightened up the chamber. It was great.

From having my hair coloured I went to the launch of the Sunshine Coast Sea Eagles. Not having time to wash it out I turned up with bright coloured hair and had some explaining to do. The Sunshine Coast Sea Eagles have just relaunched new colours. They have had a bit of a sponsorship issue, and Manly have pulled out, but they are on the ball. They won the Queensland Cup a couple of years ago. I wish the team and the executive all the best. I think they will do well.

I congratulate all the school P&C and P&F executives that have been elected recently in the round of AGMs that have occurred. I congratulate Shine Community Care who ran a fundraiser last Saturday night which was Christians against Poverty. They get into the homes of Sunshine Coast communities and help people budget. They argue against poverty in the community. I conducted the auction on the night. We raised $2,500 from the auction. I congratulate the Queensland Dragon Boat Federation for holding their state titles in Kawana on the weekend. We have a Queensland team and it will go to Canberra in the next two weeks. We wish them all the best.

I turn now to the events of the last few days. Looking at the faces of the members for Ashgrove, Everton, Chatsworth, they are worried.

Mrs Kiernan interjected.

Mr BLEIJIE: The member for Mount Isa should be worried because Can-do Campbell Newman and Can-do Campbell's team is coming to Queensland. They will be targeting the member for Mount Isa's electorate, the member for Chatsworth's electorate and the member for Everton's electorate. Members saw what could be perceived as pork barrelling with the announcement of intersections. Can-do is coming!

River Gateway Neighbourhood Plan

Ms FARMER (Bulimba—ALP) (7.25 pm): I rise to speak about the River Gateway Neighbourhood Plan which has the potential to affect the lifestyle of thousands of residents in the suburbs of Cannon Hill, Morningside, Murarrie, Seven Hills, Carina and Camp Hill. The draft of this plan was sent to the residents of those suburbs a couple of days before the official consultation period began. Residents were given two weeks to respond to proposed changes which would fundamentally affect their

community. Although Campbell Newman is always happy to spend big ratepayer dollars on maintaining a huge PR staff—does anyone know how many PR staff Campbell Newman has; it is 107—and although he is happy to spend huge ratepayer dollars on glossy brochures to tell everyone what a wonderful guy he is, and although he is happy to spend even more ratepayer dollars on multiple direct-mail letters to residents in the Bulimba electorate to make astonishing personal attacks on Councillor Shayne Sutton when she challenges him in council on his handling of important local issues, unfortunately he did not think it was important enough to spend many ratepayer dollars on making sure that such a critical document, with a potentially massive impact on the 13,000 to 14,000-odd affected local residents, could actually get to those residents in good time, or even at all. He, in fact, just sent it out with the junk mail. If it had not been for the valiant efforts of Michaela Van Balveren, Eric Fittock, Marianne Smith and Kate Bailey in the Murarrie Progress Association and John Tyson, Michelle Ball, Brett Bennett, Amanda Harris, Matt Hodson, Catherine Tanner and Nathan Watt from the Cannon Hill Action Group, and the excellent work of councillors Sutton and John Campbell, I really doubt that many people at all would have known what might be happening to their suburb and that they really needed to comment on the plan if they wanted to have any chance at all of having changes made.

What are some of the changes proposed in the River Gateway Neighbourhood Plan? Are they just a tweak here and a tweak there to warrant such a short consultation period and such a haphazard mailing method? No. Unfortunately, they are not minor by any means. They propose a transition area in Murarrie which would place commercial operations right up against residential areas and the local school. Just after Campbell rammed through approval for a nine-storey building in Cannon Hill with only days notice, this plan has proposed medium density in areas currently approved as low density and now residents are worried about the destruction of the character of their community, about traffic congestion, loss of property value and loss of privacy.

I could tell so many more stories about the secrecy and lack of consultation on this plan, but I want to point out that this is all coming from the man who wants to be the premier of this state. While people in my local area have been totally stressing about this plan and their quality of life, Campbell Newman has been out campaigning. Well, he needs to know that people in my patch do not automatically believe in his greatness. They have bigger priorities. The Bligh Labor government knows what the priorities are for Queensland and we are working according to that plan.

Question put—That the House do now adjourn.

Motion agreed to.

The House adjourned at 7.28 pm.

ATTENDANCE

Attwood, Bates, Bleijie, Bligh, Boyle, Choi, Crandon, Cripps, Croft, Cunningham, Darling, Davis, Dempsey, Dick, Dickson, Douglas, Dowling, Elmes, Emerson, Farmer, Finn, Flegg, Foley, Fraser, Gibson, Grace, Hinchliffe, Hobbs, Hoolihan, Hopper, Horan, Jarratt, Johnson, Johnstone, Jones, Keech, Kiernan, Kilburn, Knuth, Langbroek, Lawlor, Lucas, McArdle, McLindon, Male, Malone, Menkens, Messenger, Mickel, Miller, Moorhead, Mulherin, Nelson-Carr, Nicholls, Nolan, O'Brien, O'Neill, Palaszczuk, Pitt, Powell, Pratt, Reeves, Rickuss, Roberts, Robertson, Robinson, Ryan, Schwarten, Scott, Seeney, Shine, Simpson, Smith, Sorensen, Spence, Springborg, Stevens, Stone, Struthers, Stuckey, Sullivan, van Litsenburg, Wallace, Watt, Wellington, Wells, Wendt, Wettenhall, Wilson

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